industry, and not to the dog. Western Australia already has too many pests.

Mr. TEESDALE: The Minister for Works complained of absence of proof. The inquiry closed about 1 p.m. to-day. Does the Minister think the select committee can now produce here a hundred odd letters to prove the case? The inquiry was directed towards the probable effect of Alsatians on the pastoral industry of Western Australia, and not to what Alsatians do on the Continent or in Britain. The weight of opinion was against the dogs. The letters support the select committee's finding.

New clause put and negatived.

Title—agreed to.

Mr. Sleeman: When shall we know whether the select committee's recommendation will be carried into effect?

The CHAIRMAN: That question cannot be gone into now.

Mr. Sleeman: It will be gone into.

The CHAIRMAN: The hon. member may be able to do so on the third reading.

Bill reported with amendments, and the report adopted.

House adjourned at 11.11 p.m.

Legislative Council,

Thursday, 14th November, 1929.

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

BILLS (2)—THIRD READING.

1, Agricultural Bank Act Amendment.

2, Reserves.

Returned to the Assembly with amendments.

BILL—SANDALWOOD.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.37] in moving the second reading said: For many years, Western Australia has exported considerable quantities of sandalwood to China, but until 1924 the State received very little direct benefit from the trade which fluctuated from year to year. Prior to the introduction of regulations, in November, 1923, to control the pulling of sandalwood on Crown lands, the annual export of wood ranged from 3,000 to 14,000 tons per annum, and was characterised by a series of short boom periods and long slumps. During a boom period the puller received high wages, but during the slumps he was forced to sell at a very low figure, which gave him a poor return for his labour. Up to 1920 the royalty was 5s. per ton. From 1920 to 1922 is was £2 per ton. Under the regulations of 1923, a system of licensing merchants handling Crown land wood was introduced and the maximum output from Crown lands was fixed at 6,000 tons. The licenses provide that the getter shall receive prompt payment for his wood at the rate of £16 per ton (f.a.q.) on rails at Fremantle, and the Government receives £9 per ton royalty, or an annual revenue of from £40,000 to £50,000. During the years 1924-25-26 large quantities were obtained from nominally private property in this State. A quantity, however, was pilfered from Crown land. That was proved satisfactorily. By 1926 the control of these private property operations had been tightened up, and supplies reduced to such an extent that the business was no longer so attractive. About this time, the attention of certain pullers was turned to South Australia, and licenses were secured in that State on the basis of 10s. a ton royalty. Representations were immediately made to the South Australian Government, and as a result they undertook to restrict the quantity to be obtained from Crown land in that State, and to increase the royalty. Since 1927, the basis of the arrangement between the two

States has been approximately 2,500 tons from Crown land in South Australia, and 5,000 tons from Crown land in Western Australia. The royalty in South Australia was fixed at £9 10s. a ton. At the beginning of this year, it became obvious that it would prove impossible to stabilise the sandalwood market by limiting the output from Crown land only. Private property supplies in this State and in South Australia were seriously under-estimated, and the difficult position of the industry to-day is principally due to nearly 4,000 tons, which has been obtained from private property during the last twelve months. It was evident that the present price could not be maintained unless there was some drastic restriction in total output, and to meet this position the following arrangements, dating from the 1st August, 1929, were made between the Governments of this State and of South Australia—

A—Western Australia:

1. For six months from the 1st August, 1929, pulling of sandalwood in this State from all sources (including Crown lands and other lands under departmental control, and from private lands) shall be restricted to a total quantity not exceeding the balance of the 12 months' quota of 4,935 tons not pulled from Crown lands or other lands under departmental control prior to the 31st July, 1929.

2. For 12 months from the 1st February, 1930, the pulling of sandalwood in Western Australia from all sources (as specified in Clause 1 hereof) shall be restricted to a total quantity not exceeding 3,935 tons, being 1,000 tons less than the year's quota of 4,935 tons.

B—South Australia:

3. For six months from the 1st August, 1929, the pulling of sandalwood in that State from all sources (from Crown lands and other lands under departmental control, and from private lands) shall be restricted to a total quantity not exceeding the balance of the 12 months' quota of 2,900 tons not pulled from Crown lands or other lands under departmental control prior to the 31st July, 1929.

4. For the 12 months from 1st February, 1930, the pulling of sandalwood in South Australia from all sources (as specified in Clause 3 hereof) shall be restricted to a total quantity not exceeding 2,700 tons.

It should be noted that in accepting the agreement, the South Australian Government intimated that they would press for a fifty-fifty basis in any further arrangement. Insistence on that arrangement would increase our difficulties. Recent developments have indicated the possibility of an inferior grade of sandalwood being obtained from the interior of Queensland, and while we are attempting to hold the market, that wood may prove troublesome unless the Queensland Government impose a royalty more in keeping with that applying in this State and in South Australia, and make some effort to restrict the total quantity. At present the only serious accumulation of excess stocks on the market is held by sandalwood licensees at Fremantle. Those stocks amount to approximately 7,000 tons, and an amount of £175,000 has already been paid out against them. While the licensees have been holding the market other people, principally private property owners in Western Australia, have been reaping the benefit. If the restriction of output is not generally enforced, there is a possibility that the stocks cannot continue to be held, the market may collapse, and there will be no sale for any private property wood at all. The purpose of the Bill is too require the private property owner who has sandalwood on his land to share in the restriction which makes the sale of his wood possible. During the years 1924-27 the whole of the private property wood in this State was handled by the firms holding licenses to obtain wood from Crown land. Since that date other parties have joined in the business who have no interest in maintaining or stabilising the market. They are out to make what quick profits they can while the present high prices are maintained by Government restriction of output from Crown land. The methods some of the dealers in private property wood have adopted have been anything but satisfactory, and they made it necessary greatly to increase the staff of rangers engaged in the patrol of private property operations to prevent wholesale pilfering of sandalwood from Crown land. The position has been so bad that it has been necessary to introduce drastic regulations requiring private property wood to be left on the locations from which it has been pulled until inspected by an officer of the Forests Department and branded. The fault lies, in most instances, with the dealers, as private property owners are not being paid a fair royalty for their sandalwood. Instances have been brought under notice tending to show that farmers have been paid £1 to 30s. per ton for wood which, under proper control, would return them at least £5 per ton. Such uncontrolled sandalwood-getting on private property may result in a market collapse which would benefit the Chinese, cause heavy loss to Western Australian firms, and throw

400 goldfields pioneers out of the one source of employment open to them at the present time. That would be regarded by the Government as a calamity. The Bill, which it is proposed shall continue in operation until December, 1932, will not either directly or indirectly interfere with the land owner's property in his sandalwood. At present the private property owner is getting the benefit of limitation of supplies, and it is only equitable that he should stand in with the Government if he is to get the benefit of the limitation. Failing that, the market will be lost not only to the private property owner, but to the State as a whole. With the measure in operation the private property owner and the Government will continue to get top prices for sandalwood exported overseas. Western Australian sandalwood is regarded in China as the genuine article. The price and quantity of sandalwood from other States that it is possible to sell in China depend on the handling of Western Australian wood. The possibility of our not being able to come to a satisfactory arrangement with the South Australian Government and possibly with the Queensland Government is a contingency that must be considered, and if as a last resort we are forced into competition with the Eastern States, it will be essential in the interests of all concerned in the sandalwood business that the parties controlling supplies of Western Australian sandalwood present a united front. The knowledge that both Crown land and private property sandalwood in this State can be controlled will be a big factor in arriving at favourable terms in further negotiations with the Governments of the Eastern States, and making advantageous contracts with China. As to the manner in which the Bill will operate, at the beginning of each year it will be necessary to fix the total quantity of sandalwood that can be pulled in Western Australia, having in view Chinese requirements and stocks already held. At present this is done in consultation with the Government of South Australia. Under the Bill the figure when arrived at will be gazetted for public information. Ten per cent. of the total quantity will be set aside for sandalwood from private property. Private property owners desirous of disposing of sandalwood on their property will be required to make application to the Forests Department and will be issued with a license to pull and dispose of their wood. The granting of licenses will be in order of priority of application. Should applications be in excess of the quota available, the allocation to each licensee of the quantity to be pulled or removed under license will be in the discretion of the Minister. In practice it will probably be found necessary to close the lists when applications for the full quantity are made, provided a margin is left to meet cases where the wood is pulled in course of clearing land for agricultural purposes. As it becomes possible to arrange for the export of additional wood, fresh quantities will be placed to the credit of the quota, and further licenses issued in order of priority of application. I move—

—That the Bill be now read a second time.

HON. J. CORNELL (South) [4.58]: I desire to offer a few observations on the Bill, not so much in opposition to it but in order that the actual position might be made clear. When generations yet unborn come to read of the changes of opinion by legislators on the subject of sandalwood regulations, they will realise one thing at any rate, namely, the mutability of those legislators. It is well that the Bill should be considered on its merits, and that an endeavour should be made to ascertain its meaning. Leaving out of consideration the Eastern States, I understand that the Bill is not needed to deal with Crown land, which is already covered by the Forests Act. It has been the aim to export a certain quantity of sandalwood each year so that the price might be maintained—£9 per ton royalty to the Crown and £16 per ton on rails to the puller. For some years the quantity fixed in this State was 6,000 tons per annum. The advent of South Australia into the field has necessitated Western Australia reducing its yearly output to make room for South Australia and maintain an output from the two States commensurate with the consumption in China. Though the existing regulations cover Crown land, they do not cover freehold land or conditional purchase leases entered into prior to 1924. The position is this: Take one place in the South Province and, in fact, other places where most of the sandalwood is coming from. Many years ago a grant of land was made to the Hampton Plains Co. That land held a lot of sandalwood. Prior to 1924 conditional purchase leases contained a provision that sandalwood on alienated land or land in process of alienation was the property of the holder to pull when he liked and to dis-

pose of when he liked. The effect of the Bill before us is going to be that that right will be taken away. Whether or not the end justifies the means is the basis. Personally I think the end does justify the means, at any rate for two years, because it is safe to say there can be no regulation of output unless all parties concerned are privy to it, and if there is no regulation of output, the price cannot be maintained. But there is another phase that enters into the matter, and it is that something should be done for those who have acquired leases or who are to-day participating in the distribution of sandalwood that is pulled from alienated land. When the arrangement was made some years ago to restrict the amount of sandalwood sent out of the State, the acquiring and handling of the wood was given to a few merchants. Since then the quantity of wood pulled on alienated land has grown, and commitments have been entered into, and agreements made with people in China by the acquiring agents who are receiving sandalwood from alienated land. If we are going to pass the Bill, some protection should be afforded to those acquiring agents. I have no wish to speak disparagingly of those people at present handling sandalwood got from Crown land, but if it is left to them I venture to say they will not let the other fellow in. But if the end justifies the means and the interests of the man on whose land sandalwood grows are going to be protected, equally too should the acquiring agents have their rights protected. The position is that only 10 per cent. of the annual output will come from alienated land, which means that in every hundred tons only ten tons will be taken from alienated areas. The House may consider it right and proper that there should be this new departure, the taking away of certain rights from freehold land, but we should ask ourselves whether the percentage is sufficient. If it is a sufficient quota I shall be satisfied, but though there is no provision in the regulations governing the pulling and handling of sandalwood on Crown land, there is likewise no provision in the Bill for the people handling it. It is only right that the agents who have been acquiring sandalwood from freehold land should have their interests protected. Ninety per cent. of the sandalwood exported from the State to-day is handled by Paterson & Co. and a few other agents, and I repeat the plea, which is legitimate, that the other acquiring agents should have consideration and their interests should be safeguarded instead of their being squeezed out of the business. If they cannot get in on the Crown lands sandalwood, they should get a fair quota of what is pulled from alienated land. When the Bill is in Committee I hope that point will be taken into consideration, and when the Minister replies, I trust he will deal with that point because it is only right that an equitable deal should be given all round.

On motion by Hon. H. Seddon, debate adjourned.

BILL—ELECTORAL PROVINCES.

Second Reading.

Debate resumed from 12th November.

HON. V. HAMERSLEY (East) [5.8]: We have had a Bill like this before us on several occasions. This time, however, it refers to two different matters. One deals with the redistribution of the boundaries of the Legislative Council provinces, to make them coincide with those of the Assembly districts. Naturally we would assume that a measure affecting the boundaries of the provinces, would deal with that matter alone; but we find it also refers to a subject that has always been a bone of contention between the two Chambers, namely the franchise of the Upper House. With regard to the redistribution of boundaries of the Assembly coinciding with the boundaries of the provinces, it does not seem to me that the matter is of such urgency that we need worry as to whether the Bill passes or not this session. The next Legislative Council elections will take place in May, and I imagine there will be very little chance of those elections being held on the new distribution that might be arranged or recommended by the commissioners. I notice that the commissioners are to make recommendations under the measure now before us, and their proposals will have to come before Parliament before they can be accepted. Thus it will be quite impossible for the next Council elections to be held except on the existing boundaries. We are to have the Assembly general election in March, and it may be found that there are discrepancies, and that alterations may have to be made. It seems to me that it would be better that any change in the province boundaries to be arranged by the commis-

sioners should be made after the Assembly election. In any case there will be no time for the Council rolls to be prepared and for the candidates seeking election to be able to get into touch with the electors in the altered provinces, because the commissioners could not possibly complete their work in time for it to be referred to Parliament, even if Parliament were sitting, before next May. Again, the Electoral Department will not be able to do anything in the way of preparing the rolls until the boundaries have been altered by the commissioners. So that it is clear the Legislative Council elections could not possibly be held under the altered conditions, and therefore there is no urgent necessity to pass the Bill at the present time. Again, we find in the Bill another matter which has nothing to do with the work the commissioners are to be asked to carry out. I feel that we require to go carefully into any suggestion that comes before this House with regard to the reduction of the franchise. I have always held that the rights of property should be recognised; it would be so easy to whittle away the franchise and eventually have this House elected practically on the same franchise as that of the Assembly. It is right and proper that members should be elected to this Chamber on a basis different from that of the other House. This has always been recognised as a House of review and we should always bear in mind that property has its responsibilities, and that whatever measures are passed by the Assembly, very frequently the smaller section of the community are apt to find a gun levelled at their heads, as it were, and it is likely to hit one section of the community much more harshly than any other section. It is a principle that has been recognised from time immemorial. Other countries have recognised the second Chamber as a House of review, with the idea always of safeguarding the rights of the minority. It is proposed in the Bill that a person shall have a vote if he is resident in a structure that is a fixture to the ground. That conveys to my mind that it might be the home of an aboriginal living in his native state. They live in structures that are certainly fixtures to the ground. They put a few sticks in the ground firmly enough to hold the paper-bark or rush thatch with which they cover those structures. And those structures last a great length of time. I could take members to some put up by aborigines 25 or 30 years ago, quite comfortable homes with families residing in them. I do not know whether those aborigines' structures would comply with the provisions in the Bill. I think it is going altogether too far to put this power into the hands of people who might be inclined to erect structures or dwelling houses of that kind. It seems to me our franchise is already sufficiently wide. Other States have narrower franchises for their second Chambers. Queensland, of course, has done away with its second Chamber, but I believe the people there are beginning to realise that they require some house of review, and there is a growing feeling that that Chamber should be restored. It is recognised, too, in several of the States that their second Chambers have not been all that could be desired. Probably it is because we have a fairly sound system and a reasonable franchise that we can claim that the legislation we have passed has always been very fair and considerate. In fact, we might frequently have been charged with having passed too many measures that have placed burdens on the community. In this House we have passed legislation that has been too wide and has encouraged squander habits in the people. In consequence, we find that costs of production and of living have gone up, that there has been a general recklessness in the community, and that we cannot produce as cheaply to-day as we could some years ago. To a great extent that is due to the legislation we have passed in this House. To-day we cannot put our wheat on board ship at Fremantle at anything like the cost for which we were able to do it some few years ago. The same thing applies to other commodities turned out by our producers. So they find the increased costs have prejudiced their opportunities to compete in the markets of the world. Therefore it is not for us to become more complaisant, but rather to stiffen our backs in the consideration we give to legislation having a tendency to scare away people who might be thinking of investing their money in this country. It is the fear some of our investors have that makes them withdraw their investments here and refrain from making further investments. It is only by giving them some security, some greater safeguard than they have, that we can restore their confidence, dissipated largely by the whittling away of our franchise,

which is now just above manhood suffrage. Yet the Bill, while preparing the way for an amendment of our electoral boundaries, proposes also an alteration of our franchise. That, of course, has nothing whatever to do with electoral boundaries. Because of that I would prefer to see the Bill postponed for a future occasion. I understand we are approaching the end of the session, so any amendments we may make in the Bill probably will lead to further discussion between the two Chambers. Personally I think the Bill could well be left to another session, so that in the meantime we could gain greater experience of the working of the new boundaries defined for the Assembly. That experience would serve to guide the Commissioners when the question of our boundaries was referred to them. It may be that I stand alone in that opinion. However, if the second reading be carried, I will do my best to see that the clauses relating to our franchise are drastically amended in Committee, for I do not believe in whittling away the franchise of this Chamber.

HON. A. LOVEKIN (Metropolitan) [5.23]: I think it incumbent upon us to pass the second reading. The Bill may be said to be portion of a composite Bill to amend the boundaries both of the Assembly and of the Council. If we refuse, as Mr. Hamersley suggests, to consider the redistribution proposals in the Bill, the Assembly may say there is no need for them to submit to their redistribution. So I think we should pass the second reading and at any rate agree to the appointment of a Commission to redistribute the seats for this House. Whether that Commission will be able to perform its task before the next elections, I cannot say, but I should think that if they do their job properly the work will not be completed in time. Still, we shall have done our duty in agreeing to the appointment of the Commission. Members will see on the Notice Paper that I have given notice of my intention to move, after the second reading, that it be an instruction to the Committee to divide the Bill into two parts. That notice is necessary before the Committee stage is reached. I have determined upon that action because one portion of the Bill, comprising Clauses 1, 2 and 3, has no relevancy whatever to the remainder of the Bill, from Clause 4 onwards. Clauses 1 to 3 deal with a proposed amendment of our franchise, whereas the remainder of the Bill deals with the proposed redistribution of seats and amendment of boundaries. The one has nothing whatever to do with the other, and the two proposals ought not to be found in one Bill. I have no wish to impute motives to the Government, but practically the one proposal is a tack on the other, so constituting a piece of political propaganda. These two subjects should be considered separately, and for that reason I have placed on the Notice Paper my motion asking the House to instruct the Committee to divide the Bill into two parts, one dealing with the proposed amendment of the franchise, the other with the proposed redistribution. If that be done, each Bill will then stand on its merits. I shall probably be out of touch with other members when I express my opinion on the principles in the Bill; that is, taking the Bill as a whole. I am absolutely in accord with the whole of the Bill. The first part deals with plural voting, and seeks to provide that in future one elector shall have only one vote for one province. I am fully in accord with that for the reason that, first of all, the allowance of a vote for each of two or more provinces is of quite negligible value. Only two per cent. of the electors on the Council roll have votes for more than one province. Therefore the result of this principle on the elections can be very little, whether the voter has a vote in one province or in ten provinces. And in addition, the principle seems to me unfair. It is not equitable, not logical. A man with £50,000 worth of property in Perth would have but one vote, whereas a man with £500 worth of property distributed over ten provinces would have ten votes. Thus we get the result that the man with £500 worth of property has ten times the voting power of the man with £50,000 worth of property. That is not equitable. And again, that principle lends itself to abuse. If we had a lot of Americans here they would set about capturing the various provinces, and money would talk. Suppose it was desired by some political party to capture a province. They would set about buying up a sufficient number of small properties in that province to convert their minority vote into a majority vote, and so they would capture the electorate. I do not say that would happen, but it is quite possible under the system of plural voting. Although property has to be represented in this House, and property ought to be protected, we should get down to the principle of one vote in each province. I will give my support to that portion of the

Bill abolishing plural voting. I come now to the next provision in the Bill, and approve of that too. This deals with the household suffrage. What we want in this State are householders. If every man owned his own house we should be assured of the future for the State. The nomads are here to-day and gone to-morrow, and those are the people we have to fear. We should do everything possible to encourage the householders.

Hon. V. Hamersley: Did you say house owners or householders?

Hon. A. LOVEKIN: Householders. The qualification now is £17. That is valueless. If we lived in the days when a man got a penny a day, £17 would be an exorbitant rental, and would be equivalent to ten or eleven times the value of his week's wages. Those days are gone, and we are living in times when £17 is a negligible rent, equal to about 6s. 3d. or 6s. 4d. a week. That is of no value. Any man who lives in a shack has a rental value worth 6s. 3d. or 6s. 4d. a week. The qualification of £17 is therefore of no value. Money value ought not to enter into this. It is the residence that should be the qualification. Does a man live in or own a decent house in which he and his family may reside? The only fault I can find with the Bill is that it refers to householders. What is the meaning of the term? In Committee I propose to put in a definition of householder, and for that purpose I am joining the Labour Party.

Hon. G. W. Miles: Why do you not shift over there?

Hon. A. LOVEKIN: I am going to do so for the purpose of this Bill. I intend to follow the Chief Secretary. Every worker, as well as everyone else, should have a house in which he can bring up his family in reasonable comfort and decency.

Hon. C. F. Baxter: This Bill does not provide him with a house.

Hon. A. LOVEKIN: This House has already made provision for that, because it has placed in the allowance for the basic wage a provision that a man shall have a house that is sufficient for his needs.

Hon. J. Nicholson: A wage.

Hon. A. LOVEKIN: A wage that is sufficient to enable him to provide a house for his family, consisting of himself, his wife and two children.

Hon. J. J. Holmes: Is that the definition you want in the Bill?

Hon. A. LOVEKIN: Yes; the Chief Secretary in October, 1924, as will be seen from "Hansard," page 1143, said—

> The Government have set out in the Bill the basis of what is fair and reasonable as a wage, and they take the responsibility of saying what the basis should be upon which the wage is to be fixed in the future. The Government say that the basic wage should be fixed having regard to the rent of a five-roomed house. If a married man has a mixed family and is to live in anything like decency, his house must contain at least three bedrooms. That leaves, besides the three bedrooms, only a living room and a kitchen. There should not be any complaint against the establishment of a five-roomed house as the basis for rent.

Hon. H. Stewart: Six shillings and sixpence per week.

Hon. A. LOVEKIN: The Chief Secretary continued—

> That is almost invariably accepted by the different industrial tribunals in the Commonwealth. So far as the allowance for living is concerned, we say that the basis to be taken shall be a man, his wife, and three dependent children.

We have cut that down to two, and we put into the Bill that the basic wage means a sum sufficient for the normal and reasonable needs of the average worker, and in the case of a male worker shall be fixed with regard to the rent of a dwelling-house of five rooms, and the cost of food, clothing and other necessaries for a family consisting of a man and his wife and three children, according to a reasonable standard of comfort. We actually cut that down in passing the Bill to two children, because three is a long way more than the average, just as two is also beyond the average.

Hon. J. J. Holmes: The definition you propose is that the house shall be a five-roomed one.

Hon. A. LOVEKIN: I propose to define a house in terms of the basic wage. Is it suggested that the house referred to in the Bill is to be some common shack with two or three poles and a little hessian, worth 5s. a week? Or does it mean that the worker shall have a decent home?

Hon. J. Cornell: I am afraid the party will exclude you on a selection ballot?

Hon. A. LOVEKIN: I am conforming to the platform when I say this.

Hon A. J. H. Saw: You are not in step with the rest of the company.

Hon. A. LOVEKIN: I cannot see that the Chief Secretary can take any exception to that definition.

Hon. J. Nicholson: He will support you.

Hon. A. LOVEKIN: He must do so to be consistent with his utterances. It is only a proper thing to have a definition of "house" in the Bill. I am not satisfied with merely "householder." I want to know what the house is and propose to embody something in the Bill. I feel I cannot go wrong if I accept the definition of the Chief Secretary and those who supported him on the occasion referred to, and if I put in what is a reasonable house for a worker or anyone to live in who desires to bring up his family decently.

Hon. V. Hamersley: What about people who live in flats?

Hon. A. LOVEKIN: They will come within the definition I propose to insert. I do not touch money values at all, only the accommodation that is provided. If a man can provide decent accommodation for himself, his wife and family, he is entitled to a vote for the Council. On those grounds I intend whole-heartedly to support the second reading. In principle the Bill should be divided into two parts, because each should deal with a separate subject as provided by the Standing Orders.

Hon. J. Nicholson: How are you going to alter that?

Hon. A. LOVEKIN: We shall give instructions to the Committee to divide up this Bill.

Hon. J. Nicholson: Should that not have been done in another place?

Hon. A. LOVEKIN: They could have done it, but they do not always do that which is right and proper. They have sent to us Bills that we have revised from time to time. It does not mean anything that they have not done this.

Hon. A. J. H. Saw: If a man has a wife and no children and a three-roomed house he is no longer a householder.

Hon. A. LOVEKIN: Did I say that?

Hon. A. J. H. Saw: I gathered so.

Hon. A. LOVEKIN: If he has no wife he must have a house which will take his wife when he gets one, if he wants to have a vote for the Council. The house must have accommodation that will be sufficient for a man, his wife and two children. If he should have no children there will be more room for himself in the house.

Hon. J. Nicholson: He could adopt two children.

Hon. A. LOVEKIN: That is the attitude I intend to take up. After the second reading is agreed to—and the Bill must pass the second reading—and before the President leaves the Chair, I propose, in conformity with the Standing Orders, to move an instruction to the Committee that the Bill be divided into parts. In Committee we can take steps to deal, as one Bill, with that portion which refers to the amendment of the Constitution, namely that dealing with the householder qualification and plural voting. The Redistribution Bill will form the other one. We shall then send the two Bills to another place with a message advising them of the course we have taken.

Hon. H. Stewart: Shall we send them back?

Hon. J. R. Brown: They will not be recognised?

Hon. A. LOVEKIN: They will recognise their own children.

Hon. A. J. H. Saw: They will be twins then.

Hon. A. LOVEKIN: They will be demi-twins. I support the second reading.

HON. J. CORNELL: (South) [5.42]: I hope the Chief Secretary will give further information to the House on various points. I am not averse to the householder qualification provided we can agree upon a definition of that which constitutes a house. I could not agree to Mr. Lovekin's definition, which would practically wipe out the South Province.

Hon. G. Fraser: And half the others, too.

Hon. J. CORNELL: In the interests of self-preservation, if for no other reason, I am bound to oppose that. If there is one law we unconsciously follow it is that of self-preservation. So far as the South Province goes, it can be said that the present householder suffrage does provide fair representation in all cases where there is any semblance of a house. For many years past the understanding was arrived at, and agreed to by the Electoral Office, that in the case of the Boulder municipality, where certain charges for electric light, health, etc., of necessity build up a high rateable value, that there should be no difference of opinion between contending parties as to whether or not a householder having a £13 qualification should or should not be on the roll.

Hon. A. Lovekin: Are these not shacks?

Hon. J. CORNELL: Some are.

Hon. A. Lovekin: Give the worker a decent house to live in.

Hon. J. CORNELL: Outside the municipality, in the road board areas, infinitely better houses are found rated at £8 or £9, than those that are rated in Boulder at £18 or £20. The charges levied by country road boards are not commensurate with those levied by country municipalities. In country road board districts there is no charge for upkeep of lights, for example. Consequently a mean has been struck of £13 in Boulder, and of £8 or £9 in outer road board districts. If anyone who knows the goldfields contends that that basis is not fair, I do not know what would be a fair basis.

Hon. J. R. Brown: I would not like to enrol anyone on a £9 basis.

Hon. J. CORNELL: Probably the man on the £9 basis would be more likely to vote against me than for me. However, we have to consider this aspect: take a man in the Norseman Road Board district rated at £9, and a man in Boulder rated at £18; then it will be found that the £9 house is a much better dwelling than the £18 house.

Hon. A. Lovekin: That shows the money should not be a factor.

Hon. J. CORNELL: Why should the Norseman resident be penalised on the score of the overhead charges of the Norseman local governing body not being as heavy as those of the Boulder local governing body? Much has been made of plural voting. I agree with Mr. Lovekin that plural voting is infinitesimal. When we consider what can be done under the present system, we must admit that plural voting becomes a small factor indeed as compared with the other factor. I do not know whether hon. members generally are aware that nine persons can get on the roll for the Legislative Council in respect of one freehold. Up our way the thing has been elevated to a fine art.

Hon. J. R. Brown: How do the nine get on the roll?

Hon. J. CORNELL: Take a freehold property of over £200 capital value. One person can enrol if the capital value is £50, and four persons can get on the roll as joint freeholders if the capital value is over £200. If the rates payable on the property exceed £65 and are paid in the joint names of four other persons—and this is practicable—those other four persons can also get on the roll as joint ratepayers.

Hon. J. R. Brown: There is no such thing in my electorate.

Hon. J. CORNELL: Lastly, if the property is let to another person who occupies the premises, he can enrol as a householder. Thus we have the nine voters qualified in respect of the one freehold property of a capital value exceeding £200.

Hon. G. W. Miles: Do you know of any such cases?

Hon. J. CORNELL: I shall not tell the hon. member.

Hon. A. Lovekin: You must not give the show away.

Hon. J. CORNELL: Where the wife has the freehold of an estate of £50 capital value with a house on it, and she applies for enrolment as a freeholder, it matters not what the property is rated at by the local governing body; the law provides that the possession of freehold property of £50 capital value entitles to a vote for the Legislative Council. And then the husband can get on the roll as a householder. Further, the Crown Law Department have ruled that where the freeholder is a widow partly maintained by a son, the son is entitled to be placed on the roll as a householder. If hon. members want to know any more on the subject, I invite them to visit the province. The illustrations which I have given, I venture to say, indicate a position far transcending the 2 per cent. of electors who might have votes in more than one province. If the Chief Secretary is in any doubt as to what I have stated, I refer him to the Crown Law and Electoral Departments.

The Chief Secretary: I have made the discovery for myself.

Hon. J. CORNELL: The knowledge is very useful when the other fellow has not acquired it.

Hon. G. W. Miles: Is what you have described legal?

Hon. J. CORNELL: Yes. It has been ruled that where wife and husband live in a home which is freehold and in the husband's name, only one of them can be placed on the roll, but that if the husband occupies business premises and pays the rates on those premises in his name while the wife pays the rates on the home in her name, both wife and husband can get on the Legislative Council roll. That

is another illustration of what can happen. When we have pinned our faith to the householder, and then analysed the situation, we find that there is not too much in that phase, and that it will not greatly increase the voting strength in either the North-East or the South Province; that is to say, under decent conditions of enrolment. The great difficulty is to define a dwelling. On that aspect I am democratic enough to say that what a man is satisfied to live in should also satisfy the Electoral Department. And so we get right down to the bedrock of practical adult suffrage for this Chamber. The whole point is, what is a house? It is when we set about defining what is a house that the difficulty arises. If the Chief Secretary will go into the question of the householder with the Crown Law Department, he will learn—and in saying this I give away no secret—that the householder is a rara avis, whether the qualification is or is not £17. In a sense, the qualification cannot be assessed on the rateable value, since the householder qualification makes not even a gesture towards the rate list. Certainly a ratepayer cannot be enrolled unless he is on a ratepayers' list for £17; but that has no reference to the householder. The point for consideration is, who shall estimate the £17 clear annual value of the house? Is the householder to be given the right to determine whether the house is worth £17 yearly to him, or is that question to be determined by an arbitrary ruling? Is someone to be sent round the country to decide whether individual houses are worth £17 a year? These questions suggest one of the grounds for adopting a reasonable attitude in the South Province. Some amicable arrangement should be made between the contending parties regarding the minimum on which a householder can be enrolled. I re-echo what I said in a speech on a similar Bill: There was a time when I held the opinion that this Chamber ought to be abolished. I do not hold that view now, but I might again change my mind if I got out of the House; however, I do not think I would. If age does not bring wisdom, at all events it brings caution. It is universally admitted, I believe, that the best system of government in the long run is the bicameral system. I venture to say that the only logically and democratically enduring basis for a second Chamber is an age qualification for its electors; that is to say, the age of an elector for this Chamber should be greater than that of an elector for another place. Even if age does not bring wisdom, yet I can claim to have lived long enough in the world to be convinced that the fact of being born to the succession of a little property does not specially qualify a person to vote wisely on public questions. If two Houses are to endure—and I believe they will in Australian legislatures, at any rate in this legislature—the second Chamber can be justifiably continued only on the basis that the age of the elector for it shall be greater than that of an elector for the other Chamber. Property, in my opinion, does not in any way fit the individual to exercise a vote with more intelligence than is displayed by persons without property.

Hon. A. Lovekin: Neither does age.

Hon. J. CORNELL: If age does not, nothing will. I repeat, if age does not bring increase of intelligence, it does bring caution. I venture to say Mr. Lovekin in his youth did many things he would no do now. One other point I wish to make. On the Address-in-reply I indicated my view that any Government departing in its redistribution proposal for this Chamber from the principle adopted in redistributing seats elsewhere, would be looking for bother. I am glad the present Government have brought down a Bill that in point of principle is on all fours with the measure which redistributes the seats in another place. Now, let us assume that only part of the present measure will prove acceptable to this Chamber. There is no question about the second portion of the Bill being acceptable. Assuming this House decides that the first portion is not acceptable and that the second is, will such a decision be acceptable to the Government who introduced the Bill? I contend that the two subjects with which the Bill deals are not in any way relevant to each other, and that the combination of the two came about only by sheer accident. In 1923 a redistribution of seats was proposed on the basis of recommendations made by a Commission practically identical with the Commission that drew up the last Redistribution of Seats Bill The former Commission, however, redrafted the boundaries of our provinces in accordance with the alterations made in the boundaries of Assembly electorates. That measure did not pass. The more recent Commission were appointed on the same basis

and under the same law, though the quotas were changed. Hardly a member of either House, whatever his political beliefs might be, but was convinced in his own mind that what the first Commission had done the second Commission would do, namely redraft the boundaries of provinces in accordance with the altered boundaries of Assembly electorates. The second Commission found there was no direction to them, and did not outline any redistribution. When we appreciate the fact that the commissioners acted under the one law, we can agree that it is a sheer accident that the Bill ever came before us in the form we have received it. I also want to know if the Bill is acceptable as it is, or whether, if that part of it which refers to the redistribution of the boundaries of the provinces is agreed to, it is intended that the Act shall be proclaimed so as to operate for the elections in May. If it is, I submit it will be grossly unfair to those members of this Chamber who retire and have to seek re-election. The Commission would have to conduct their inquiries and submit their report. It is safe to say that the report could not be finalised before next month. That means that the ten retiring members will not have more than three months before the issue of the writs, in order to get the rolls in order. I would instance the position in the South Province where, within the last 18 months, at least a thousand new locations have been taken up. Some of them are 70 miles from nowhere. Not only will it be necessary to see that the people there are enrolled, but facilities will have to be provided for them so that they can vote at the elections. If there is no intention of proclaiming the second part of the Bill so that it may operate at the next elections, I can see little necessity for passing the measure. If that is not the intention, there will be over two years in which to deal with the matter, and therefore there is no necessity for the Bill at all at this stage.

Hon. A. Lovekin: The commissioners could go on with their work.

Hon. J. CORNELL: But there would be no urgent necessity for the Bill at the present stage.

The Chief Secretary: I understand that the work can be done in time.

Hon. J. CORNELL: It would be grossly unfair to the retiring members for some provinces, particularly the Chief Secretary's province and mine, to give them three months only in which to put the rolls in order. I am prepared to support the Bill, although, in the circumstances, I do not see much necessity for it.

On motion by Hon. G. Fraser, debate adjourned.

BILLS (2)—FIRST READING.

1, Alsatian Dog.

2, Reserves (No. 2).

Received from the Assembly and read a first time.

BILL—CREMATION.

Assembly's Message.

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

BILL—MAIN ROADS ACT AMENDMENT.

Recommittal.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported on the proposed new clause, moved by Mr. Kempton, as follows:—

That a new section be inserted in the principal Act as follows:—"18a. Where the board reconstructs an existing road, or builds a new road, it shall provide a reasonable entranceway from such road to the main entrance of each of the properties adjoining and having a frontage to such."

The CHIEF SECRETARY: The latest proposed new clause is no improvement on the previous one, which was defeated. It appears to be more dangerous. I am informed by the Chairman of the Main Roads Board that the proposed new clause might entail the resumption of private land in order to enable the work indicated to be carried out. Should a block intervene between the road and the property concerned, that land would have to be resumed so that the reasonable entrance way might be provided to the main entrance to the property. There is no such provision in the Municipal Corporations Act or in the Road Districts Act. If this principle is to be introduced into the Bill, it should be included in the two Acts I have mentioned.

Hon. G. A. KEMPTON: Nothing of the kind suggested by the Chief Secretary was intended. The intention was that where the property owners had a natural means of access to the road, the Main Roads Board should provide the necessary access from that property to the new road if constructed by the board.

The Honorary Minister: But why mention the main entrance?

Hon. G. A. KEMPTON: I am not particular about that, so long as access is provided to the road. When I moved the first proposed new clause, objection was taken to the provision of "equal facilities of access," and the clause in its present form was framed to meet that objection. Would the Chief Secretary accept the clause if it were worded along these lines:—"When property owners have access to a road, which the board reconstructs, or to a new road that the board builds, the board shall provide reasonable facilities for access to the reconstructed or new road for the property owners"?

The Chief Secretary: No, not exactly.

Hon. G. A. KEMPTON: Something of this sort must be done for property owners who will be affected.

The CHIEF SECRETARY: The suggested amendment would probably be acceptable if a proviso were inserted to read:—"Provided that in cases where such provision entails the acquisition of land outside the road reserve, the cost of such resumption will be the responsibiltiy of the property owner." I am told by the Chairman of the Main Roads Board that it may happen in scores of instances that land will have to be resumed.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. G. A. KEMPTON: I ask leave to withdraw the new clause.

New clause, by leave, withdrawn.

Hon. G. A. KEMPTON: I have drafted another new clause that I think will prove acceptable. I move—

That the following be inserted to stand as Clause 18a:—"Where the Main Roads Board in reconstructing an existing road or building a new road prejudicially affects the existing entrance-way from it to a property, the board shall provide a reasonable entrance-way to such property, provided that in cases where such provision entails the acquisition of land outside the road reservation, the cost of such acquisition shall be the responsibility of the owner."

Hon. J. NICHOLSON: Under the proviso to the proposed new clause the owner might be saddled with the cost of land acquired without having been consulted in the matter. Before the acquisition of land is made, the owner's concurrence should be obtained. It would be unfair to impose a burden on an owner without having first obtained his consent.

Hon. J. T. Franklin: If the idea is to make an entrance to a property from a main road, there would be no resumption.

Hon. J. NICHOLSON: Before tea the Chief Secretary said it had been necessary in some instances to purchase land to provide an entrance to properties.

The CHIEF SECRETARY: I said the Chairman of the Main Roads Board had told me that if the proposed new clause had been in operation during the last three years, he would have been obliged in a fair number of instances to purchase land in order to comply with the conditions of the new clause. I did not say that land had actually been purchased.

Hon. H. STEWART: At times roads are deviated to secure a better grade or eliminate a dangerous curve. That might throw the entrance to a property some distance away from the road. I agree with Mr. Nicholson that the owner should be consulted before land is acquired. Conceivably, the entrance-way might not be worth the cost.

Hon. J. NICHOLSON: I suggest adding to Mr. Kempton's new clause the words "but before acquiring any such land the consent of the owner shall first be obtained." That would safeguard the owner's position. Will Mr. Kempton embody those words in his new clause?

Hon. G. A. KEMPTON: I wish to ensure the land owner facility of access. If it is necessary to provide the safeguard mentioned by Mr. Nicholson, I am agreeable.

The CHAIRMAN: I have been most tolerant. This is an extraordinary way of doing business. If new clauses are to be moved and afterthoughts added, I shall have to close down on members and adhere to the strict letter of the Standing Orders. Is Mr. Kempton agreeable to Mr. Nicholson's suggestion?

Hon. G. A. KEMPTON: I am agreeable if it provides a distinct safeguard for property owners.

The CHAIRMAN: If Mr. Kempton is agreeable, I shall restate the question in order to give "Hansard" a chance. Apparently there is only one copy of the amendment available. The question is that Mr. Kempton's proposed new clause embodying Mr. Nicholson's suggestion be inserted.

Hon. J. T. FRANKLIN: If the Main Roads Board decided to deviate a road half a mile, the owner would have to purchase intervening private property to get access to his land. I understood Mr. Kempton's idea was that where a main road passed a property and cuttings or banks were necessary to provide a better grade for the road, the board should give proper access to the property. Now we are asked to go much further, and it is impossible to say where the proposal will lead. I am prepared to support the new clause, but not the addendum suggested by Mr. Nicholson.

Hon. J. NICHOLSON: Mr. Franklin has overlooked an important aspect. In supporting the first part of the amendment without the addition that I have suggested, the result would be that the board, to give access to the road, could acquire the land necessary to provide that access, but as Mr. Franklin points out, it might be necessary, where there is a deviation, for some land to be acquired to give the necessary access. I am seeking to safeguard the owner from that because the proviso in Mr. Kempton's amendment states distinctly that if the providing of that access involves the acquisition of land it will have to be acquired at the cost of the owner. Would Mr. Franklin think it a fair proposition that he should be saddled with the cost of acquiring that land without having a voice in the acquisition of it in the first place? My amendment provides that before acquiring the land, the consent of the owner must be obtained. The owner can then consider whether or not the cost to him is going to be worth while.

Hon. G. FRASER: Mr. Kempton first moved his amendment that the road should be left in the position in which it was found and various amendments were afterwards suggested. Now that we have got into deeper water, I consider the best thing to do is to defeat the several proposals and allow the Bill to stand as it was presented. The onus will then be thrown on the owner of the property to make his own access to the road. That is fair and reasonable.

Hon. G. A. KEMPTON: The Chief Secretary was in accord with the amendment I submitted, but afterwards Mr. Nicholson moved that certain words be added. It is not my fault that the amendment has been altered two or three times. It would be well now if the Chief Secretary reported progress so that we all might have an opportunity to frame an amendment that will be acceptable to all parties.

Progress reported.

BILL—MENTAL DEFICIENCY.

Second Reading.

Debate resumed from the previous day.

HON. H. SEDDON (North-East) [7.53]: There is no doubt that the introduction of this Bill marks a most important step forward so far as legislation is concerned in Western Australia. I will be safe in saying that it marks an entirely new departure because it instances the march of legislation into the field of eugenics. A great deal of our legislation, no doubt, directly or indirectly tends in that direction. Certainly it is intended to make for eugenic progress; at the same time I do not know any other measure that has been introduced that deals with this most fascinating study. From that standpoint we have to give it very careful consideration, and I must confess that after reading the Bill—and I have endeavoured to study it very carefully—I am rather inclined to think that this is one of those measures in respect of which we should be prepared to hasten slowly.

Members: Hear, hear!

Hon. H. SEDDON: After all, we have to realise that we are dealing with a question that is very modern. A great deal of the knowledge and data which has been acquired on the subject can only really be described as tentative, and until we know a great deal more I think we would be ill advised to go beyond what has been very clearly indicated as the result of scientific investigation up to date. I suppose that no subject in recent years has attracted more attention or study from thinkers than this most interesting question, but when we remember that it is only some eighty years since practical experiments were made that led people to study and to understand something of what is involved in it, I think we should just now exer-

cise the utmost care. There is one clause in the Bill which, at any rate, I feel the House would be unwise to adopt; it is the clause dealing with sterilisation. I shall endeavour to advance arguments in the hope of defeating that clause. I contend that we shall act wisely if we delete it because the only data we have at the present time is not by any means conclusive and we may be taking steps that we might regret later on. After all, we have to recollect that certain States in America which made this provision in their legislation have rescinded it, and therefore from that standpoint we would be well advised to wait awhile before we advanced so far. On the other hand we cannot but agree that there is undoubtedly every argument in favour of the segregation of idiots and imbeciles and the feeble minded. Anyone who comes into contact with individuals of any of these classes will realise that there is a strong argument for their segregation. I was interested to hear Mr. Lovekin last night quote examples to show what has happened in cases of mating between degenerates, and the results that have followed. There is, however, another aspect on which the hon. member did not touch and which I think is worthy of a considerable amount of further exploration at the hands of any Government impressed with the desirability of dealing with eugenics. We have examples of families where the ancestors have been men and women of considerable ability and the history of those families has been just as remarkable as that of the Juke and Kallikat families mentioned by Mr. Lovekin last night. Those families' descendants have shown, right down the line, that the same eminent characteristics—the characteristics of usefulness and superior ability—have been handed down from father to son. I remember reading some time ago an article by an eminent scientist who pointed out that a great deal of benefit would be derived by humanity by adopting that form of positive eugenics of endeavouring and encouraging the mating of superior individuals and that it would do a great deal more good than adopting what I would characterise as negative eugenics. I have been reading the evidence submitted to the select committee to which the Bill was referred, and I was very interested to note a statement by Miss Stoneman in which she declared that sterilisation would be ill-advised. There is also another matter in the report to which I would like to refer, because it has a direct bearing upon the question of mental deficiency. It is contained in the evidence given by Dr. Thompson, who quoted an article by Dr. Douglas Turner. He said—

> It was also realised that there were other causes of mental defect besides mere inheritance. How much of mental defect is due, not to heredity at all, but to secondary causes, like disease and poisoning of the germ-plasm before conception, and to disease and injury of the child before birth, at birth, or after birth? The more I see of mental defect, the more convinced I am of the importance of those secondary causes. A few years ago, 10 to 15 per cent. would have been thought an unduly high figure for the proportion of mental defect due to secondary causes, but a recent number of the American "Bulletin of Mental Hygiene" says that present American opinion believes that 50 per cent. of the cases of mental deficiency are due to secondary causes. Posibly America is now swinging too much in the opposite direction, but Larsen, Denmark, is now investigating a series of cases, and he has found that amongst his lower grade children as many as 70 per cent. show evidence of some kind of brain disease as distinct from heredity, and even amongst his higher-grade children he found that 21 per cent. were due to secondary causes. We have recently tested the blood reaction of one hundred cases under 16, and we found that 25 per cent. gave a positive Wassermann reaction. This surely points in the same direction—the great importance of looking for secondary causes of mental deficiency.

Hon. A. Lovekin: That is what I pointed out last night—environment is a factor.

Hon. H. SEDDON: This is a still further argument advising us to go cautiously when we discuss such an extreme measure as sterilisation. I should like to make brief reference to certain facts associated with human history, because those facts have to be taken into consideration when we are arriving at any theory or proposing any course of action. Anybody who has read the history of civilisation, especially of European civilisation, will realise that there has been operating during the hundreds of years of which we have more or less accurate knowledge, the principle of reverse selection, the principle which has made for the destruction and elimination of many of the highest grades of families in the community. War has had that effect. We have, of course, the knowledge that war is usually carried on by, and the appeal of war is made to, the very highest and best sections of the community. When we have the system of voluntary enlistment, it is the highest-spirited citizens who lay aside their per-

sonal interest to offer themselves for their country. Then, naturally, leaders of men have to take the lead in battle. So we have the fact those those strains suffer more severely at such time than do the ordinary strains. Then we have the fact of racial animosity, where again the leaders are destroyed. And we have the example in the past of religious and political prejudices operating, again adversely, against the finest thinkers and the greatest leaders who have aroused the opposition of the unthinking or of vested interests. Those men have been eliminated. I say the operations of all those factors have been in the direction of reverse selection. From that we might be justified in concluding that to-day we should expect to find a race of mediocrities. The fact that we have great leaders to-day, the fact that humanity is said to be advancing in spite of all these adverse influences, would lead us to look further and be very careful about arriving at too hasty conclusions. Because undoubtedly there are just as great leaders, just as high-minded thinkers, just as far-seeing people to-day in the world as there have been in the past. The fact of the existence of those people shows that there must be other factors at work countering the factor of reverse selection. Therefore, if we endeavour to penalise the race, we may be doing harm, may not be taking into consideration the existence of certain transmissible characteristics that may be found in those regarded as mentally defective. Let me refer each member here to his own family history. Go back, if you can, to your own great grandfathers, or even great great grandfathers, and try to find out exactly what you know about them; I mean from the standpoint of their characteristics or those traits that make for greatness, or those traits which you would like to see transmitted. Go back through your family history and see whether you can point out certain traits transmitted from father to son. Our knowledge of eugenics at the present time is insufficient for us to be able to derive or quote genealogical tables from that standpoint. We have in history one or two examples leading us to believe that certain traits did predominate. I should like to instance the Ptolemy family in Egypt. For 800 years that family dominated the throne of Egypt; and the ruling principle of that family was that brother and sister should marry or that uncle and niece should marry. Yet the whole of that dynasty is marked by superior intelligence and ability to such an extent that in such troublous times as were then experienced, that family controlled the destinies of Egypt for 800 years. So although certain of the evidence we have tends to point to the fact that certain traits are dominant and are transmitted, we have not sufficient accurate evidence to be able to say whether we are justified in undertaking such a serious operation as sterilisation.

Hon. A. Lovekin: A good many families can trace their histories back for hundreds of years.

Hon. H. SEDDON: That is so, but I doubt whether they can show the inter-action of certain characteristics through marriages. I say their knowledge on that point does not indicate to any marked extent the factors I have just quoted. A great deal of work is being done to-day in the mere tracing and obtaining of families' histories. This work, most interesting work, is gaining ground, and I think I am justified in saying that the next 20 years will throw a great deal of light on these important questions. But is is quite safe to contend there is no indication at present that by the mating of two people we can obtain certain definite qualities. For I do not know that the mendelian characteristics have been isolated. In that connection let me take a parallel illustration by referring to the science of organic chemistry. In organic chemisty we get three elements, namely, carbon, hydrogen and oxygen. Those three elements are capable of entering upon so many different forms and exhibiting so many different properties that the number of combinations are endless. There are, perhaps, a million combinations of just those three elements alone, all possessing qualities markedly different. You can have a ring molecule of these atoms combined, and the same number of atoms are contained in each ring and yet two different substances emerge with differing properties. If that occurs in organic chemistry, what variations may not exist when we get all the different portions that go to make up the mentality of any individual and get them combined in even a very few generations; how can we possibly determine from those combinations exactly what is going to take place in this or that direction? Until we have more definite and exact knowledge on this question of

eugenics, we would be ill-advised to arrive at any determination regarding this matter of sterilisation. I should like to refer to a few definitions in the Bill, because I think they demand a certain amount of attention. They are as follows:—

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

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

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

I should like to draw attention to the words "(those people) require care, supervision, and control for their own protection," and to make a few applications of those words to things that occur in everyday life. For if we can do that we find that definition is going to apply to a lot of people who today are regarded as being perfectly responsible for their actions, notwithstanding which on occasions their conduct can only be regarded as extremely foolish. In support of that contention I ask members what definition would apply to an individual who week after week takes his wages and speculates them in attempting to pick winners, at the same time leaving his family short of the ordinary necessities of life. Could we apply the definition in the third clause to such an individual? Because if so we are going to have to provide a tremendous amount of accommodation. Take as another illustration the man who is so fond of his "pot" that he indulges in the same reprehensible conduct and in consequence his family are deprived of the benefits of life, his children are handicapped in the battle of life simply because of this man's inability to take care of himself. In the interest of his wife and family he would require "care, supervision and control for his own protection." If we are going to apply the definitions of this Bill, it might certainly be to the good of the community, but we are going to take on a great deal of responsibility and there will be a lot of objection made by certain members of the community. There is a section dealing with moral defectives. When we turn to the question of moral defectives we are entering a field to which a good many people are devoting a lot of their time. It is a field in which all activity and all help is almost entirely voluntary; by that I mean if the moral training of a young person is not undertaken by that young person's parents, it is left in the hands of self-sacrificing people such as those who devote themselves to Sunday-school work, scout work, guide work and the work of those institutions that aim to develop a good type of young person. I am sorry to say that the moral development of the young people of Australia, so far as I can see, is entirely left to these self-sacrificing people, or to whatever assistance the children may obtain in their own homes. Before we analyse the question of moral defectives, should we not first of all study that of moral education? Should we not, in considering the question of social morality, endeavour as a people and by our acts to improve the social system before we endeavour to deal with moral defectives from the standpoint that they are being dealt with in this Bill? There is no doubt these definitions require examination. They will require to be reconstructed a little, for the Bill may later be administered by someone who will deal with it in a literal sense. If the legislation is dealt with in a literal manner, some sections of the community may find themselves in a difficult position.

Hon. A. Lovekin: No one seems to be able to provide in an Act all that is required.

Hon. H. SEDDON: We have to consider in our legislative halls how we can frame Acts so that they may carry out the intention of Parliament. In many instances the wording of a Bill lends itself to meanings that were not dreamt of. Where we can find obvious misinterpretations possible, we must see if we cannot induce the framers of such legislation to amend it in order to overcome the difficulty.

Hon. J. Nicholson: The Inebriates Act would almost coincide with this.

Hon. H. SEDDON: There is a reference to persons who are liable to be committed to an institution for inebriates, under the Inebriates Act.

Hon. A. J. H. Saw: Many of those are mental defectives.

Hon. H. SEDDON: That may be so. If we are going to apply this definition, we

might be justified in saying that anyone who is in the habit of becoming inebriated shall be brought under the control of the Act.

Hon. J. Nicholson: Such a person requires care and supervision.

Hon. H. SEDDON: This legislation may affect such a person in directions that were never dreamt of.

Hon. A. Lovekin: There have been many discussions on this subject by committees and commissions.

Hon. H. SEDDON: From what I have been able to glean from literature on the subject, I imagine we should be justified in eliminating from the Bill any reference to sterilisation, until we have had an opportunity to study a little more those persons who would be affected. We must find out more about them. I am entirely in accord with the idea of segregating such people and placing them under the control of officials who understand them. The work that is being done by Mr. Hill at Gosnells amongst the boys, deserves the highest commendation. As will be seen by the report of that gentleman, he has been engaged on this work for 7½ years. In most other parts of the world a teacher doing this class of work is relieved at intervals of not longer than two years, because of the strain that is placed upon him w[illegible] dealing with this type of person. Mr. Hill, however, has been in the same position for 7½ years. We should endeavour to get together a personnel whose members can look after these people, see to their segregation, and study them from all angles under close supervision. Every effort should be made to widen the scope of the knowledge at present held concerning these individuals. The Bill is inclined to go too far in the directions I have indicated, and I think the definitions will require to be revised. With these remarks, I support the Bill.

On motion by the Honorary Minister, debate adjourned.

BILL—ABORIGINES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON A. LOVEKIN (Metropolitan) [8.18]: I have a few remarks to make concerning this Bill. I will first deal with the interpretation of "aboriginal." An aboriginal and a male half-caste are put on the same plane if the age of the half-caste exceeds 21 years. I do not know why either the half-caste or the aboriginal is not capable of looking after himself when he reaches that age. In view of the enormous expenditure we incur upon aborigines, I do not see why these people cannot look after themselves when they reach the age of manhood. The more these races are left to themselves, without the aid of missionaries and the interference of other people, the better will it be for the country in which they reside, and for the aborigines themselves. It is quite proper when we take their hunting grounds and other lands away from them that we should make good their food supply. There is no occasion to pamper them in institutions and other places. That is good neither for the aborigines nor for the country. Clause 5 says that the Chief Protector may appoint persons with authority to examine aborigines or half-castes suspected of being afflicted with disease and to compel such aborigines or half-castes to undergo examination. There seems to be no provision for the treatment of these persons after examination. Suppose they are found to be reeking with venereal disease. Apparently nothing is to be done with them. There is a change of the age from 14 to 21 in a number of the clauses. I do not know that an aboriginal child should wait until he becomes 21 before he engages in any employment.

The Honorary Minister: The clause does not say that.

Hon. A. LOVEKIN: Clause 11 says that Section 21 of the Act is amended by substituting "21" for "14." The section refers to the employment of native servants. Our own people can be employed at any age over [illegible], and yet in the case of aborigines apparently the State has to provide for them until they reach the age of 21, because they cannot be employed earlier.

The Honorary Minister: The hon. member is not correct.

Hon. A. LOVEKIN: Section [illegible] says that any person who, contrary to the Act, employs any aboriginal or male half-caste under the age of 14, or a female half-caste under the age of 14, in any house, ship, boat or premises, shall be guilty of an offence against the Act. Clause 11 amends that section by changing the age from 14 to 21.

The Honorary Minister: That does not say they cannot be employed.

Hon. A. LOVEKIN: This must refer to employment. Aborigines would hardly be

on a ship, for instance, unless they were being employed there. Clause 33 provides for the wet-nursing of aborigines. If they are not able to look after themselves, the Protector becomes their guardian. He takes charge of their property, calls upon every settler who may be employing them, say, in looking after sheep, and requires from the settlers a settlement of their financial relations with the aboriginal, and the employer has to make good to the Protector that which may be owing. We should not provide money for sending officials round our enormous areas of country to get into touch with stations, and make all these inquiries about aborigines. Apparently under Clause 17, the aboriginal is brought under the employers' liability provisions of the Workers' Compensation Act.

Hon. J. Nicholson: He is there already. He is not being excluded under the Bill.

Hon. A. LOVEKIN: He should be excluded, in his own interests.

Hon. J. J. Holmes: It was not intended that aborigines should ever be brought under the Workers' Compensation Act.

Hon. A. LOVEKIN: I should not think so. I believe a case is pending where the husband of an aboriginal woman was gored by a bull and killed and the gin has applied for compensation to the extent of £600. Fancy the gin, being in possession of £600, finding herself anywhere near an hotel somewhere in the North!

Hon. V. Hamersley: Would the aboriginal have only the one wife?

Hon. A. LOVEKIN: Here is another thing. Section 34 of the principal Act, referring to the paternity of illegitimate aborigines, is to be amended by adding to it a proviso as follows—

> Provided that no man shall be taken to be the father of any such child upon the evidence of the mother, unless her evidence is corroborated in some material particular.

Hon. J. Nicholson: Do not you think that is necessary?

Hon. A. LOVEKIN: It is less stringent than what applies to our own people. In their case the corroboration has to be independent and material evidence. But this clause refers merely to "some material particular." Some man was seen with this aboriginal on a certain day going up some track; and that is sufficiently material corroboration, according to some of our cases, to put the paternity upon that particular man. The provision is one that ought not to be accepted in the case of aborigines.

Hon. J. Nicholson: That provision is capable of amendment. You do not object to the proviso so long as it is strengthened in Committee, do you? You want to strengthen the proviso?

Hon. A. LOVEKIN: In my opinion, more than that is required to protect men in the back bush, who can get practically no evidence at all. Blacks might say anything; we know they do. The provision is not quite right. Clause 19 proposes to amend Section 36—

> For the purposes of this section the word "camp" shall mean any place upon which is erected or standing one or more dwellings or structures of any kind whatsoever used or intended to be used by aboriginals or half-castes as a place of abode.

Hon. J. Nicholson: That will provide the household franchise we have been talking about.

The PRESIDENT: Order!

Hon. A. LOVEKIN: Under that provision one could not pass within five chains of an aboriginal's hut without committing an offence. Is that a proper provision to make? These are just a few of the points that have occurred to me in glancing through the Bill. I consider that in Committee we ought to omit some provisions and strengthen some others. The change of age from 14 to 21 puts aboriginal and half-caste children in a much better position than our own children. Our own children have to be looked after up to the age of 18 years; 14 years is the limit up to which the putative father of a child can be compelled to provide for it. In the aboriginal child's case the Bill makes the age 21 years. That is going too far. In Committee we can examine these matters a little more closely than appears to have been done so far.

On motion by Hon. G. Fraser, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

HON. A. J. H. SAW (Metropolitan-Suburban) [8.36] in moving the second reading said: It may perhaps surprise some hon. members that I am moving the second

reading of this Bill, as two years ago I was strongly opposed to a measure dealing with this subject which was brought up from another place; but the circumstances are by no means analogous. This is an entirely different measure from the one which came up previously. I have taken a great interest in the subject, and have devoted a considerable amount of time and study to its consideration. Unfortunately, just about that time I became rather unwell and was not able to be in my place here; but Mr. Nicholson was good enough to utilise some of the notes I had prepared dealing with the subject, and to bring them under the notice of hon. members, thus informing the House of at any rate some of the views which I then held. The Bill in question was rejected by this Chamber. Now, after a lapse of time, another Bill on the subject has been introduced elsewhere, and after undergoing considerable amendment has reached the Council. The Bill as it arrives here is a very different measure even from that which was introduced a month or so ago into another place. Down there it underwent material alteration and, as I think, alteration for the better. At the time of its introduction Mr. Mann, who fathered it, and who has taken a great interest in the question, approached me and asked if I could give the measure my support. After perusing the Bill I told Mr. Mann that it was quite impossible for me to do as he desired, but that if it reached this Chamber I would do my best to get it amended in certain directions. I am glad to say that I do not find it necessary now to take that course. Elsewhere the Bill has received the alterations I had in mind, or at any rate has received those alterations to a large extent; and it is now, in my opinion, on fairly sound lines. Two years ago, during the course of my reading, I came across an Act which is current in Massachusetts, and which is highly spoken of in America. This Bill as it now stands is largely modelled on the Massachusetts Act. I would like to read to hon. members particulars of the Massachusetts law as stated by a high authority. I quote from "Mental Disorder and the Criminal Law" by S. Sheldon Glueck, LL.M., Ph.D., instructor in the department of social ethics, Harvard University. Dr. Glueck describes the Massachusetts law as easily the most far-sighted piece of legislation that has yet been passed on this subject. He writes—

> The original Massachusetts law went into effect in September, 1921. "Whenever a person is indicted by a grand jury for a capital offence or whenever a person, who is known to have been indicted for any other offence more than once, or to have been previously convicted of a felony, is indicted by a grand jury or bound over for trial in the superior court, the clerk of the court in which the indictment is returned, or the clerk of the district court or the trial justice, as the case may be, shall give notice to the department of mental diseases, and the department shall cause such person to be examined with a view to determining his mental condition and the existence of any mental disease or defect which would affect his criminal responsibility. The department shall file a report of its investigation with the clerk of the court in which the trial is to be held, and the report shall be accessible to the court, the district attorney, and to the attorney for the accused, and shall be admissible as evidence of the mental condition of the accused."

That last portion, referring to the admissibility of the report as evidence, has been eliminated since 1925, and now the persons who examine the accused have to give evidence before the court of law. But the principle remains the same, inasmuch as immediately a person is indicted for a capital offence—in Massachusetts it goes further than that, as habitual criminals are also examined—that person is examined as described. I regard the provision as most valuable, and as one which removes a great weakness of the Bill that was before this Parliament two years ago. Under that Bill examination of the accused did not take place until after he had been tried and found guilty. Such circumstances, naturally, give rise to opportunities for fraud, collusion, and malingering. Furthermore, in the earlier Bill there was no examination by an independent board. Under the Massachusetts law, and also under the Bill now before us, an examination takes place, at the time of indictment, by an absolutely impartial and competent tribunal. The present Bill says—

> Whenever any person has been indicted for an offence punishable with death, the Attorney General shall forthwith appoint a board consisting of two duly qualified mental practitioners who shall have special knowledge of mental diseases, and a psychologist, and shall refer the question of the mental condition of the accused person to such board for inquiry and report.

That does away with one of the scandals, as I think, of the present procedure prevailing in our law courts, examination being made

by an alienist on behalf of the Crown, and then by another alienist on behalf of the defence, with the frequent result of a conflict of evidence between the two examiners, who take different views. I do not imply that in every instance, or in many instances, one or other of the examining doctors is wilfully giving misleading evidence. It may be that the doctors quite honestly form different opinions; and it may also be that counsel for the defence seeks out various medical men, until he finds one whose opinion coincides with the evidence which counsel for the defence wishes to submit. Then counsel for the defence calls that doctor, and neglects to call the two or three others who after personal examination of the accused arrived at a different conclusion. However, there is frequently in our law courts this conflict of expert testimony, giving rise to an opinion that professional expert testimony is not above suspicion. Under this Bill there can be no suspicion of that kind, because the examining doctors and psychologists are on an entirely independent, unbiassed board appointed by the Government to examine the accused before the question of his guilt or innocence has been established, to examine him purely with a view to determining the state of mind in which he is and, if possible, the state of mind, or probable state of mind, in which he was at the time of the crime assuming he had committed it. That, I think, is a very important provision. The further procedure outlined in the Bill is that this report of the Medical Board shall be communicated to the court in which such person is to be tried; the report shall be in writing signed by the members of the board, if they agree; and the report shall be liable to be inspected by the judge who is to preside at the trial, by the Crown Prosecutor, by the accused or his counsel, or, by leave of the judge, by any other person. The report may be put in as evidence either for the prosecution or for the defence, and if the report is put in by either party, then the other party may cross-examine any or every member of the board who has concurred therein. It will be seen, therefore, that the members of the board not only have to put in their report in writing, but will be liable, and rightly so, to be cross-examined as to the value of their evidence and of the data upon which they arrived at their conclusions. In Massachusetts that is as far as the law goes. The report is there: it is available for the various parties, and they may, or may not, act upon it. Of course it may be that the Crown, after seeing the report, may decide that the mental condition of the person concerned is so bad that it would be futile to put him on trial. The Crown may decide that the report shows the individual to be a lunatic or a mental defective of a gross description, and prefer to have him dealt with accordingly, thereby avoiding the expense of a trial in cases where the mental condition of the individual is perfectly apparent. On the other hand, the Crown may decide to go on with the case, in which event the defence, if so disposed, may call for the report, produce what evidence there is, and have the members of the Medical Board placed in the witness box to give evidence. I think that will make for convenience and expedition in dealing with that type of case. But its greatest value is that the person concerned is examined before there is any question of his guilt being established, and thereby the danger of malingering or deliberate coaching whereby these diseases may be simulated, will be avoided to a large extent. Under our present system that is not possible. The medical examination does not take place until after the trial and, in many instances, until after the verdict has been given. In those circumstances, of course, there is every reason for the accused, so far as he can, to represent that he is either of unsound mind or of gross mental defect. Furthermore, the examining authorities are not the impartial tribunal that I, for one, wish to see set up. There is one portion of the Bill in its present form to which I still take exception and if the Bill reaches the Committee stage, which I hope it will, I propose to move an amendment. I refer to Subclause 5 of Clause 2. The portion to which I take exception is that in which the onus and responsibility, or perhaps I should say the privilege, of deciding whether the death penalty should be inflicted, is left largely to the discretion of the jury. That is a state of affairs I do not think should prevail. At present if a person has been found guilty of a criminal offence, that question is not even left to the judge, when sentencing a person to capital punishment. As the clause is worded, it undoubtedly leaves a loophole for the jury, should they be sympathetically inclined towards the prisoner, or perhaps disinclined to follow the law of the land and enter a verdict that would result in the application of the death penalty, to turn round

and say that they were not satisfied as to the mental condition of the accused person. In that event they could add a rider to the effect that the death penalty should not be inflicted. That is entirely wrong. During the Committee stage I propose to move that the following subclause be inserted in lieu of Subclause 5:—

If the accused person is found guilty of an offence punishable with death, but the jury are of opinion from the medical and psychological evidence, that by reason of his mental condition at the time when the offence was committed he was incapable of forming a rational judgment on the moral quality of such act, they may add a rider to that effect, and in that case the judge shall make such order as he would make if such person had been acquitted on account of unsoundness of mind, and such person shall be deemed to have been so acquitted, and the Governor may provide for such person's safe custody in manner set out in Section 63.

That, of course, is an entirely different proposition. The jury will not have the option of saying whether the death penalty shall be inflicted. All they will have to do is to say that the medical evidence adduced has satisfied them that the person concerned is of unsound mind, or that his mental condition is such that he is incapable of forming a rational judgment on the moral quality of his act. The law at present does not allow a man who is found to have been insane at the time he committed a capital offence, to be hanged. In such instances the jury bring in a verdict of not guilty on the grounds of insanity. The weakness in our present law is that while the law takes cognisance of insanity, it does not take cognisance of mental defectiveness. Mental defectiveness may be so gross in the lower type of morons that the prisoner has really no proper knowledge of moral qualities that would enable him to distinguish between right and wrong. I do not think anyone in this Chamber would wish to see an individual hanged if his mental condition were such that he could not form a proper judgment between right and wrong. It is largely for that reason that the Bill has been introduced. Because I think that is a defect in the law that should be altered, I have pleasure in moving the second reading of this Bill to-night. This law, as it has worked out in Massachusetts, has, I am informed, been productive of a considerable amount of good. Of over 100 cases involving capital offences, and in which the examination has been made at the time of indictment, something like a fourth have been found to be either mentally defective to a gross degree or of unsound mind. By that means the State has been saved from the expense of the trials. Even where that has not actually happened, the person, by means of the independent inquiry, which no one could cavil at, has been found to be in such a State of mind that he has not been held responsible for his actions. If a person is not able to determine the difference between right and wrong, and if his mind is so unbalanced that he is not aware of the nature of the act he has committed, I do not think capital punishment should be inflicted upon him. I am by no means an advocate of the abolition of capital punishment. In cases where there has been wilful murder, in which people of normal intelligence or people who have the power to distinguish between right and wrong, even if their intelligence is subnormal, I maintain that they should suffer for their crime and be hanged. But there are some whose intelligence is not sufficiently good for them to be able to distinguish between right and wrong. In these cases I hold equally strongly that they should not be made to pay the extreme penalty which their lack of brain power does not warrant. I do not intend to take up the time of the House by making a long speech on this subject. The principles involved were debated at considerable length two years ago, and I expect members are thoroughly conversant with the issues involved in the Bill. Those dangers that I saw in the measure that was before us previously have been eliminated. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

BILL—APPROPRIATION.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [8.57] in moving the second reading said: This is the usual Bill introduced at this period of the session. It covers the whole of the expenditure for the year provided for under Consolidated Revenue Fund—except that authorised by special Acts—General Loan Fund and Trust Funds, also an advance to the Treasurer of £400,000. These are shown in detail in the various

schedules. Schedule "A" sets out the total amount dealt with. There are three Acts listed under it, namely, two Supply Bills and this Bill. Schedules "B," "C," and "D" give the details of the provision under Revenue, Loan, and Trust Funds, respectively. Schedule "E" deals with the Advance to Treasurer. The only change of any note in the expenditure of this year, as compared with that of previous years, is the appropriation of the amount placed in Suspense during the last two years, pending finalisation of the Financial Agreement. This amount is £700,000, made up of two instalments of £350,000 each. As the Financial Agreement provided for the taking over of the States' debts as on 30th June, 1927, and the formation of a new sinking fund from that date, the necessity of further contributions towards the old sinking fund ceased. There was, however, the contingency that the agreement might not be ratified, and in that case the Government would be called on to make up the shortage on the old fund. As such a happening would have a disastrous effect on the finances of the year in which the debit might fall, it was considered wise actually to suspend it. The amount involved was therefore charged up to expenditure and placed in suspense, to be appropriated by Parliament should the agreement become law. Had it failed to do so, the money would have been paid over to the trustees. As the agreement was ratified last year, the Government are honouring their promise to allow Parliament to decide how the amounts in suspense would be appropriated. Careful consideration was given to how this money could most advantageously be spent. It was considered that it would not be right to use it for ordinary purposes whilst there were such large losses on group settlement unprovided for. It was therefore decided to utilise it for the purpose of reducing those losses, first wiping off the existing deficit on revenue account. The appropriation is shown on page 121 of the Revenue Estimates. Unfortunately, last year did not turn out as satisfactory as was expected, principally as the result of the partial failure of the harvest in some districts. This had a very depressing effect on the railway returns, and as these play such an important part in the finances of the State, there was no possibility of realising the estimate put forward at the beginning of the year. The year's transactions, therefore, resulted in a deficit of £275,968 instead of a surplus of £94,298, as was anticipated. There was a balance of £1,778 17s. 4d. to the credit of Consolidated Revenue Fund at the end of the previous year, and that balance, with £42,459 11s. 8d. from the Deficiency Suspense Account, provided from the Disabilities Grant, reduced last year's debit to £231,731, which is now being wiped out by the Suspense Account. The balance, amounting to £468,269, is being transferred to Group Settlement Reserve. Loan expenditure for last year was £4,372,269, being £444,931 below the estimated expenditure of £4,817,200. It is, however, not unusual for the loan expenditure to be below the estimate. A substantial reduction has been made in the expenditure for this year. During last year a very difficult position arose in the loan market, due largely to the American situation and the transfer of gold from London to America, and to the Continent. This had the effect of increasing the bank rate to 5½ per cent. and later to 6½ per cent., and rendered the successful flotation of a loan impossible. The collapse of the American boom has relieved the situation and the bank rate has fallen to 6 per cent. Although not yet possible to approach the London market, it may be so early next year if the situation continues to improve, as is expected. A certain amount of money, £565,024, was raised over the counter and £934,081 from the Commonwealth for migration. For the balance, the Government obtained a temporary advance of £400,000 from the Commonwealth, and was on overdraft with our bankers in London at 30th June to the extent of £1,295,000. As almost all the Governments were on overdraft in London the Commonwealth recently issued £5,000,000 Treasury bills of which we received £684,968, and our overdraft was reduced accordingly. In addition to the difficult London position, the Australian money market will feel the heavy fall in the price of wool to a very large extent, and loan operations here will be greatly restricted. The financial situation at the present moment is much more trying than it has been for many years past. A small surplus is estimated for the year on Revenue Account, but this is to a large extent contingent on the result of the harvest. Although the season opened most favourably, the critical months of August and September were very dry, and the crops suffered accordingly. However, returns from

the earlier districts are proving more favourable than were expected. I move—

That the Bill be now read a second time.

On motion by Hon. H. Seddon, debate adjourned.

BILL—LICENSING ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from the 12th November.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—LOAN £2,250,000.

Second Reading.

THE CHIEF SECRETARY (Hon J. M. Drew—Central) [9.10] in moving the second reading said: It will be seen that the amount applied for is very small. In reality, it is the smallest Loan Bill that has been presented since 1921. There is a reduction of over 50 per cent. as compared with that of last year, the respective amounts being, last year £4,800,000, this year £2,250,000, or a reduction of £2,550,000. This is brought about to a great extent by the small amount of our borrowings during the last two years, and the consequent large amount of loans authorised, but not yet raised. These total £6,583,431, representing—Treasury Bonds Deficiency Acts £55,736, balance of 1927 Loan Bill £1,727,694, total of last year's Loan Bill £4,800,000. It might be asked why, when there is such a large authorisation available, is it necessary to apply for further amount. Although we have been for some time unable actually to go on the loan market, expenditure has, of course, gone on. We have thus overspent our loan raisings. Funds have been provided to meet this from other sources, such as bank overdraft, temporary advances from the Commonwealth, migration loans, counter sales, etc. The bank overdraft and temporary advances will be adjusted when a loan is floated. This procedure is quite in order, so long as Parliamentary sanction for the raising and spending of the money exists. Certain services, such as Agricultural Bank capital, railway construction, water supplies, group settlement, etc., are continuous and funds must be found for them. Other works authorised may be gone on with, although funds may not have been raised for them, for instance, railways—the Meekatharra-Wiluna line being an example, where an amount of £70,000 was authorised by last year's Loan Bill and the expenditure has been in excess of that amount. Where such a work or service exceeds the authorisation, the expenditure is a charge to Loan Suspense Account, and is cleared by the subsequent Loan Bill. It will be seen by the Loan Estimates that there is expenditure of this nature, totalling £94,288, carried forward from last year, to be cleared this year. Other items are more or less exhausted. Without a Loan Bill, Loan Suspense could not be adjusted, and the current year's expenditure on certain works would greatly increase it, necessitating a corresponding increase of the Advance to Treasurer. The reduction of our loan expenditure covered by this year's Loan Estimates, although not nearly so great as that of the Loan Bill, naturally has an effect on the Loan Bill also. The position is being carefully watched, and when the opportunity offers, a loan will be floated. Expenditure is being kept as low as possible. Unless the loan market improves, it may be necessary further to curtail expenditure. Although unable to go on the market last year, we received from the Commonwealth on account of migration £934,081, and from cash sales over the counter, etc., £575,024, a total of £1,509,105. On the other hand, there were redemptions totalling £586,788, corresponding stocks purchased—By Sinking Fund Commissioners and cancelled, £469,371; Wire Netting Advance transferred, £101,158; Sundries, £16,259; total £586,788. The Commonwealth, since the 30th June, has placed £5,000,000 worth of Treasury Bills with the London banks to relieve the overdrafts, and our share of the total was £684,967. It must not be overlooked that although this Bill authorises the raising of certain moneys, it does not empower the Government to spend it. That is done by the Loan Estimates. It will be seen by the items in the schedules to this Bill, that no new works are proposed. It has been possible to transfer amounts

from certain items where the authorisation was greater than was required to others in need of funds, and that is shown in schedules. It has the effect of somewhat reducing the amount that would otherwise have had to be authorised by the Bill. I move—

That the Bill be now read a second time.

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

BILL—ROAD DISTRICTS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [9.17]: Mr. Hamersley objects to the change of name from road board to district council. It should be unnecessary to point out that the term road board no longer applies with any degree of accuracy. This will be realised by comparing the position when the Roads Act was passed in 1888, with the conditions existing to-day. Then the powers of the board were contained in 110 small sections which limited their authority practically to the care, control and management of roads. Their duties consisted almost exclusively of spending money provided by the Government for the purpose. This will be gathered when it is mentioned that in 1897-8, of the 75 boards then operating, only six levied a rate. They consisted of Bayswater, Cottesloe, Claremont, Kalgoorlie, Peppermint Grove, and South Perth. The total amount raised by the whole of the boards throughout the State for rates and also cart licenses in 1896-7 amounted to £4,237 8s.

Hon. J. Nicholson: They used to live on the subsidies then.

The CHIEF SECRETARY: They used to live on the Government.

Hon. V. Hamersley: And the Government were well-off.

The CHIEF SECRETARY: To-day every board levies various rates and the total revenue for the whole of the boards throughout the State for the year ended the 30th June, 1929, approximated £492,748 12s. 7d. The present Act consists of 357 sections with comprehensive and varied powers, including control of sub-division of land, declaring, constructing and maintaining and general management of roads and bridges, jetties, bathing houses, foreshores drains and water supplies and appurtenances thereto; construction and maintenance of tanks, wells, dams, reservoirs and other water supplies, and the reticulation of same; construction and maintenance of electric power and reticulation of same; subsidising hospitals, nursing systems and medical men and other matters, even including the management and control of cemeteries. Apart from those and other duties imposed on the local authorities by the Road Districts Act, Parliament has given them, under different statutes, the control of various other matters to effect economy and efficiency in the administration. Those matters are:—Health boards under the Health Act, 1911-28; vermin boards under the Vermin Act, 1918; some boards are also water boards under the Water Boards Act; all boards outside metropolitan area control traffic under the Traffic Act; the executive authority under the Electric Light Act; the executive authority under the Cattle Trespass and Impounding Act; the executive authority under the Dog Act; also in many instances controlling authority under the Parks and Reserves Act, 1895; controlling authority under the Hawkers' Act. The Road Districts Act with amendments (excluding the Bill now before the House) consists of 357 sections, with varied powers including the Second Schedule which consists of the provisions of the old Building Act with many more additions. They number 42 sections, and are very far-reaching for the control of buildings, with the necessary precautions regarding undue crowding, use of proper materials, etc., and the housing of people generally. A further comparison may be permitted by a reference to the powers of local authorities to raise loans for the various works required for the development of their districts. Those powers include, not only the construction of roads and similar works already enumerated; a paragraph of Section 277 of the Road Districts Act gives far-reaching powers to raise loans for "any other work whatsoever approved by the Governor." The local authorities themselves have been advocating the change of name for many years, and at the Road Board Conference of 1926 a motion was passed unanimously requesting the change. It was moved by Mr. McDonald, Chairman of the Beverley Road Board, one of the districts within the East Province, of which Mr. Hamersley is a representative.

Hon. V. Hamersley: And a subsequent conference reversed that decision.

The CHIEF SECRETARY: Not in regard to the change of name, so far as I have been able to discover. In regard to the remark that the Government did not see fit to make the alteration when appointing the Main Roads Board, the Main Roads Act was passed in 1925, and the present Bill was first submitted to the House in 1926. In reference to appeals against valuations, to which Mr. Hamersley alluded, the provision in the Bill is to make clear the power already contained in the existing Act, and remove the very objection quoted of "Caesar appealing to Caesar." The position is that so far back as 1911 power was given to the Minister, where boards adopted valuations that were inequitable or contrary to the statute, to direct a fresh valuation to be made by a valuer or valuers appointed by himself, and such values had to be adopted by the board. That great power still exists, but the legal ruling given is that an altogether fresh valuation must be made when the Minister decides to exercise his right. That would mean a great expense to the board concerned, whereas the amendment seeks to make the valuation in existence—the valuation of the Commissioner of Taxation, if it be of recent date—the one to be adopted. Dealing with appeals against the enforced valuation Clause 40 of the Bill definitely provides that the appeal must go to the Local Court. It can be readily understood that if sufficient evidence is brought before the Minister to justify his issuing a mandate for a fresh valuation, it would be ridiculous to allow the special valuation to be made by the very board who had been responsible for the necessity for a fresh valuation being made. To prevent the proposed clause becoming law would put the ratepayers to the undue expense of appointing fresh valuers to make the enforced valuation when there may be a good valuation already in existence. Mr. Nicholson thought a consolidating measure should be introduced, and other members have echoed his views. A reference to Clause 57 will show that it is intended to consolidate the existing legislation, together with this measure, if the Bill be passed. The stock of Road Districts Acts is exhausted, and the passing of this Bill is awaited so that the Act and the amendments can be brought together in one volume. It will be seen, therefore, that the removal of the difficulties experienced by local authorities in having the original Act and so many amendments to consult is contemplated by the Bill before the House. Regarding Mr. Nicholson's attitude towards the provision for committees, I may state that in the country districts there are many agricultural and public halls which the boards build because they are the only bodies who can raise loans for the purpose. It is usual in the particular centre in which the building is erected for a committee to be elected to arrange the details of management. This is now being done in many instances, and is being done illegally. The need is apparent, and the Bill seeks to supply it. A committee, if appointed to control electric light, machinery, water supply, or other such matters, would be interfering with the statutory powers and duties of the local authorities. It is wise to grant just what the boards desire in order to meet their actual requirements and what will not be open to objection.

Hon. J. Nicholson: That is confining it to members of the board.

The CHIEF SECRETARY: To an outside committee, if necessary. There might be an advisory committee in connection with matters that are vested in the board. I will refer to that later. In several road districts there are many towns and small centres with halls in each that are better controlled in this way. I am told that many of them are now controlled by people who have no connection with road boards. In regard to the selling or otherwise disposing of land—a point raised by Mr. Nicholson—I would remind him that there are many cases in which land is given or granted from one person to another, without being a sale. Often land is disposed of by deed of gift. Surely the person disposing of the land should be required to give notice to the local authorities, and if he does not he should be liable for the payment of any rates which may afterwards become due on the land.

Hon. J. Nicholson: That is the case under the Act as it stands.

The CHIEF SECRETARY: This make is clearer. By various parts of the Act, the board has to be made aware of sales, because they have to prepare the electoral roll, and it is necessary that they should have prompt notice of the disposition of any land in order that they may discharge their duties efficiently in this respect. Notice of the demolition of a building is necessary, despite Mr. Nicholson's view to the contrary. There are towns where the land without the building would not be of any value, and sometimes the building is sold and removed

without the payment of rates. It is desirable that the interests of the local authority should be protected.

Hon. J. Nicholson: They deserve some protection.

The CHIEF SECRETARY: The provision for improving small portions of land by draining is to meet cases where several owners may be concerned. It may be that some of them cannot improve their holdings by draining without improving the holdings of their neighbours. In such a case those disinclined to pay will stand out of their obligation, and the full burden will fall on the others. There is also the question that after the land is drained the water has to be taken somewhere. This may be beyond the control of the owners of the property. Therefore, the only possible way to assist those people is to give power to the local authority to do the draining of the land; carry the water away to a safe place; and then charge the different owners their portion of the cost. This will place the matter on a basis of equity. The request is from the road boards themselves; the Swan and others. The increased power of rating to which Mr. Nicholson objects, is given principally to meet the enhanced value of material and labour during recent years. It is not possible now to do as much work for the same money as was the case 14 or 15 years ago. It is, therefore, necessary to raise rates in order to produce funds. The new lighting rate is to meet the requirements of those road boards which were previously municipalities. The provision is taken from the Municipal Act at the request of the road boards. There is full protection for the land owner in the provision, as it definitely stipulates that only those benefiting by the lighting shall be responsible for the rate. That should be satisfactory. At present a local authority can make all those within its district pay for the lighting of a town. This is actually being done at the present time by a road board for the lighting of a townsite. The question of valuations does not appear to be generally understood. Parliament has decided on the method of valuation, and the alterations now proposed in the Bill constitute an attempt to try and get the road boards to carry out the will of Parliament. To give some idea as to what this means it may be pointed out that recently, when a comparison was made between the total valuations adopted by the Commissioner of Taxation and those made by all the local authorities, it was found that those of the local authorities fell short by about five and a half million pounds. It is with a view of trying to bring about a correct and fair valuation that the amendments are made. To illustrate the position, it may be stated that some boards decide to accept the valuations of the Commissioner of Taxation, and then instead of adopting them in their entirety, they adopt only a percentage. One case can be quoted, viz., of a road board which adopted only two-thirds of the taxation valuation whilst the adjoining district adopted them in toto.

Hon. V. Hamersley: Sometimes there are good reasons for that. The local people know better.

The CHIEF SECRETARY: When valuations are shown by the auditor to be absolutely contrary to the directions of Parliament, the Minister is empowered to order that a valuation shall be made. At present it is laid down that he must make a fresh valuation. In order to avoid putting the ratepayers to the expense of a new valuation for the fault of their members, power is sought in the Bill to adopt the last valuation made by the Commissioner of Taxation, and if the Minister directs a board to adopt such a valuation—and it does so—this cannot be appealed against. A better idea of the difference in the valuations between the local authority and those of the Commissioner of Taxation can be gathered from a perusal of his report, pages 4 and 5, showing an increase for 41 road districts of £5,346,210 by the adoption of taxation values.

Hon. G. W. Miles: Is it not possible for the Commissioner to overvalue?

The CHIEF SECRETARY: The person taxed has the right to appeal.

Hon. G. W. Miles: To whom does he appeal?

The CHIEF SECRETARY: He appeals to the court. The amount of rate is within the discretion of the board, but the valuation should be on some sound basis. Mr. Harris refers to the extensive powers which it is proposed to give to Councils. In regard to libraries, halls, etc., the Act already gives boards power to maintain such when vested in or under their control, but does not authorise the building or acquiring of such. This Bill seeks to remedy that. Provision is made for the appointment of a

vice-president, and for this reason. Road boards meet only once a fortnight or once a month, and if they have to wait until then to appoint an acting chairman, in the case of the absence of the chairman, it would mean that the payment of wages and other accounts would have to stand over. There may be other matters calling for the chairman's action, or documents needing his signature. Hence the proposal for a vice-president, who will take the place of the president. In respect to the proposal regarding the abolition of a board when the general rates do not reach £600, this power is discretionary, and would only be exercised with great caution. It is safe to say that in no case would it be exercised in the North-West. There are cases in which the salary of a secretary, and the cost of maintaining an establishment, are so great that a minimum has to be fixed. Otherwise the funds of the board would be mostly eaten up by administration. Relative to the remark that Denmark would be wiped out of existence by the £600 provision, may I say that the circumstances of Denmark are entirely the fault of the board. They had it in their power to improve their position by adopting a valuation in accordance with the principles of the Act. To make this matter clear let me quote from the audit report for the year ending 30th June, 1928:—

"Valuations.—The properties situated within the town of Denmark have been revalued, and the valuations inquired into appear reasonable. The valuations of country lands have remained the same since the board came into existence. The board, for valuation purposes, have fixed valuations for first, second, and third-class lands, these values are then reduced on a zone system of distance from towns; I recommend that a revaluation of the district be made in strict conformity with the provisions of Section 214 of the Act."

If the board adopted a valuation in accordance with the principles of the Act, it is estimated that their income from general rates would amount to between £600 and £700, exclusive of the group settlements. When the groups are rateable, the income from them should be between £1,500 and £2,000 per annum. The Leonora district does not take in Menzies, which has a district road board of its own. Apart from this, last year's actual collection from rates alone amounted to £727 13s. 6d. exclusive of the loan rate. This was prior to the inclusion of the Lawlers district. As to Mount Margaret, there is no intention of merging this at present, although a suggestion to that effect was made some time back. In reply to Mr. Harris, the proposed amendment from "officer" to "employee" enables all employees to be on the one footing, instead of compensation being given solely to the secretary or other officer. Regarding the proposal for ramps or cattle pits to avoid having to open gates, the cost of erecting suitable ramps, warning boards, etc., would be heavy, and the risk of danger to the travelling public, especially in the dark, was regarded as so great as to suggest that it would be wise to leave the consideration of the question until facilities could be provided on a safer basis. I have myself travelled over some of these timber ramps in a motor car. One can safely do so at a rate not exceeding four miles per hour. Between Mt. Magnet and Youanmi I encountered some ramps constructed of tramway rails laid 6 inches apart, and over these ramps one could have raced. However, the Government are not at present prepared to approve of the suggestion that has been made, although I admit that its adoption would mean a great convenience to travellers in motor cars and indeed to the public generally. Respecting bowsers, the proposed regulations have already been drafted, and they include a restriction on persons approaching bowsers with naked lights, or whilst smoking. Mr. Mann states that the Act is riddled with omissions and defects and therefore should be replaced by a consolidating Local Government Bill. The existing Act is all right so far as it goes, but the development of the State has rendered necessary the extension of further powers to local authorities; and the Bill provides the more urgent. It is necessary to make these additions to the present law. At a later period it will be possible to submit a consolidating Bill. Mr. Mann questions the advisability of increasing the minimum of revenue from £300 to £600. Owing to the large increases in the salaries of officers of road boards, it is necessary to increase the amount respecting the minimum income from general rates: otherwise the bulk of the revenue would be expended on administration instead of on providing facilities for the travelling public and those who pay the rates. As indicating the cost of administration of some of these boards, there are six in which the percentage of cost of administration to income from rates is unduly high. I do not

wish to give the names, but I will call them A, B, and so on:—A, 56.1 per cent.; B, 46.6 per cent.; C, 38.6 per cent.; D, 36.1 per cent.; E, 35.2 per cent., and F, 31.5 per cent. The average is 40.7 per cent. of revenue paid away in salaries and administration. When any district is falling back in revenue to such an extent that the wisdom of its continuance is doubtful, every circumstance is seriously considered before a decision to abolish the board is arrived at. Mr. Mann deals with the appointment of a committee of other than members. He also seeks an interpretation of the word "utility." A reference to Clause 14 in the Bill will show that these committees are merely advisory, and cannot do anything but report to the council. The position is fairly clear in the existing Act, but there the committees can only be selected from members of the board. Clause 14 reads—

> Section one hundred and thirty-six of the principal Act is hereby amended by the addition of a subsection, as follows:—"(4) A committee shall consist of councillors only: Provided that the council may, whenever it thinks fit, appoint a committee consisting wholly or partly of persons who are not councillors, for the purpose of advising the council regarding the establishment, management, or control of any mechanics' institute, cemetery, recreation ground, hospital, agricultural hall, library, reading room, or any other institution or utility vested in or under the control of the council."

The amendment is merely to enable a committee to be appointed partly or wholly from people who are not on the council, to advise the council in regard to the management of halls, recreation grounds, hospitals, etc. It is not necessary to give an interpretation of the word "utility," for it will be seen by a perusal of Clause 14 that a utility is something which is already vested in or under the control of the council.

Hon. G. W. Miles: A council might start a butcher's shop, and call it a utility.

The CHIEF SECRETARY: Only if such a utility already existed. Some hon. members oppose the triennial elections. Annual elections may have been all right prior to the provision for dividing a district into wards. It is apparent that whilst the retirement of a third of the members representing a district which is not divided into wards would be an easy thing, it is quite a different proposition when a district is divided into wards, ranging from two to ten in number. The position created by the ward system is that when a district is divided into wards it is practically a combination of several districts, with provision for an irregular number of wards to suit the peculiar conditions of the district, and necessitating an irregular number of members. There may be a mining ward, an agricultural and a pastoral ward; and when wards are defined, the number of members is allotted by the Governor in Council under Section 20 of the Road Districts Act, largely on the basis of representation according to taxation paid. Broome district, for example, is divided into two wards with five members for the town ward, where the majority of the rates are collected, and the other part of the district is represented by two members. At Wongan-Ballidu the district is divided into ten wards, with one member each for nine wards and two members for the tenth ward. At Bridgetown the district is divided into six wards, one having four members, two wards having two members each, and three wards one member each. Bunbury road district, which is not divided into wards, has seven members. Cue-Day Dawn road district is divided into three wards with one ward having five members, one ward three members, and one ward one member. West Arthur road district is divided into four wards—three wards having two members each, and one ward three members. Upper Blackwood road district is divided into five wards, with four wards having two members each and one ward one member. Albany road district is divided into seven wards, with one member for each ward. Armadale-Kelmscott road district is divided into eight wards—five wards having two members each, and three wards one each. From what I have quoted, it should be realised that the arrangement for one-third of the members to retire each year is an impossible one. How can there be on this basis a satisfactory retirement of members each year from the wards represented by one or five members? Instead of retirement, it would practically be dismemberment. Added to this, there is the provision that the number of members to retire shall be decided by the number of votes polled respectively by the members, and that in the case of equality or doubt, the members concerned shall decide the question by lot. Another condition is that the members to retire from a district shall be those who have been longest in office without re-election, and, further, that no member may remain in office for a longer period than three years. It is laid down that the retirement of members shall be decided

by the board on or before the 14th day of February in each year; or, failing such a determination—it often fails—the Minister is called upon to make the determination. To carry out these complex conditions is frequently an unpleasant problem for all concerned. The tossing of a coin is generally resorted to, to indicate which member shall retire. I believe the Minister also resorts to the heads-and-tails method of determination. Sometimes the secretary for the time being places his own interpretation on the Act. Failing this, recourse is had to the department, and the Minister has to give a decision as to when a member has to retire, instead of the Statute clearly defining the question, as is done in this Bill. Many cases have come before the department where members of road boards have had to retire every year to comply with the board's interpretation of the Statute, and to work in with the regular number of wards. In other cases, to get at the multiple of the number to retire when two or four is the nearest number to the multiple, they retire either much sooner or much later than the term for which they are supposed to be elected, and in very few cases where a district is divided into many wards do any of the members sit for the three years, although in certain instances they should. It is about time that such a ridiculous system was ended. I hope the proposal in the Bill will be accepted. The system of triennial elections is in force, in connection with local government, both in England and Scotland. In the Act to amend the laws relating to local government in England and Wales, which was assented to in August, 1888, the provision regarding the election of county councillors is as follows:—

> The county councillors shall be elected for a term of three years, and shall then retire together and their places shall be filled by a new election . . . .

In the Act to amend the laws relating to local government in Scotland, assented to in August, 1889, there is the following provision:—

> The term of office of a councillor shall be three years, and in every third year the whole number of councillors shall go out of office, and their places shall be filled by election . . . .

In the "Times Weekly Edition" of the 26th September, 1929, there appeared the following:—

> "There will be no elections in London next November, as the metropolitan borough councillors retire as a whole every third year, and the last municipal elections took place there only 19 months ago."

The law is still in operation. In England and Scotland the system has apparently worked well. It has been in operation for over 40 years. All the great evils expected to follow from making it possible to disturb continuity of office under the Bill, have not been experienced in the Old Country, otherwise the principle would have been long since abandoned. Only in rare cases, in which a complete change in membership was merited, would continuity be affected to any great extent. I hope that the provisions relative to triennial elections will be permitted to remain, and that in other respects the Bill will not be amended so as to interfere with its usefulness.

Question put and passed.

Bill read a second time.

House adjourned at 10.4 p.m.

Legislative Assembly,

Thursday, 14th November, 1929.

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

QUESTION—SWAN RIVER CROSSINGS.

Causeway and Narrows.

Mr. CLYDESDALE asked the Minister for Works: 1, What is the estimated cost of the proposed new bridge over the Causeway? 2, Does he propose to construct a punt for vehicular traffic across the Nar-