amendment leaves Gascoyne as the Commissioners intended it should be. Leederville electorate is affected because of the boundary running through the Home of the Good Shepherd. In the case of Middle Swan and Canning a boundary runs through private subdivisions instead of a highway or a road; and thus it is most difficult for the Electoral Department to decide, in some cases, whether an elector lives in this electorate or in the other. Mt. Hawthorn and Subiaco are also involved in what I have quoted. In the case of Wagin the alteration is a mere transposition of some figures—4,150 should be 4,105, apparently a mere printer's error. The same correction is required in connection with Williams-Narrogin. I propose to lay the file on the Table. I am not asking that the Bill should be proceeded with this evening.

Hon. Sir James Mitchell: Do you need a statutory majority?

The PREMIER: I am not sure. As the Bill effects alterations in boundaries, it might be thought that there was something in the measure. However, I have given hon. members the whole of the information I have on the subject. The matter originated with the Chief Electoral Officer, and was then gone into by the chief draughtsman of the Lands Department; he put up a report which is supported by the Surveyor General and endorsed by the Commission. Only three of the proposed alterations are of any consequence; and even these affect, comparatively speaking, only a few electors. Shortly after the existing Act had passed through this Chamber, the members most closely concerned discovered that a boundary ran right through the St. John of God Hospital and the Home of the Good Shepherd, with results that would be inconvenient and confusing. I lay the file on the Table, and move—

That the Bill be now read a second time.

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

House adjourned at 9.13 p.m.

Legislative Council.

Wednesday, 13th November, 1929.

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

QUESTION—MINER'S PHTHISIS.

Hon. E. H. HARRIS asked the Honorary Minister: 1, What are the rates and conditions of compensation payable to beneficiaries under Subsection 4 (a) and (b) of Section 9 of the Miner's Phthisis Act, 1922-25"? 2, How many men have been excluded from the mining industry under Section 8, Subsection (1) of the Miner's Phthisis Act, 1922" (a) prior to 31st December, 1925; (b) since 1st January, 1926? 3, How many of these excluded men have received compensation under the (a) Miner's Phthisis Act, 1922-25"; (b) Workers' Compensation Act? 4, How many persons have been, or are receiving compensation under Subsections 4 (c) and (d) of Section 9 of the Miner's Phthisis Act, 1925"? 5, How many persons have received compensation under Section 7 of the Workers' Compensation Act?

The HONORARY MINISTER replied: 1, Married men: half wages, with an additional payment in respect of dependants, as under: wife, father, mother, grandfather, grandmother, step-father, step-mother, £1 per week each; son, daughter, illegitimate son, illegitimate daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, under 16 years, 8s. 6d. per week each; the maximum payment not to exceed the basic wage for the time being in the district. On the death of a married man his widow becomes entitled to £2 per week until re-marriage or death, but no alteration is made in the rates payable to his other dependants. Single men or widowers: half wages, with an additional payment in respect of depen-

dants as under: father, mother, grandfather, grandmother, step-father, step-mother, £1 per week; each; son, daughter, illegitimate son, illegitimate daughter, grandson, grand-daughter, step-son, step-daughter, brother, sister, half-brother, half-sister, under 16 years, 8s. 6d. per week each, the maximum payment not to exceed the basic wage for the time being in the district. On the death of a single man or widower no alteration is made in the rates payable to his dependants. In the case of partial dependants, such weekly sums shall be paid as may be determined by the Miner's Phthisis Board. With respect to an illegitimate worker, dependant includes his mother and his brothers and sisters, whether legitimate or illegitimate by the same father and mother. In all cases the maximum weekly payment shall not exceed the basic wage for the district, except in cases of extreme hardship, when the Miner's Phthisis Board may increase the amount. 2, (a) Nil; (b) 339. 3, (a) 366; (b) 3. 4, 195. 5, 37 (for miner's phthisis).

QUESTION—WHEAT, BULK HANDLING.

Hon. E. H. H. HALL asked the Chief Secretary: Have the Government considered the advisability of making provision for wheat bulk handling facilities in the construction of the new harbour works at Geraldton?

The CHIEF SECRETARY replied: Yes.

BILL—PREMIUM BONDS.

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

BILL—CREMATION.

Read a third time and returned to the Assembly, with amendments.

BILLS (2)—REPORTS OF COMMITTEE.

1, Agricultural Bank Act Amendment.

2, Reserves.

Adopted.

BILL—MAIN ROADS ACT AMENDMENT.

In Committee.

Resumed from the 6th November; Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 10—Repeal of Section 30, and substitution of new section:

The CHAIRMAN: Progress was reported on this clause. The question before the Chamber is to insert in line 3 of paragraph (b) of Subclause 5 the words "years 1926-27 and 1928-29," in lieu of the words struck out at the previous sitting.

The CHIEF SECRETARY: Mr. Stewart, in the course of his comments, prior to moving an amendment, made some statements to which I wish to reply, after consultation with the chairman of the Main Roads Board. Mr. Stewart proposes to waive the apportionments for the years 1926-1927 and 1928-1929; this would require local authorities to make payments for 30 years in respect of expenditure that was incurred during 1927-1928. That is the effect of the amendment. Exactly what Mr. Stewart intends I do not know, but I do not think he means that. I imagine he means that the local authorities shall make one payment in respect of expenditure during 1927-1928 and no more. If that is what is intended, then I should like the House to understand its effect. In waiving the payments in respect of expenditure incurred during 1926-1927, the local authorities are relieved of a yearly payment of £4,520 for 30 years, or a total of £135,000. Payments by the local authorities, under the Act, for expenditure incurred during 1927-1928 would also be required for 30 years. The annual payment for interest and sinking fund would be £3,110 which, for 30 years, would amount to £93,300, and to this must be added £4,339 for maintenance, making in all £97,639. The liability of the local authorities in respect of expenditure during 1928-1929 is estimated at £2,293 per year, which, for 30 years, would produce a total of £68,790; this, with maintenance, £17,776, makes £86,566. There are three years that have elapsed before the proposed new arrangement of contributions on percentage of traffic fees basis can have effect. It will be seen that if the liability of the local authorities for these three years is waived, they will pay £319,205 less than they would be required to pay

under the existing law. The statement which Mr. Stewart quotes as submitted by the Chairman of the Main Roads Board, sets out a 25 per cent. contribution of traffic fees by the local authorities. I should like to direct the attention of the Committee to the fact that the Bill before the House provides for a 22½ per cent.—not 25 per cent.—contribution for Class A districts, 15 per cent. contribution for Class B, and 10 per cent. for Class C. These produce an average considerably below 25 per cent. and consequently in quoting figures derived from the 25 per cent. contribution, Mr. Stewart, no doubt unwittingly, sets up a misleading position. He misled the Committee.

Hon. H. Stewart: I referred to other tables besides that relating to the 25 per cent.

The CHIEF SECRETARY: The figures that have been supplied to me by the Main Roads Board, based on the Class A, B and C percentages, show a total of £532,836 as collectable, which is based on a percentage increase of motor registrations of 7½ per cent. per annum. As against this figure, we have the estimated liability of the local authorities under the Act, amounting to £639,776, or roughly, a liability of £100,000 in excess of anticipated revenue over the period compassed by the Federal Aid Roads Agreement. The Government proposed that apportionments in respect of expenditure during 1926-1927 only be waived, and that two instalments of the apportionment in respect of expenditure during 1927-1928, and one instalment in respect of expenditure during 1928-1929, be paid. If the local authorities are relieved of their contributions under the principal Act for these three years, they will be paying nothing whatever towards the construction and upkeep of our roads during that period, seeing that the new basis of contribution will not take effect except from the 1st July last. I have told the Committee that the anticipated revenue from the Class A, B and C basis of contribution will show a deficit of approximately £100,000 over the 10 year period, based on the requirementts of the principal Act. If payments for the two years 1927-1928 and 1928-1929 are not made by the local authorities, this deficit will be increased by approximately £30,000. The figures I have quoted as purporting to show the estimated revenue derivable from traffic fee contributions are, as I have said, based on 7½ per cent. annual increase. Considerable argument has centred around this matter as will be seen from a perusal of the evidence produced before the recent select committee appointed in another place, and the figure I have quoted was ultimately decided upon. Mr. Stewart's remarks in regard to the figure of 7½ per cent., taken as the anticipated percentage increase, tend rather to throw some doubt on its reasonableness, because he quotes, for the information of hon. members, figures very much in excess. It has to be borne in mind that there must be a saturation point in respect of the number of vehicles that can be absorbed by the population, and this point is clearly brought out in the evidence of the Select Committee at page 62. In Victoria, which we may take as a guide, the percentage increase from 1924-1925 to 1925-1926 was 35.3 per cent., the following year it was 21.2 per cent. and in the year 1928-1929, 5.8 per cent.

Hon. H. Stewart: The average of the three is a long way above 7½ per cent.

The CHIEF SECRETARY: When we study these figures, I think it will be agreed that in adopting 7½ per cent. over a period of 10 years, it will not be regarded as too liberal. Mr. Stewart has made reference to the receipts from the tax on petrol, which was levied prior to the embargo placed upon it by the High Court, and has told the Committee that from this source a sum of £90,000 was collected. This figure is approximately correct, but I should like to point out that the local authorities are charged only with the obligation of meeting interest and sinking fund on one-half of the State's expenditure on construction and one-half of the State's expenditure on maintenance of main roads. It is clear, therefore, that the liability is on a 50/50 basis, State and local authorities. How is the State's obligation to be met? The money to meet that obligation must come from some tangible source; it certainly will not come down with the rain. The receipts from the petrol tax rightly go to meet the State's share of its liability under the Act. The £90,000 was not intended to meet the obligation of the local authorities under the principal Act and, as a matter of fact, it has mostly all been spent in the upkeep of the roads. In

dealing with the question of maintenance, Mr. Stewart speaks of the "exaggerated basis of £56,000 annual maintenance cost." It is very apparent that the select committee of another place did not regard the basis as exaggerated, and I think honorable members will not do so either when the position is explained to them. Under the present Act, before a road, or portion of a road, can be declared a main road, the Main Roads Board must consider its financial ability to construct and maintain it. The consequence is that such declarations are limited. So far so good, but another provision of the Act imposes an obligation on local authorities to contribute towards the cost of construction and maintenance according to the benefits they individually receive, and they must pay for these benefits, whether the work done is within or without their territory. When a road or portion of a road is declared a main road, the Main Roads Board must maintain such road or portion of road. The case I am going to quote shows how unevenly this bears on the local authorities under the present Act. To carry out certain urgent bridge work in the Bridgetown Road Board area, the road through that district was declared a main road, and automatically the cost of maintenance fell on the Main Roads Board. The road through the adjoining Board, Greenbushes, was not declared, because there was not the necessity for urgent construction work. Consequently, the cost of maintenance of the road remained with the Greenbushes Road Board. It is to be understood that this is all the one road, namely, the Donnybrook-Bridgetown road. When it came to assessing the benefit which Bridgetown and Greenbushes individually had derived from the expenditure, on construction and maintenance, that had been incurred within the Bridgetown district, it had to be recognised that Greenbushes had benefited, notwithstanding that the work was executed on a portion of the road outside her boundaries. Not only, therefore, had Greenbushes to pay for the whole of the maintenance of the road within that district (because it was not a declared main road) but had to pay a proportion of the cost of the work in Bridgetown district. On the other hand Bridgetown got a benefit from work that was done at the cost of Greenbushes solely, and paid nothing for it. I think it is clear that if the Committee agrees to the provisions of the Bill with the financial clauses I have indicated, it will be expected of the Main Roads Board that they will take over all necessary main roads and portions of them, as are at present appearing on the Federal-aid programme, thus removing such anomalies as the Bridgetown-Greenbushes one. It will be interesting to note that Victoria collects £1,000,000 per annum from license fees; all this, and more, goes in maintenance of her roads. In New South Wales the figure is approximately £1,750,000. These figures are interesting as indicative of what maintenance costs run into. The measure before us contemplates our spending only £112,000 per annum on maintenance. And now I come to the question of the understanding arrived at between the Minister for Works and the executive of the Roads Board Association. Mr. Stewart speaks of the provisions of the Bill as representing "a breach of an honourable understanding." These are strong words, which the circumstances of the case do not justify the honourable gentleman in using. At the time the letter to the Road Board Association was written the Main Roads Board had made only two assessments. In fact, only two have been made up to date. The local authorities have only asked that the first year's assessment be written off, and when they asked that the first year's assessment be written off they agreed that 25 per cent. of all the license fees throughout the State should go into the Main Roads funds. It was clearly understood between the Minister for Works and the Association that the new arrangement regarding a percentage of the license fees should operate as from July of this year, and as the local authorities only asked to be relieved of the first year's assessment it was perfectly obvious that they agreed to pay two year's assessments. There can be no doubting that fact. The wording of the clause in the letter quoted, looking back now after events have happened might not appear too clear, but the fact stands out that the local authorities only asked that the first year's assessment be written off, and that they agreed to 25 per cent. of all the traffic fees going to the Main Roads Board as from 1st July, 1929, which in itself is a clear admission of their willingness to pay the two intervening years. The Government have now agreed to accept a proposi-

tion which is a long way below the 25 per cent., the maximum being 22½ per cent. and grading made down to 10 per cent, a different proposition altogether. No specific mention is made of the *third* year; the assessment had not been made and it was for the time being apparently lost sight of by both parties. The points that are clear are: —(1) That the first year was to be written off. (2) That money should be made available from license fees as from 1st July, 1929. However, perusal of the letter quoted by Mr. Stewart as written by the Minister for Works to the Road Board Association, shows no reference to the 1st July, 1929, as being the date from which the new arrangement would operate. The letter, after referring to the second year simply says "thereafter money made available from traffic fees should meet their financial obligations." I submit if the expenditure during the third year is to have no place in the liabilities of the local authorities, because it is not specifically written, then the words "thereafter money made available from traffic fees should meet their financial obligations" might be taken inferentially that such moneys would be collectable as from 1st July, 1928, to meet the third year's obligations. I do not put this forward with any great degree of seriousness, but I do strongly hold that the third year has to be provided for and that it was never intended that it should be waived: the first year was to be waived, nothing more. There is no breach of an honourable understanding. I have shown clearly that in waiving the first year we have ceded £135,000 on the provisions of the principal Act. Surely we cannot do more. The State must meet its obligations in the matter and if its revenue is to be whittled way, this will be impossible. Mr. Stewart has quoted from a report from the executive committee of the Road Board Association purporting to show that the percentage of traffic fees collectable from local authorities should be on motor license fees only. The letter from the Road Board Association bearing on this point clearly says all license fees.

Hon. H. STEWART: A good many points have been traversed by the Chief Secretary, and every one can be answered from the evidence taken by the select committee. For example, the Chief Secretary said that in waiving the apportionment for 1926-27, the Government were waiving £135,000. I ask members to turn to the first table supplied by Mr. Tindale, and they will see that the amount the local authorities would be liable for under the assessment is half the cost of main road construction and half the cost of maintenance during that period. Half the cost of construction would represent £69,545 in 1926-27, and the amount of maintenance £182. Taking this at the present value it gives less than £69,000. In connection with the payment during that period, I have already said that the Government had the petrol license to enable them to deal with the matter, and they were not waiving much when they waived for that year, half the capital expenditure on main road construction, because they had £90,000 from petrol tax and still had £20,000 in hand. It needs a considerable amount of study to follow the four tables submitted to the select committee. I will quote evidence to show the opinion of the road board executive in regard to motor licenses as against all traffic licenses. But anyone who has perused the evidence in connection with the four tables will admit they are on a conservative basis, and that even with the estimated increase at 7½ per cent., according to the figures, quoted by the Chief Secretary, there is no justification for adopting so low an increase over a period of years. The last table presented by Mr. Tindale was worked out on the 1927-28 license fee, and those are not the latest figures available, so on that basis, at the 7½ per cent. increase it may be contended that the total revenue shown is under-estimated, as against the estimate for commitments of expenditure on construction and maintenance over a ten year's period. The Chief Secretary referrred to the attitude of the Road Board Association who said that they committed themselves to all traffic fees being taken into account. I should like to quote from the evidence given by Mr. Royal, Chairman of the Goomalling Road Board, and Chairman of the Road Boards Association. He was asked by the chairman in question 716 whether the suggestion for the 25 per cent. came from his executive, and the reply was—

> It came from me originally, and the executive agreed to it in committee. I venture to suggest that while they were talking about the 25 per cent. they had in mind only the motor license fees and not the traffic fees as well.

Then attention is drawn to the fact that his letter said, "all traffic license fees" and the answer Mr. Royal gave was—

> My executive may have overlooked the difference between motor license fees and traffic fees. In our discussions we mentioned motor license fees, and possibly when our secretary wrote the letter he used the term "traffic fees," as laid down in the Act. I feel sure that when the executive discussed the question they had in mind at the time only motor license fees. Very few horse-drawn vehicles ever use main roads, especially in the country.

The Chief Secretary was ill advised to put up the argument he had advanced in that connection. The Chief Secretary early in his speech said that if my amendment were carried and the year 1927-28 left out, the local authorities would then have to pay 6½ per cent. on half the cost of construction of main roads and half the cost of maintenance for 30 years. I have in mind that the Chief Secretary has an amendment on the Notice Paper.

The Chief Secretary: I am not going to move it.

Hon. H. STEWART: Then I shall move it. My present amendment is moved in appreciation of the Government having taken certain action. It may be necessary to recommit the Bill if the Chief Secretary does not move his amendment. Should he fail to do so, I shall certainly move it. A grave error was made by the Government in proposing the amendment originally on the Notice Paper in the name of the Chief Secretary which, without the proviso, as it was, would have assured them payment from 1927-28 onwards for 30 years. The Minister for Works, whose letter I have quoted, was negotiating with these people in July—not in May or June. I read from the Minister's letter, and I pointed out that the Road Boards executive had in mind motor traffic license fees, and that they told the Minister, who later was chairman of the select committee, that they had them in mind. The Minister apparently left the Road Boards executive with the impression that they had one payment to make, that for the year 1927-28. Now I shall read from evidence given by Mr. Sydney Stubbs, M.L.A., on behalf of the Wagin local authorities; and in connection with this evidence the Minister for Works can again be quoted independently of his letter. Replying to the chairman, Mr. Stubbs is reported in question 1081 as saying—

> It should be ascertained whether the payment of one-fourth of the licenses represents the complete liability of local authorities in regard to main roads construction and maintenance.

Such a statement should have been answered. Again, in the course of his answer to question 1082, Mr. Stubbs said—

> The Wagin Council and the Wagin Road Board would like to know if the maintenance charges against the local authorities cease when they hand over 25 per cent. of their traffic fees to the Main Roads Board.

To that Mr. McCallum responded, "That will be the position," and the witness went on to say—

> Then charges against the local authorities will be automatically wiped out.

Thereupon Mr. McCallum said—

> When I placed before the local authorities the proposal to take 33⅓ per cent. of the traffic fees, the idea was to take over the whole of the main roads from July last, and the local authorities then would have been relieved of all responsibility immediately. Mr. Tindale will be back on Friday, and we will ascertain from him just what his ideas are as to when he will be able to take over the main roads. We desire to fix a definite date when we will be able to relieve the local authorities of their obligations respecting main roads.

To this the witness replied—

> The local authorities will be glad to know that.

That is not as definite as one would like, but the position was cited there before the select committee, and the select committee's chairman did not clarify the position. His words could reasonably be interpreted to mean that the obligation would cease, and that the local authorities need not worry further about it. I quote again from the letter addressed to the Road Boards Association by the Minister for Works on the 16th July, 1929—

> In response to the suggestion made by your representatives, and for reasons then given, I agree, when introducing the necessary amending legislation, to ask for power to write off the charges which had been levied by the Main Roads Board covering the first year of its operations, the local authorities to meet the charges in respect of the second year's operations. Thereafter moneys made available from traffic fees should meet their financial obligations.

I submit that what was expected by the local authorities was that they would have only one payment to make in that connection.

The CHIEF SECRETARY: It is difficult or impossible to know what the percentage increase of license fees will be. Last year in Victoria the increase was only 5.8 per cent.; the previous year it was 21 per cent. Eventually the saturation point must be reached, when no more cars will be licensed. However, what was the compact made between the Government and the Road Boards Association? I have it here in black and white. On the 18th July, 1929, Mr. E. H. Rosman, Secretary of the Road Boards Association of Western Australia, wrote as follows to the Minister for Works—

I acknowledge the receipt of your letter of the 16th inst. relative to main road expenditure allocated to local authorities by the Main Roads Board, and I have to advise that same received the consideration of the executive committee of the association at its meeting held on the 17th inst. The committee desires me to express to you its appreciation of the very courteous manner in which you have received its requests on behalf of road boards generally and to thank you for the clear and concise summary of the position that obtains in regard to main road construction and maintenance under the Federal-State road scheme.

Now comes the important passage—

After carefully observing the contents of your letter, in view of the motion carried at the last conference of road board delegates held in Perth in August, 1928, viz.:—"That all traffic license fees outside the metropolitan area shall be an inalienable source of road board revenue," the committee does not feel justified in agreeing to recommend more than 25 per cent. of all traffic license fees collected by local authorities (excluding those in the North and North-West portions of the State) shall be kept in trust for main road expenditure as outlined in your letter.

What does that mean—25 per cent. of all traffic license fees collected by local authorities to be handed over?

Hon. H. Stewart: I have read the chairman's opinion on that letter. That is the second letter.

The CHIEF SECRETARY: As the Committee know, the fees came under different heads—22½ per cent., 12½ per cent., and 10 per cent. On the 18th July, 1929, the Secretary of the Road Boards Association agreed to 25 per cent. of all the traffic license fees going towards Main Roads Board expenditure. He goes on to say—

The executive committee is pleased to note that you are agreeable to requesting the necessary legislative power to write off the charges that have been levied by the Main Roads Board for the first year of its operations, and trusts that such will be made effective.

They are very pleased indeed at the proposal. Now Mr. Stewart wishes to amend the Bill so that the State would suffer an immense loss, although the hon. member is himself responsible for the particular section of the Act which has brought about the present position.

Hon. J. EWING: In opposition to the Minister's statement, I have to say that I attended a meeting in Collie of the South-West Development Conference three or four months ago, when strong exception was taken to the action of the Road Boards Association. The conference contended that the maximum in respect of traffic fees should be 10 per cent. Mr. McCallum, no doubt, has the letter which the Chief Secretary has read; but members of road boards in the South-West are not in agreement with the executive.

The Chief Secretary: Some of them do not want to pay anything.

Hon. J. EWING: Under Section 30 the road boards can never know where they stand. However, the payment under that section was to be waived in 1926-27. Now the amendment proposes to add another year of waiving. If the amendment is carried, I understand from the Minister, the assessment of 7½ per cent. for interest and sinking fund will go on for 30 years. If that is so, the carrying of the amendment will make that stand. The Minister has an amendment on the Notice Paper. I hope he will move his amendment.

Hon. H. Stewart: If he does not, I will.

Hon J. EWING: The 22½ per cent. decided upon by the Government is not approved by the road boards of the South-West, nor, I understand, by the road boards of the Great Southern district. I had it in mind to move that the assessment be reduced to 10 per cent., but I do not think it is worth doing now. I understand that if the present amendment is not carried, the Minister will move his amendment.

Hon. H. STEWART: Actually I am supporting the Bill, and I want to give the Government all the revenue they require to replace what will be lost with the repeal of Section 30 of the Act. The select committee decided upon a fair compromise regarding the percentages to be taken, and I accepted it. The Minister in his letter said

he wanted one payment, and I accepted that, as the Road Boards Association accepted it. Then the select committee modified the arrangement, still providing sufficient funds for the Government. The intention was that there should be one payment for 1927-28, and my intention is to enable the Minister to get what he thought he was getting, namely this one payment for 1927-28.

Hon. G. W. Miles: What is the estimated amount for that year?

Hon. H. STEWART: It is £7,449. The Minister said I wanted to deprive the Government of £130,000. Actually my amendment proposes to take from the Government £20,000 beyond what were the intentions of the Government in accordance with the Minister's amendment on the Notice Paper. If the Minister does not move his amendment on the Notice Paper I intend to move it, but to strike out the words "two contributions" and insert in lieu thereof "one contribution," so that payment shall be made for the one year only. Although I raised the question that the executive of the Road Boards Association did not mean vehicle licenses, but meant motor licenses, nevertheless the letter went and the mistake occurred. However, the Bill provides for all these vehicle licenses. Let me just read this extract from Mr. Royal's evidence before the select committee—

712. By Mr. Lindsay: When you agreed to the 25 per cent. you had some information before you dealing with 30 years on main road activities?—That information was given to us by the chairman of the Main Roads Board.

713. The Main Roads Act deals particularly with the Federal aid road grant and the Act expires in 1936. We have to deal with that period. Your executive were given information as to the actual collections from the local governing bodies and the amount to be charged to them in that period?—We have the information before us. The estimated charges for a period of ten years on construction work are—for the first year £4,680, and at the end of the ten years £46,800.

714. The figures we have been given by the Main Roads Board show the total yield of revenue and the liabilities each year. The total to be collected from the local governing bodies at the end of 1935-36, on the basis of 7s. 6d. being part of the 15s. paid by the State, is £551,236. We are also shown that, the amount to be received under the system of 25 per cent., with 10 per cent. increase each year, is £810,208. You will be paying approximately £250,000 more in that period than you will be charged?—That would be on the 10 per cent. basis.

715. On the five per cent. basis it will be £698,000, and the road board figures are £551,236. I do not suppose your executive will agree that any charges should be made that will exceed the amount you are charged under the Act?—My executive have in mind that an amount sufficient to cover requirements under the Act should be taken out of the traffic fees up to 25 per cent.

716. Your idea was that this should not be more than 25 per cent?—We had that in mind, but had no figures to go upon. The matter was discussed at the last executive meeting without any data to guide us.

The select committee arrived at what they considered to be a fair thing, deciding to take from the local authorities their traffic fees in order to meet certain expenditure, but the feeling was that the local authorities expected to make one payment, namely for the year 1927-28. That is borne out by the letters sent to the department.

Hon. G. W. MILES: The conclusion I have come to is that if Mr. Stewart's amendment is carried the Government will waive the amounts of £2,293 and £17,776 for the year 1928-29. Also if the amendment be carried it will be necessary to provide that the liability of the local authorities shall cease on receipt by the Treasurer of the payment in respect of the year 1927-28. That is all that will be necessary. I recommend that we support Mr. Stewart's amendment. Then if another place does not agree, a conference can be held.

The CHAIRMAN: Before putting the question I warn the Committee that if the amendment be lost, no part of it can be subsequently moved in this Committee. If any member desires to have a vote taken on one year only, it is open to him to move an amendment on Mr. Stewart's amendment, deleting the word "years" and inserting the word "year."

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

Ayes	11
Noes	9
Majority for	2

AYES.

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

Noes.

Hon. J. R. Brown	Hon. J. J. Holmes
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. J. T. Franklin	Hon. J. Nicholson
Hon. C. Fraser	Hon. H. Seddon
Hon. E. H. Harris	(*Teller.*)

Amendment thus passed.

Hon. H. STEWART: I move an amendment—

That the following subclause be inserted:—The repeal of Section 30 of the principal Act shall not (except as provided by Subsection 5 of the substituted section) affect its application to expenditure on permanent works and maintenance on main roads to the 30th day of June, 1929; and to enable the board to apportion half the amount of such expenditure, and to determine the matters referred to in paragraph (a), (b), and (c) of Subsection 1 of the said section, it shall be deemed to continue in operation until such apportionment is made and such matters are determined. Provided that the liability of local authorities under the said section shall cease on receipt by the Treasurer of the first year's payments in respect of expenditure during 1927-1928.

An amendment somewhat to this effect appears on the Notice Paper in the name of the Chief Secretary, but I have made alterations to it.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That the following subclause be inserted:—(6) If Parliament shall impose any tax on motor spirit sold or consumed within the State, or on the vendors or consumers thereof as such, or shall authorise the exaction of any license fee calculated on the amount of any such spirit so sold, then the amount received from any such tax or license fees during any financial year shall be applied in the first instance, as to one part thereof, in reduction or extinguishment of the percentage to be appropriated for that or the next succeeding year under Subsection 2 hereof; and as to the other part thereof, in the extinguishment or proportionate reduction of the contributions to be made for that or the next succeeding year by the various local authorities under Subsection 1 hereof: Provided that such parts as aforesaid shall be fixed by the Minister in proportion, as nearly as may be, to the amounts contributed, for the last preceding financial year, to the Main Roads Contributions Trust Account under Subsection 2 and Subsection 1 hereof respectively.

The CHAIRMAN: I rule the amendment out of order on the ground that it is a direct contravention of Section 46 of the Constitution.

Clause, as previously amended, agreed to.

Clause 11—Deputations:

Hon. H. STEWART: I move an amendment—

That after "deputation" the words "in which a member of Parliament takes part or at which he is present" be inserted.

The amendment would restore the clause to the wording contained in the Bill as originally introduced in another place. From what I have seen and have gleaned from my reading of the select committee's reports, it would be inadvisable for the Main Roads Board not to receive deputations. It would be better if the Chairman of the Main Roads Board were put in a position comparable with that of the Commissioner of Railways, and were permitted to receive deputations unaccompanied by members of Parliament.

Hon. G. A. KEMPTON: I regret that Mr. Stewart has moved his amendment. It would be better to delete the clause. When road board members come from outback parts, it is difficult for them to find their way about, and often they request members to accompany them, not so much to interview the Chairman of the Main Roads Board as to introduce them. Section 80 of the Government Railways Act contains a similar provision, but the railways run in more or less settled areas whereas the roads extend far out, and it is impossible for the Minister to know anything about them. If a deputation could go to the Chairman of the Main Roads Board, he could produce plans and probably quickly satisfy the deputation on any question about which doubt existed.

Hon. W. J. MANN: I hope the clause will be deleted for several reasons. The main one is that much help has been given to the Main Roads Board by deputations from different parts of the State. The position of the Commissioner of Railways is not analogous. The railways are a stabilised industry calling for men trained in that particular work, but road construction varies in different parts of the State. I have a clear recollection of the assistance rendered to the Main Roads Board in the South-West Province. The board commenced to make the road between Bunbury and Capel. Gravel was sought and what was considered excellent material was found. The local authority, having had previous experience of the material, got into touch with their member and asked him to tell the board that the material was of no use as it would not last. They pointed out another kind of gravel

which years of use had proved to be an excellent road-making material. The board heeded the suggestion and the result is that quite a lot of roads in the district are being covered with the coarse grit. Whereas the ordinary gravel corrugates, the grit wears for quite a long time without showing any indications of corrugation. It may be said that the road board could have gone to the Minister. Had they done so, the Minister would have pased on the information, but there would not have been the force of personal experience behind it, and possibly the road would have been made of the wrong kind of material. Instances of the kind could be multiplied. Much of the trouble experienced in main roads construction during the early period was the result of the Main Roads Board having gone straight to work without making any inquiries into local conditions. Had the board in the early days more frequently consulted the local authorities and gained their confidence, I believe a lot of money would have been saved. I agree with Mr. Kempton that five minutes in the Main Roads Board office with the plans and files would do more good than a dozen visits to the Minister. The clause might well be deleted.

The CHIEF SECRETARY: The Minister is the proper person to receive these deputations. The Governor has the final say in these matters, and decides how the money shall be expended. All monies received by the Main Roads Board trust account must be applied in such manner and in such proportions as the Governor on the recommendation of the board shall from time to time determine. It would be useless to get a decision from the board on the question of the construction or maintenance of roads unless the consent of the Governor was also obtained. The proposition might be turned down. If a deputation waited upon the Minister the chairman of the board would be present, and the matter could be finalised. If deputations were allowed to wait on the Main Roads Board it would be a temptation to the 127 local authorities in the State to interview the board. I am advised that already the time of the board is largely taken up in this way, and that very often it is taken up unprofitably through members of Parliament taking deputations to them. The Chairman of the Main Roads Board told me this about 12 months ago. He desires that members of Parliament should be placed on the same plane as they are under the Railways Act. The matter has already been considered by a select committee of another place, which indeed proposed to restrict all deputations.

Hon. G. W. Miles: Are you opposed to Mr. Stewart's amendment?

The CHIEF SECRETARY: I am inclined to accept it.

Hon. H. SEDDON: Mr. Stewart's amendment would overcome the difficulty. No member of Parliament would then accompany any deputation which waited on the Main Roads Board. Many matters could be arranged in a few minutes between a local authority and the board, about which it would not be necessary to take up the Minister's time. Questions involving the expenditure of large sums could well be introduced to the Minister by a member of Parliament.

Hon. J. EWING: I support the amendment. When a local authority meets the central board some practical business is sure to be done. Local authorities know a great deal about their districts and their advice is generally valuable. I hope every facility will be afforded to permit of these interviews taking place. The Main Roads Board have gained much valuable information as a result of intercourse with the road boards.

Hon. H. STEWART: If any matters of a political nature have to be discussed it is right that a deputation should go straight to the Minister. I hope the procedure that has operated in the past whereby the Main Roads Board have kept in touch with the communities in different parts of the State, will be continued. My amendment means that the Main Roads Board will not be able to receive deputations that are introduced by a member of Parliament.

Hon. G. A. KEMPTON: It is very often the desire of country people that they should be accompanied on deputations by their member, but I shall be satisfied if local authorities are given the right to approach the Main Roads Board even without their member.

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

New Clause:

Hon. G. A. KEMPTON: I move—

That a new clause be inserted as follows:—"A section is inserted in the principal Act, as follows:—18a. Where the board reconstructs an existing road, or builds a new road,

it shall provide equal facilities of access to such road for adjoining owners as existed prior to such reconstruction or building.''

Many land owners have pointed out to me the inconvenience they have suffered when their main exits have been obstructed by work that is being done by the Main Roads Board on the thoroughfare running past their properties. In some cases it has been impossible for them to get out of their properties until they have built culverts or done some other kind of work. The cost of doing this will fall heavily upon property owners unless they are assisted by the Main Roads Board. The passing of this new clause will certainly make for amicable relations between property owners and the Main Roads Board.

The CHIEF SECRETARY: I am advised that the proposed new clause would lead to wholesale litigation. The Main Roads Board may decide to make a road from which the owners of adjoining property would derive considerable benefit. In the course of the work it may be necessary to construct a cutting through a hill, and in so doing render it necessary for the owner of some property to travel 150 yards from his exit in order to reach the road. Bearing in mind the words "equal access" we can see that the Main Roads Board would be obliged to provide the owner with facilities equal to those which he previously enjoyed If this is made to apply to the Main Roads Board, why not also to local authorities generally? It would, however, lead to endless litigation. This has never been the law throughout the British Dominions. When local authorities construct roads they are relieved of the obligation to provide equal facilities of access. It is impracticable in many cases to do so.

Hon. E. H. GRAY: This new clause cannot logically be supported by Country Party members. Not long ago people in the country were glad enough to get a road past their property, and did not object to having to do a little bit of work in order to get on to the road. It is not reasonable to embody this proposition in the Bill. Most farmers would not expect such a dangerous provision.

Hon. G. A. KEMPTON: I should be quite willing to leave out the word "equal" so that the owners might be given some facilities of access. I believe, in the case of the Canning-road, the Main Roads Board were obliged to afford facilities of access to numbers of persons who were affected by the cuttings and embankments.

Hon. E. H. Gray: Not in the case of the Canning-road. Hundreds of blocks were not given access to it.

Hon. G. A. KEMPTON: One of the engineers told me it had been done, but it cost so much money it had been decided not to do it again. It is right that the Main Roads Board should give facilities to property owners when they construct huge drains alongside their gates.

New clause put and a division called for.

The CHAIRMAN: Before the division is taken, I announce I will give my deliberate vote with the Noes.

Division taken with the following result:—

Ayes	..	..	11
Noes	..	..	11
A tie	..	..	0

AYES.

Hon. C. F. Baxter	Hon. E. Rose
Hon. J. Ewing	Hon. H. Seddon
Hon. E. H. H. Hall	Hon. H. A. Stephenson
Hon. V. Hamersley	Hon. H. J. Yelland
Hon G. A Kempton	Hon. H. Stewart
Hon. A. Lovekin	(*Teller.*)

NOES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. Cornell	Hon. W. J. Mann
Hon. J. M. Drew	Hon. G. W. Miles
Hon. G Fraser	Hon. J. Nicholson
Hon. E. H. Gray	Hon. E. H. Harris
Hon. J. J. Holmes	(*Teller.*)

The CHAIRMAN: As the voting is equal, the question is resolved in the negative.

Sitting suspended from 6.15 to 7.30 p.m.

New Clause.

Hon. G. A. KEMPTON: I move—

That a new clause be inserted as follows:—''29a. Where the board carts over roads belonging to local authorities material for the construction of roads, the board shall be responsible for paying to the local authority the cost of repairing and reinstating such roads in the same condition as they were prior to the carting over them of such material.''

When the engineers of the Main Roads Board are constructing a main road, it is often necessary to cart the material over subsidiary roads belonging to local authorities, with the result that the more lightly con-

structed roads are seriously damaged. It would mean great expense to the local authorities to place those roads in a proper state of repair, and it would be merely fair for the Main Roads Board to repair the subsidiary roads and leave them in the state they found them.

Hon. G. Fraser: Don't you think the local authorities get compensation through the provision of the new roads?

The CHIEF SECRETARY: I quite understand that the hon. member has been impelled to take this action owing to representations by some of the local authorities. There is an agitation in some quarters for such a provision, but it seems to me that such efforts on the part of the local authorities concerned represents base ingratitude. Considerable sums of money have been spent by the Main Roads Board in the construction of main and developmental roads. The provision of splendid roads has improved the value of properties in the districts concerned, with a consequent increase in the rates derived by the local authorities. It seems to me to be a most unfair proposition that the Main Roads Board should be asked to place the subsidiary roads in the condition they were in before the major work was commenced. Even if the amendment be carried, it cannot have the slightest effect. This matter was submitted by a South Australian Minister at a conference of Federal and State Ministers two or three years ago in Melbourne, and the Federal Government absolutely refused to approve of the expenditure of any Federal money in that direction.

Hon. V. Hamersley: But that Government has been defeated.

The CHIEF SECRETARY: There has been a change of Government, and hon. members may have hopes, but I do not place much confidence in their expectations.

Hon. V. HAMERSLEY: There is no harm in trying. It is all very well to say that there has been an enormous improvement in various districts because of the construction of main roads, but I am thinking of the unfortunate men in the country districts who have to pay extra rates without securing any benefit from the expenditure on main roads. Owing to their roads having been destroyed, they are not able to reach the main roads. There are miles of country roads that have been cut up by the Main Roads Board, and the local authorities have no money with which to repair them. I think the local authorities so affected should receive some refund, or else their roads should be reconstructed at the expense of the Main Roads Board. Probably a feeling against the last Federal Government may have contributed to their defeat, and we should make a further appeal to the new Government.

Hon. E. H. H. HALL: I take exception to the words of the Chief Secretary, who is generally noted for his courtesy in replying to hon. members. He used the words "base ingratitude." One would suppose that the money spent on main roads was a present to the people, but that is not so. All the money used had to come from the people themselves, and now they are called upon to pay for the reconstruction of their subsidiary roads. To suggest that the people should go down on their knees to thank the Federal and State Governments for spending their own money is ridiculous.

Hon. A. Lovekin: They have taken the money out of your pocket, and you cannot get it back now. That is the trouble.

Hon. E. H. H. HALL: I think a lot of the damage could have been avoided, had a little care been exercised. Now that the Main Roads Board is working in greater harmony with the local authorities, perhaps some measures can be taken to prevent unnecessary damage in the future.

Hon. J. NICHOLSON: I assume the object of the amendment is to minimise the damage to subsidiary roads in future. The Chief Secretary is fully alive to the position. If we could insert some provision in the Bill that would result in a greater degree of care being exercised, it would be worth while. I appreciate the fact that the money must come out of the pockets of the people whether it is expended in repairing the damage or in the construction of the main road itself.

The Chief Secretary: Then why not leave things as they are?

Hon. J. NICHOLSON: It will probably be helpful if we ventilate this matter, because it may induce the engineers of the Main Roads Board to see that greater care is exercised in the future.

Hon. G. Fraser: They will not get us very far.

Hon. J. NICHOLSON: It may assist us to a certain extent. Local authorities are greatly handicapped, owing to the lack of funds, in repairing the damage caused to their roads. I admit the benefit conferred

on the district through the construction of a main road, but I think the damage done to subsidiary roads could be minimised.

Hon. G. W. MILES: I hope the Committee will agree to the new clause. I think the chairman of the Main Roads Board recognises it is right that something should be done to place the roads in the condition in which they were found before the traffic was diverted over them. Always certain damage is done by the diversion of traffic while a road is being constructed, and it is not fair to ask the local bodies to find the money to repair the damage done.

The CHIEF SECRETARY: Mr. Hall stated that the money for effecting these repairs must come out of the pockets of the people. That is so. Mr. Nicholson also told us that the money spent by local authorities comes out of the pockets of the people. Then why is there need for a suggestion such as that of Mr. Kempton? If it comes out of the coffers of the Main Roads Board, additional taxation will have to be imposed and the section of the constituency involved will still have to pay its proportion. I have already stated that the Main Roads Board now inserts a provision in its contracts that contractors must leave roads that they utilise in as good a state of repair as that in which they found them.

Hon. G. W. Miles: Then there is no harm in inserting the clause.

Hon. G. Fraser: The argument is between the local authority and the contractor.

The CHIEF SECRETARY: If contractors are not carrying out their obligations, they should be reported by the local authorities. Nine-tenths of the work is now being done by contract.

Hon. G. A. KEMPTON: I am glad to hear that provision is now being made that roads shall be left in the condition in which they were before the repairs were begun. Consequently there should not be any hesitancy about accepting my amendment. Very often the Main Roads Board spends perhaps a thousand pounds on one part of a road, and that work is done in the middle of winter, and the roads over which materials are carted are left in such a state that it costs the local authority a considerable sum to put them in order. As the money must come from somewhere, it is better that it should be provided by the Main Roads Board.

Hon. G. W. MILES: I would state a case in point. The main road between Perth and York is used by all residents away out east of the Great Southern more than by those around the Darling Range district. To-day in the vicinity of the railway crossing at Greenmount the traffic is diverted while the road is being constructed. Why should the local authority be expected to put the road back into the same state at it was in before the Main Roads Board started the work.

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

Ayes	..	..	12
Noes	..	..	6
Majority for		..	6

AYES.

Hon. J. Ewing	Hon. W. J. Mann
Hon. E. H. H. Hall	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. E. H. Harris	Hon. H. Stewart
Hon. G. A. Kempton	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. G. W. Miles (*Teller.*)

NOES.

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

New clause thus passed.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. G. A. Kempton, Bill recommitted for the purpose of reconsidering new Clause 18a.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

New Clause:

Hon. G. A. KEMPTON: I move—

That the following new clause be inserted to stand as Clause 18a:—"A section is inserted in the principal Act as follows:—'Where the board reconstructs an existing road, or builds a new road, a reasonable entrance way from such road shall be provided to the main entrance of each of the properties adjoining and having a frontage to such road.'"

It is important that there should be some such provision in the Bill to enable people who have properties adjoining new roads to have access to those properties. I am sure such an amendment will meet with the approval of the Committee. This is a matter

of vital importance to adjoining property owners. It has been brought home to me time after time, and country people feel strongly about it.

The CHIEF SECRETARY: I am not prepared to approve of the new clause in its new form without careful consideration. It has been sprung on the Committee. I should prefer to see it on the Notice Paper.

Progress reported.

BILL—REDISTRIBUTION OF SEATS ACT AMENDMENT.

Received from the Assembly, and read a first time.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. G. A. KEMPTON (Central) [8.6]: I am glad the Government have seen fit to propose amendments to the existing Act; but, like Mr. Nicholson, I regret they did not bring down a consolidating measure, because amendments of the kind here contemplated, frequently lead to confusion. The time is overdue for this Bill, as also for amendment or consolidation of the Municipalities Act, and probably also for the introduction of an Act for the municipality of Perth, which should have a separate measure. Many members have gone into the present Bill most carefully, especially Mr. Nicholson, who dealt with the measure almost clause by clause. There is no need for me to discuss the Bill in that way, but there are one or two matters on which I have a few words to say. One is the proposed change of name from "road board" to "district council." I regard that as a mistake. In connection with almost every Western Australian town, there is firstly a town council, and secondly a road board for the surrounding district. Examples are:—The Perth City Council and the Perth Road Board, the Geraldton Municipal Council and the Geraldton Road Board; the same thing applies to Bunbury and Busselton, and to towns in in the Great Southern district. The suggested alteration can only lead to confusion. Not one of us has the slightest wish in any way to lower the status of road boards. We rather desire to raise that status. We all feel that road boards do fine work in the local government of Western Australia. Another mistake is to alter the name of "road board member" to "councillor." This may be a minor matter, but such changes often lead to much confusion. Another clause to which various members have drawn attention is that doubling the minimum revenue for the general rate—raising the amount from £300 to £600. It may mean the extinction of many small road boards. Certainly, the Bill does not say that this "shall" happen, but merely that it "may." In a large country of such small population as Western Australia, and a country growing with such wonderful rapidity, it is a mistake to reduce the work of the road boards in any way, because in the outback districts these bodies render fine service to the community. Indeed, without their assistance it would be impossible for any Western Australian Government to carry on. The clause proposing what may be termed a general municipal election every three years represents, to my mind, the great fault of the Bill. Triennial elections would mean dislocation of the work of road boards. Road boards differ even from municipalities, their outskirts being so much further removed from the central office. It often happens that the works committee of a road board visit distant areas, have conferences with the residents there, and arrange work for perhaps two or three years ahead. Now, it is just possible that at a general election all the members of the works committee might be defeated.

Hon. G. Fraser: If they were, there would be good reason for it.

Hon. G. A. KEMPTON: Not invariably. Something might occur to make them go out and the electors might be very sorry afterwards. That is the case not infrequently. All road board members to whom I have spoken on the subject are against the clause, describing it as bad, and as likely to lead to dislocation of the work of local authorities. Therefore, I consider the Chamber would do well to delete the clause. Still, that is a matter for discussion during the Committee stage. Numerous other matters connected with the measure might be debated, but several members have already gone into them thoroughly, and there will

be opportunities for detailed discussion in Committee. Accordingly I shall not take up much of the time of the House with a second reading speech. I have received a communication from a local authority concerning a comparatively minor matter, as to which I shall move an amendment; and I feel sure the Chief Secretary will be willing to accept that amendment. The provision dealing with elections of road board members says:—

> Before and in time for every such election the returning officer shall cause to be printed a sufficient number of ballot papers in the prescribed form, and each such ballot paper shall be initialled by such returning officer on the back thereof: Provided always that the initials of such returning officer may be lithographed or stamped by him or under his authority.

My correspondents say the present system causes much confusion, sometimes involves the destruction of many ballot papers, and occasionally results in an insufficient number of ballot papers being sent out. My amendment consists in an additional proviso, as follows:—

> Provided further that where there are other polling places the ballot papers shall be initialled by the deputy returning officer presiding thereat.

That amendment is considered necessary to make the working of elections satisfactory. As the various clauses come along in Committee, a number of small amendments may be moved to improve the Bill. I am pleased that the measure has been introduced to correct the numerous anomalies in the existing Act.

HON. G. FRASER (West) [8.13]: Like Mr. Kempton, I propose to deal briefly with this voluminous Bill, to the debate on which during the past two weeks I have listened attentively. Unfortunately I did not hear Mr. Nicholson's second reading speech, but I feel sure the hon. member would deal with the measure in his customary thorough and lawyer-like fashion. I regret I was not present when he spoke. The main objection raised to the Bill apparently has reference to the change of name from "road board" to "district council." This must be rather a good Bill, when objections are raised only to minor details of that nature.

Hon. E. H. Harris: Wait till we get into Committee.

Hon. G. FRASER: I do not anticipate things; I take them as they come. The outstanding objection raised in the second reading speeches of various members relates to the change of name.

Hon. E. H. Harris: The party anticipated a good deal when they drafted the Bill.

Hon. G. FRASER: I was not concerned in the drafting of the Bill.

Hon. E. H. Harris: Neither was I.

Hon. G. FRASER: I do not know what the party expected. Evidently the hon. member interjecting is one of those optimists who expects something. I expect nothing. The proposed change of name seems to me perfectly sensible. Unquestionably, when road boards were established, they were road boards pure and simple; but they have gone beyond that stage now, dealing with electric lighting and other important activities.

Hon. G. W. Miles: "What's in a name?"

Hon. G. FRASER: I merely say that the change of name is one of the points raised during the second reading debate. It is only right that members of a road board should be permitted to use the title of "Councillors." Those men give a great deal of time to their work, and if there is any honour in having a tag to one's name they are entitled to it, perhaps more so than are members of municipal councils.

Hon. G. A. Kempton: It will lead to confusion.

Hon. G. FRASER: I do not think so. There is no confusion in the metropolitan area now, although we have many municipalities adjoining one another. Why should there be confusion in country districts?

Hon. G. A. Kempton: There will be confusion in the post office.

Hon. G. FRASER: How can that be? There will not be any confusion whatever, not even in the post office. The only other objection raised in the course of the debate was to the proposed change from annual to triennial elections, when the whole of a local authority will retire.

Hon. E. H. Harris: The objection is warranted, too.

Hon. G. FRASER: I fail to see it. Mr. Mann has told us the South-West districts are in favour of the proposed change. The chief argument against it is that there will not be continuity of policy in a local authority. But there are two sides to that. At present if a road board is not carrying out a satisfactory policy the ratepayers cannot

deal with the board as a whole, for the members come out separately and it would take three years to account for all of them. Even under the Bill they will come out only once in three years, so where is there room for argument? I fail to see why there should be all this rumpus because all of the councillors are to retire every three years, and if, as Mr. Kempton suggested, there may be some minor question clouding the issue, who but the ratepayers are to pay for the mistakes? I have not heard any valid argument for the retention of the present system of annual elections. There are several road boards in my Province, and so far I have not received from them any objection to the Bill.

Hon. J. Nicholson: Have they studied it?

Hon. G. FRASER: I sent copies of the Bill to them. I cannot say whether they have studied it, but I have reason to believe that they have, and since none of them has requested me to oppose any provision in the Bill, I take it they are satisfied with the measure. I hope the second reading will be carried.

HON. E. ROSE (South-West) [8.21]: I will support the second reading. The Bill is one rather for the Committee stage than for second-reading debate. There are a few clauses to which I take exception. One is that providing for the abolition of the smaller boards. It would be a great mistake to abolish boards merely because their revenue does not reach £600 per annum. Road board members give up a lot of their time to their work and render invaluable services to their district. We have boards covering big areas of poor country. Then take, for instance, Greenbushes, in my province. That is a small board, but in two or three years' time it will greatly increase its revenue, because there are now many group settlers in the district, who, however, have not yet been called upon to pay rates. Again, a lot of that country is reserved for forest areas, which I hope will be thrown open to settlement before long.

Hon. G. W. Miles: Timber is a better asset for the country than produce, is it not?

Hon. E. ROSE: Certainly not. The country has to wait so many years for the timber to mature, whereas from fruit or dairying we receive a big revenue every year; and, further, those industries carry a larger population than is required for timber. Another clause I should like to see amended is that providing that 21 days' notice shall be given of accidents resulting in serious injury. If an accident were to happen to-morrow and the injuries caused to some person did not within 21 days develop sufficiently to warrant reporting, what would be the result? I think that clause requires clearer wording. As to changing the title of road board to that of road council, we know that in the Eastern States similar bodies are termed shire councils. I do not know whether the proposed change of name will lead to confusion, as some members seem to fear. But what are we going to call the Main Roads Board? Is that to remain the Main Roads Board, or is it to become the Main Roads Council? The proposed alteration in the election of members of local authorities does not appeal to me. I would prefer to see the present system continued. Under that system we can get a stable policy, and it must be remembered that not infrequently two or three years are required for the framing and developing of a policy. If the whole of the board were to come out at one time, we would subsequently have all new members of the board, none of them having a sufficient knowledge of the established policy of the old board. So I think we might well amend that clause in Committee. I must admit that the South-West Road Board Conference favoured the proposed change, and so I suppose we members representing the South-West should support the request of the conference. However, personally, I prefer the existing system to that proposed in the Bill.

On motion by Chief Secretary, debate adjourned.

BILL—MENTAL DEFICIENCY.

Second Reading.

Debate resumed from the previous day.

HON. A. LOVEKIN (Metropolitan) [8.28]: In the first place I desire to say that I welcome the Bill as a step in the right direction, towards grappling with one of the most serious problems that menace the human race. We may also congratulate the Government on declaring it a non-party measure, and the Minister on the way he introduced it. Those who have given any attention to the subject are convinced that,

from various causes, which I need not now stress, our race, as Professor McDougall declares, is decaying from the top and growing from the bottom. We are not perpetuating our species from the ripe fruit which is to be found in the uppermost parts of the tree, but from the weeds which grow apace at the bottom. As I desire to go somewhat further than Dr. Saw, it will be necessary for me to supply the reasons. In many cases I can bear personal testimony from my experience at the Children's Court. Out of scores of instances, let me provide a few examples. In one case was a man who evidenced feeble-mindedness. I remind the House that whereas insanity may be curable, feeble-mindedness is never curable, because the matter has never been there to cure. The man's wife was in a lunatic asylum. The progeny numbered 10. He was an unskilled worker in receipt of the basic wage, whenever he had a job. Five of the children were already on the State, and the poor fellow was trying to grapple with the others as best he could. There is no need to have recourse to the theories of Mendel on heredity to form a judgment as to what future generations of this family will bring forth. We know from world-wide experience, and the evidence which is contained in many text books on the subject, that roughly 60 per cent. of the progeny of a feeble-minded man and woman will also be feeble-minded if nothing worse. We know also on the same evidence that approximately 40 per cent. will be feeble-minded if only one of the parents is feeble-minded. It is a curious fact that the law of Mendel gives about the same percentage in sweet peas and other things that he tested. In another case a girl, described as crazy, has placed five children on the State, all illegitimate, and only in one instance was she able to give the name of the father or supply any particulars. The State carries the burden; the woman goes on her way to breed more, and there is nothing to check her unless we get assistance from this measure. Another woman apparently of weak intellect had eight children, mostly illegitimate. The eldest daughter, aged 17, had already given birth to an illegitimate child. For the welfare of the other children, the State has taken charge of the whole family. From what I saw of them, I am prepared to guarantee that at least three of the children will prove to be mentally defective, and for all time, will be a burden on the State. The eldest daughter and the woman are at large, and, as time goes on, unless some check is imposed, they will probably produce more burdens for the taxpayer to cry. Here is a case that came before the court in July last. A girl, a sexual pervert, "man-mad" as she was described, got over the fence from the Women's Home into the park grounds. She ran after the first man she saw, and the result was an infant which the State now sponsors and cares for. This woman is very deficient mentally and has been at the home at Fremantle for some years. Another mental mother brought her child to the State. She was in ill-health and did not know the father of the child. I could cite such cases by the dozen, but as we have no data extending over several generations to show the ultimate effect of the feeble-minded upon the community, I am compelled to go elsewhere, where investigation has exposed the wide extent of the menace. Dr. Emerick who, I think, was quoted here the other night by Dr. Saw, in his work on "Juvenile Delinquency," pages 18 and 19, states—

> Two feeble-minded persons can have only feeble-minded children. From the defective progeny of our present defectives will be recruited in a large measure the paupers, the prostitutes and criminals of the next generation . . . . Money spent in attacking this problem is a most wise investment . . . . and a niggardly disposition of the matter now will saddle upon the next generation a burden at whose weight we shall be justly reproached.

So serious had the problem become in America that an investigation was entered upon. I take four of the cases in which the history was traced from generation to generation back for eight or nine generations. The investigation was conducted by Mr. R. L. Dugdale. First there was the Kallikak family. Martin Kallikak had two families (a) by an illicit union with a feeble-minded girl, (b) by marriage with a respectable girl of good family. In family (a) 480 descendants were traced. Of those 36 were illegitimates, 33 sexually immoral, 24 confirmed alcoholics and 143 feeble-minded. In family (b) 496 descendants were traced. There were no illegitimates, one only was sexually immoral, two were confirmed alcoholics and none was feeble-minded. Then there was the Hill family in which 709 descendants were traced. Of them 168 were illegitimates, 70 sexually immoral, 24 confirmed alcoholics, 336 feeble-

minded, and 24 criminals. Thus 622 of the 709 descendants were menaces to the community, to say nothing of the thousands in money-cost to the country. Then comes the Nam family in which 784 descendants were traced. Of them 431 were sexually immoral, 187 confirmed alcoholics and 40 criminals. Lastly I refer to the notorious Juke family, which has been quoted largely in text books on this subject. Here also 709 descendants were traced. Of them 108 were illegitimates, 37 sexually immoral (half of whom were syphilitic), 76 were feeble-minded, 53 were in the poor house. The number of criminals, prostitutes, and brothel keepers was 204, as shown by the investigation of Mr. R. L. Dugdale. The cost to the State of the Hill, Nam and Juke families was traced at 3,300,000 dollars. Now I come to some Canadian cases. It is necessary to go outside to obtain facts, because we have no collected data here. In 1925 British Columbia appointed a Commission on Mental Hygiene. It reported in 1927, but as in only one case were the investigators able to go beyond the second generation, the data is of little value for comparison, although so far as the findings go, they confirm the proposition that mental taint in parents is largely transmitted. In the province of Alberta, so huge was the expenditure in respect to persons of frail mentality that investigation was made. Alberta is a country similar to Western Australia. Its population is about 448,000. The cost of hospitals and care of mental defectives reached £500,000 in a year. The Parliament said something more was wanting than providing institutions, clinics, etc., for the care and benefit of the unfortunates. I say the same applies here. Having regard to the experience of America, the Parliament passed an Act last year, its objective being the prevention of the existence of defectives and the saving in cost, which was increasing in greater ratio as succeeding generations developed. I have the official reports if any member would like to peruse them. Other countries—Denmark, Norway, Sweden, Czecho-Slovakia and Switzerland—have all been confronted with the same problem and have been investigating the question, and all have passed special legislation to deal with mental deficients. In England there is a cry for legislation. A committee has been sitting for some time and has not yet completed its labours, although I believe Dr. Saw was able to quote portion of the report. In February last the following cable message from London appeared in the "Daily News"—

> Many distinguished doctors, peers, bishops, and social workers, including the King's doctors (Sir Farquhar Buzzard and Sir A. D. Fipp) have signed a petition to the Minister for Health supporting a resolution passed by the women's committee of the New Health Society and Eugenic Society, urging, with a view to a reduction in the numbers of mentally afflicted, the unfit, and the diseased, that an inquiry should be held into the best method of dealing with mental deficiency and incurable diseases, including a special inquiry into the possibility and advisability of legalising sterilisation under proper safeguards in certain cases.
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> The petitioners emphasise that civilised countries are becoming alarmed. Twenty-three American States, Denmark, Norway, Sweden, Czecho-Slovakia, Alberta (Canada), and the Swiss Canton of Vaud have all passed special legislation regarding mental deficients.
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> "The need for an inquiry is particularly pressing in England, where many of the soundest families, for economical reasons, are restricting the birth rate. We are spending millions on rearing children who will only be burdens on the State. It is recognised that mental deficients are incurable, and that their children are nearly always mentally unsound. Segregation as a remedy is failing, principally owing to the increase in mental deficients, while only 18 per cent. of the English local authorities are attempting segregation."
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> The Eugenics Society's memorandum points out that the mentally defective were below 140,000 in 1906, but they are now between 190,000 and 250,000.
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> The "Daily Mail" in a leader on the subject, says, that the stock of every people is poisoned to a greater or less degree by mental deficiency. How disastrous is the unchecked multiplication of deficients may be shown by the family of Max Juke, an early settler in America, born in 1730. By 1877 his traceable descendants were mostly thieves, prostitutes, and lunatics, and they cost the United States over £250,000. Our duty to posterity forbids our shirking the issue, however difficult and delicate it may be.

To show that this subject is growing in importance and is being well discussed, here is another cable message from London published in the "Daily News" of the 13th July, 1929—

> Mr. Justice McCardie, during the hearing of three cases in which simple-minded people were concerned at the Birmingham Assizes, strongly criticised the present Mental Deficiency Acts.

I want to emphasise this point because the Bill now before us is based on the English Act and has come to us via the Tasmanian Act. Here a well-known and reputable judge

strongly criticises the Act that is the parent of the Bill now before us. The report continued—

> Two charges related to infanticide, in which Annie Hall pleaded guilty to suffocating a newly born child. A doctor said that she had eight other illegitimate children, all feeble-minded, and herself being mentally afflicted. A ten-year-old girl and Jack Cox, a simple-minded farm labourer, jointly were charged with disposing of the body. It was stated that he was engaged to Hall's eldest daughter and was contributing to her baby's support.
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> Mr. Justice McCardie, in sentencing Hall to six months' imprisonment and Cox to four years, said:—"Unfortunately the law does not permit sending her to an institution where she would be safeguarded and the community saved the curse of more feeble-minded children. The public should immediately face the question of the introduction of sterilisation. It would greatly tend to reduce the grave state of the country regarding mental defectives. It was terrible that the present civilisation could not prevent women bearing perhaps nine or ten children cursed with the horrible taint."

That is why I would rather go further than Dr. Saw in regard to the clause which has been inserted in the Bill. May I say without deprecating the Bill, that it is somewhat behind the times. According to the memorandum attached to it, it is based on the British Act of 1913, which Mr. Justice McCardie condemned, and the Tasmanian Act of 1920. I have the much later Acts of Denmark, Alberta, and British Columbia, which might better have been followed than Acts of so long ago as 1920, based upon an Act of 1913. Times have materially changed. Nevertheless this Bill provides for the initial essentials, institutional and guardianship care, and sets out a classification of mental deficiency to which no valid exception can be taken. I have looked through quite a number of these Acts and Bills, and practically the same definitions are contained in them all, except that ours perhaps in one respect goes a little further—that is in dealing with borderline cases, which are not found in other Acts—and which is a great improvement, according to my own experience. Much as I appreciate the efforts of the Government in bringing forward this Bill, I am afraid if it is passed as it stands it will simply mean the building up of another department, and an expensive one, without offering too great a tangible result. Its main objective is, as Dr. Saw pointed out, segregation. In my view we want something more than segregation or voluntary sterilisation in many of these cases. It is from this standpoint that the Canadian Commission tackled the subject. The evidence that was taken caused it to report in this way:—

> The cost of segregation would be enormous, almost prohibitive. It has been said that segregation and sterilisation are not antagonistic; they go hand in hand. Segregation protects the present and sterilisation protects the future. Both may be evoked.

A Bill to legalise sterilisation was the result. It became law. Because most people are afraid of that which is new, it contained only the permissive provision that is embodied in this Bill.

Hon. J. Nicholson: You suggest making it compulsory.

Hon. A. LOVEKIN: In some cases. The Alberta Bill became law in this permissive form. A board was appointed, not quite like ours, and it depended upon that board whether sterilisation was put into force. It consisted of Dr. E. Pope, Dr. E. G. Mason, Dr. J. M. McEachran and Mrs. Jean Field, the last-named being the Convenor of Health.

Hon. G. W. Miles: There was no lawyer upon it?

Hon. A. LOVEKIN: No.

Hon. J. Nicholson: You think that is a good thing?

Hon. G. W. Miles: Yes.

Hon. A. LOVEKIN: I cannot conceive that we should want a lawyer on the board. I can understand Mrs. Field being a member of the Canadian board because she has had considerable experience in health matters. She appears to be a very capable woman. The Canadian women were up in arms against the thought of sterilisation. To put the matter on a footing they could understand and appreciate, she wrote a letter to the United Farm Women of Alberta, dated November, 1927. This was published in the "Bulletin" of that month—

> Dear Fellow Members, I have had many inquiries from U.F.W.A. members as to the purpose of the Sterilisation Act, which was introduced into the legislature last session by the Minister for Health, so I felt that it would be appropriate and interesting at this time to discuss the history and context of the Bill, and the advantages which may result from having this Act passed. For many years we have discussed in Convention the question of mental defectives, and the measures which should be taken to prevent the propagation of mentally diseased stock. At our last convention your convener of health moved the following resolution, which was passed unanimously:—"Whereas heredity plays a most important part in the transmission of insanity and all grades of feeble-mindedness, and whereas under certain conditions many feeble-minded and

many intermittently deranged persons could, with safety to themselves and without menace to the public, be permitted their freedom, therefore be it resolved by the U.F.W.A. in convention assembled, that we respectfully ask the Government of the Province of Alberta to pass an Act by which it shall be compulsory for each and every institution in the province entrusted with the care of the insane or feeble-minded, to appoint upon its staff in addition to the regular institutional physician, two skilled surgeons of recognised ability, whose duty it shall be, in conjunction with the chief physician of the institution, to examine the mental and physical condition of such inmates as are recommended by the institutional physician, and a properly constituted board of managers. If, in the judgment of this committee of experts and the board of managers, procreation is inadvisable, it shall be lawful for the surgeons to perform such operations for the prevention of procreation as shall by them be deemed safest and most effective.

This resolution was presented to the Government, and the assurance was given that the matter was receiving the serious attention of the Minister for Health. Evidently from the legislation on the statute-book the Minister could not go as far as those ladies thought he ought to go. Mrs. Field then quotes the Act, which I need not quote again, because it contains practically the same provisions as are in the Bill. She goes on to say—

In order to discuss a subject fairly and intelligently, it is necessary to consider the question from all angles, and following are some of the objections which occur to me may be advanced in opposition, and my answers to them:—

1. That it is a maiming or mutilating operation. Sterilisation is not a major operation. In male patients the operation is performed by vasectomy, viz., severing the tiny tube which carries the sperm from the terminal gland. In female patients by a method of searing the tubes where they enter the uterus so that the contracting scar will close the opening. Vasectomy is a very slight operation, and can be done without anaesthetic. There is no pain, no inconvenience caused by the operation, no sexual change perceptible. There is nothing to effect any change in the physical well-being of the patient, but he or she is effectively prevented from propagating their kind.

2. That not being able to state definitely if the offspring of these mental defectives or insane will be defective, we have no right to interfere with their producing children.

Insane persons are not entitled to progeny. Even admitting that some of the children of mentally defective patients may be of normal mentality at birth, yet it is an accepted fact that it is impossible for these parents (especially if the mother is the defective) to train and develop the characters of these children so that they will be decent adult citizens. Almost invariably they become elisted in the ranks of criminal classes. Dr. Hincks, chairman of the Canadian Council of Mental Hygiene, speaking at a public meeting not long ago said, "I find myself favouring sterilisation, not on eugenical grounds alone, but on euthanical as well. I have been struck by the fact that feeble-minded mothers are notoriously incapable of bringing up their children, and I am convinced they should not be given an opportunity to thwart and stifle healthy child development. Sterilisation would prevent them from having the responsibility of child care. A record of the children born to parents, one of whom had been a patient at the mental hospital at Ponoka, shows that one out of every five such children has already been found to be mentally defective.

That sterilisation will be the cause of an increase in vice, because of the removal of the fear of having children.

Mental defectives and insane have no morality possible. They are not capable of judging between right and wrong. In a mental defective the fear of having children never or rarely acts as a deterrent.

In reply to a query as to whether sterilisation might increase prostitution and venereal disease, Dr. Butler, superintendent of the Sonoma State Home for Feeble-minded, where a large number of operations have been performed, says, "From observation of all the institutions of California over a period of some years since we have performed these operations, we are decidedly of opinion that it does not."

I hope that the members of all our U.F.W.A. locals will give thoughtful and unprejudiced consideration and study to this important question. The Minister for Health has had the courage to introduce the Bill into the legislature, and you can help by sending a resolution or letter expressing your approval of the step which has been taken, sending a copy to your own local member of the legislature as well.

I hope the same course will be adopted here. This Bill will require a good deal of expenditure, especially to establish these institutions as they ought to be established. As I propose to move an amendment to the Bill, having for its object limited and moderate sterilisation in certain cases, it is incumbent that I support my contention by evidence from those capable of forming an opinion. As I shall largely follow the American statutes, I will begin by quoting Dr. C. M. Hincks, Medical Director of the Canadian National Committee on Mental Hygiene. In a speech at the annual meeting of the Canadian Council on Child Welfare, held at Vancouver on the 23rd May, 1927, he said—

I find myself favouring sterilisation not on eugenical grounds alone, but on euthanical as well. I have been struck by the fact that feeble-minded mothers are notoriously incapable of bringing up their children, and I am convinced they should not be given an op-

portunity to thwart and stifle healthy child development. Sterilisation would prevent them from having the responsibility of child care.

He went on to say that it would take a long time to bring this about, because of the criticism against it. Then I come to Sir. W. Arbuthnot Lane, the well-known London medico, who headed 10 leading medical men of England in making a public demand, through the Press, for legislation for the sterilisation of the mentally unfit as the only effective means of preventing propagation. He declared that it was a simple operation which in no way interfered with the ordinary habits of life. That is what Dr. Saw also told us the other evening. These 10 medical men reported—

> Heredity is the great cause of mental deficiency. The offspring of mental defectives are themselves mostly mentally deficient. In the interests of those affected, as well as of the nation, all these individuals should be prevented from propagating their species. The only effective means of preventing propagation is by sterilisation, and we are of opinion that sentiment and ignorance should not be allowed to interfere with the means of treatment by which the capacity to produce an imbecile progeny should be arrested.

The names of these gentlemen should carry weight, because it would be impossible to find more distinguished men in the British medical world. They are Sir William Arbuthnot Lane, Sir Bruce Porter, Sir Alfred Aripp, Sir James Dundas Grant, Sir Thomas Horder, Sir James Purves-Stewart, Sir George Robertson Turner, Sir John Thomson Walker, Dr. R. A. Gibbins, and Dr. T. E. Knowles. When I am backed up by such a company, I think I am on fairly sound grounds. I will quote the evidence of Dr. F. O. Butler, Medical Superintendent of the Sonoma State Home for Feeble-Minded at Eldridge, California, who has had a very large experience under the State law. I see from reports that no less than 8,000 persons have been compulsorily sterilised at that home. He said—

> There have been no ill-effects of any nature from the operation. In fact, the reverse—better physical and mental condition, especially with the insane.

Then there is Dr. Farrer, Director of the Toronto Psychopathic Hospital, who, in an article in the Canadian Medical Journal of October, 1926, wrote—

> In view of an experience such as that of California, extending now over a period of 15 years, it is hoped that interest in this very valuable means of checking racial deterioration may receive more enlightened attention on the part of the legislatures and the public, and that similar measures may become available in our country where the need is certainly no less.

I will not trespass upon the time of hon. members by quoting from other eminent men in America, where the system of sterilisation has been practised and where its effects are well known. It is sufficient for me to say that the following authorities give like testimony to that already quoted:—Dr. G. L. Wallace, Chief Authority in America on Mental Deficiency; Dr. J. G. McKay, an outstanding psychiatrist of British Columbia; Dr. Hastings, Medical Officer of Health, Toronto; and Dr. C. B. Farrer, Professor of Psychiatry at the University of Toronto. Let me next deal with the countries where sterilisation prevails. In 23 out of the 48 States of America sterilisation laws are in operation, notwithstanding what has been said about these laws being dead letters. In Canada five provinces have recently adopted similar laws, while in Denmark, Holland and Norway there are also similar laws. Judging from the trend of opinion and the work of the Royal Commission that is now proceeding, Great Britain will soon follow in the wake of the other countries I have referred to. In Norway only last year the law was made more drastic. It was made more compulsory. In Denmark the sterilisation of human beings followed upon the good results achieved with the sterilisation of cattle. Many years ago, both in Denmark and in Holland, it was found that dairy herds were largely tubercular. Drastic measures were taken for the destruction of all infected cattle, and the sterilisation of all male beasts except such as were pronounced sound and fit to propagate their species, was made compulsory. For many years past the herds have been absolutely clean and healthy. Sterilisation of the human beings is now practised with beneficial results. In 1925 a Royal Commission on mental hygiene was appointed in British Columbia and the report was presented on the 28th February, 1927. Here is a paragraph from the report—

> Sterilisation of such individuals in mental institutions as following treatment or training or both, might safely be recommended for parole from the institution and trial return to community life, if the danger of procreation with its attendant risk of multiplication of the evil by transmission of the disability to progeny, were eliminated. The factor of hered

ity is more important than all others put together. While our statistics are somewhat conflicting, they give heredity percentages from 50 to 60 and even 75 per cent. . . . . From 15 to 16 years of age and onwards, the mental deficient becomes the greatest problem, if not indeed an actual menace to the community.

This is an important point because the Bill includes various clauses in which certain ages are set out. From my point of view, I do not think there should be any age limit mentioned at all. If they are feeble-minded, people require care. In the report of the Royal Commission I have referred to, they point out that their decision to recommend a restricted measure of sterilisation had been reached only after the careful study of a mass of evidence secured from many sources. The report also contained the following extract—

If we accept the estimate based upon clinical experience of the Canadian National Committee for Mental Hygiene, that some 50 per cent of all cases of mental deficiency in Canada are of heredity origin—many authorities put the percentage higher—it becomes plain that a very considerable number of persons are doomed before birth to a misery and helplessness from which there is little, if any, hope for deliverance. We find strong endorsement of eugenical sterilisation from practically all countries in which it has been practised. And what is to us even more convincing, a significent absence of criticism or opposition in those communities where its workings are understood and where objections, if any, would surely be known.

I quote again from Dr. Butler who says that the consensus of skilled opinion is that 66 per cent. of the offspring are insane, when both parents are insane, and 40 per cent. of the offspring are insane or feeble-minded when one parent is insane. Among 2,000 women sterilised, five considered their infertility as an asset in freeing them from promiscuity and from fear of pregnancy. No such instance was found amongst 3,000 men who were sterilised. In California, parole of the feeble-minded after sterilisation, has not tended to increase the amount of promiscuity, or favoured the spread of venereal disease; on the contrary it has tended to greatly reduce both. Insanity, he also says, is a mental disorder and may be prevented or cured. Mental deficiency is feeble-mindedness which cannot be cured. There is an important addition to the Bill before us—and Dr. Saw referred to it the other night—regarding the prohibition of the marriage of defectives. The same position has arisen in America, and on that point there is the following in the report—

Experience in America shows that such laws, tried in 17 States, availed little because mental deficients went to other States to marry, where there were no such laws

That is one part of the question I wish to deal with. I am sorry I have taken up so much of the time, but I considered I should place the evidence I had secured before the House on the point of heredity. It is a great factor in the propagation of mental deficients who are such a burden on the State. I now approach another phase of this very serious subject. Although I shall not labour it, I am bound to refer to it because it is almost as important as the phase which I have just been discussing. I refer to environment. This is an aspect of the question which was the subject of much thought and inquiry by the late members of our Children's Court. It seems to me to be a great pity that, whilst Mr. Munsie was engaged upon the promotion of this beneficent Bill, his colleague, Mr. Millington, was at the same time taking a course which is calculated to destroy much of the good which should accrue under this measure. Time, however, must assure the restoration of the Child Welfare Act in the manner contemplated by its framers. Many students of the race problem hold that the influence of heredity is of secondary importance to that of environment. I myself have read much, have inquired much, and, whilst I cannot concede this declaration, my inquiries in Europe and America, and my experience at our Children's Court have forced me to the conclusion that heredity and environment are very much bound together as factors which govern racial standards. When discussing this subject with a leading magistrate in England, he told me this story: Two boys were at school together. They entered and robbed an orchard. When surprised by the owner, one boy, more fleet-footed than the other, made good his escape. The other was caught and taken before the court. "More apple stealing," said the magistrate. "It must be stopped. As an example to others, you will go to prison for six months." Whilst this lad was undergoing this punishment, his more lucky companion was continuing his studies. Later on he was called to the Bar and eventually became a judge. As such, he presided at a trial for murder. The evidence was conclusive. Conviction followed, and the judge, with the black cap on his head,

pronounced the death sentence. But he was struck with the features of the criminal before him and, having inquired as to his antecedents, discovered, to his horror, that the man then in the shadow of the gallows was none other than his former companion in the robbery at the orchard. The deduction from these facts is that the careers of these two boys were largely dominated by circumstances over which they had no control—by their environment. The brutalising prison experience of the one, and the more fortunate upbringing of the other, is held to account for their different fates. It will be suggested that the criminal might have gone wrong in any event—heredity governed—but, as our experience at the Children's Court shows, there is much to be said in favour of environment as the cause of the difference. Take another case. The first Juke family consisted of five girls. Four of them were vicious, but eventually became married and had children. Mr. Dugdale, who investigated the descendants over some eight or nine generations, records, that many years after, six members of one family were tried for attempted murder. They were all descendants of the eldest Juke girl, and more than half the male blood relatives were in prison for serious offences. As I have already stated, out of 709 descendants traced, 478 were evil-disposed, criminals and prostitutes. Yet, strange to say, in the eighth generation of this oldest Juke girl, a foundling baby boy was rescued by a charitable institution. A home was found for it with a kindly disposed woman, who for ten years cared for the waif with her own sons. He was inclined to be unruly, and the widow could not manage him. He was then sent to a farmer and his wife, by whom he was subjected to stricter discipline. The older he grew, the more eager was the lad to excel, and eventually he made his way in the world with very great success. I could parallel this case with one at our Children's Court in which environment triumphed over heredity. Another girl of this same Juke family made good, due to environment. After being imprisoned for vagrancy and loitering she married a young German tradesman. She was provided with a good home, with a strongly charactered husband. She grew to reputable womanhood and was admired by all who knew her. Mr. Ernest Coulter, formerly clerk of the New York Children's Court, tells this story: One of the most useful men I know saw his father murder his mother in cold blood. There was a bad record on the mother's side too. It would be urged that heredity would govern the boy. But whilst the boy was attending the court as a witness, a bystander took an interest in him, with the result that he is now serving his country in a most important field—Governor of a State. I could also parallel this case from our own Children's Court records, save as to the governorship. A girl, described by the newspapers as "a prodigy of crime," amongst other delinquencies, had set fire to a house. Her explanation was that she wanted to see it burn and the fire engines come. She was committed to an institution where she would meet other girls of like tendency. A lady, who happened to be in court, interceded and gained permission to put her in a good home. Later on it was reported to the International Prison Commission that this child had developed into "as sweet, attractive and as good a child as could be found anywhere." I could parallel this also where we at our Children's Court similarly interceded. A man had two sons. The younger ran away and tramped the country. He was rescued and taken to the home of a humane man where he grew up as an example to others. His brother, who remained with his father, became a man of vice and crime, and much despised. That was the result of environment. A homeless, ragged urchin was taken in charge by a policeman. He was committed to an institution. Eventually a probation officer found a home for him. In later life he became cashier in a bank. This, again, was the result of environment. As further demonstrating the value of environment—the value of probation work—one ward only of the Children's Aid Society of New York reports thus of its waifs and strays: "We have turned out one Supreme Court judge, one auditor-general of a State, two elected to Congress, nine to State Legislatures, 20 to public offices, 24 clergymen, 35 lawyers, 19 physicians, 86 school teachers, seven high school principals, two school superintendents, two university professors." All this is due to the changed environment of the child. It is no wonder that people such as these stress environment as against heredity, as the cause of much of this trouble. No wonder, in view of such a showing, many authorities incline to the view that faulty environment, rather than bad heredity, is the explanation of so many children who go wrong. Mr. Trought, late chief of the Juvenile Court at Birmingham, with whom I have been in correspondence for many years, after investigating the effect of probation through-

out the world, by means of questionaires, is able to report that 95 per cent. do well, 2 per cent. die, one quarter of one per cent. commit petty crimes and are again arrested, and 2¼ per cent. disappear. Our Children Court probation figures are akin to these averages. Although in the booklet I circulated among members I have given many examples of the good effect of probation work—environment—I will conclude by giving one other example of which I have personal knowledge. In this particular family the mother was dead, and the only employment available to the father, who had lost a leg, was that of night watchman. In connection with his work he left home every evening before 7 o'clock. His two daughters—girls nearing 18 years—having nothing to do, visited pictures and dance halls and were eventually arrested as being likely to lapse into a career of vice or crime. An application was made to commit them to the Home of the Good Shepherd, The hearing of the case was adjourned for inquiry. The father testified that they were not bad girls, but his employment would not permit of his exercising any supervision over them. He stated that before the loss of his limb he was a regular attendant at church, and with his wife strove to bring up his family properly. The Bench considered improved environment was necessary, but this, the institutions did not satisfactorily provide. The Minister of the man's church, who was approached, said he and his wife would supervise the girls if they were placed with them on probation, but it was essential that day work should be found for the father. This was obtained, and the girls were accordingly committed to the care of the clergyman and his wife. Seven months have lapsed, and the minister has thrice reported that the girls have completely changed. They remain at home with their father and attend church gatherings with him instead of frequenting pictures and dance halls. This, again, has resulted from changed environment. Surely examples such as I have given demonstrate that the Child Welfare Act and this Act should be worked together in harmony to ensure the best results. Coming to the Bill itself, I note on comparing it with the Tasmanian Act that there are several important differences. In Clause 4 we have a definition of "examining authority." In this is included a "clinical psychologist." The Tasmanian Act says "an examining psychologist," which I think is better. And I note that Mr. H. L. Fowler, lecturer in psychology at the W.A. University, in an article in the "West Australian" of the 9th instant says it does not seem clear what is meant by clinical psychologist, and he adds "it appears to the present writer a dangerous procedure to limit the psychologist. The adjective, far from making the position clearer, would seem to obscure the issue." The Bill prescribes all sorts of ages. I think all these should be eliminated; feeble-minded persons may be of any age. It is wrong to place a limit say of 18 years on the ground that the development of the brain is settled at that age. I see no reason why the appointment of the State Psychologist should be statutory, in other words, a life appointment. Probably some lawyer, when he has a bad case, will challenge the appointment of the new special magistrate at the Children Court. Under the Child Welfare Act the Governor may appoint a special magistrate and other members of the court. It is generally thought that the power to appoint carries with it the power to remove, but reference to Section 34 of the Interpretation Act will show that this is not so. It says that the power to appoint includes the power to remove, provided it shall not affect the tenure of office of any person appointed under the express or implied provisions of any statute. There is no need to run this risk in connection with any new apointment. Again, under Clause 30, I see no good reason why the father of an illegitimate child should be better off than the father of a legitimate child in respect to responsibility for a feeble-minded child. Clause 36 is materially different from the Taxation Act in respect to the constitution of the Mental Deficiency Board. Why we should place a legal practitioner and a woman wiithout any qualifications upon a board of this kind I cannot see. Every member of the board should be skilled—and highly skilled. But what can a lawyer do on such a board, or a woman also, with no qualifications?

Hon. J. Nicholson: Legal training is of no use.

Hon. A. LOVEKIN: In the Tasmanian Act there is some possible chance of qualification because the persons appointing the members are the Education authority and the Council of the University of Tasmania and they are not likely to appoint a stupid person who knows nothing about the subject. The last clause to which

I wish to refer is Clause 64, which needs material alteration. It provides punishment for indecent assaults, rapes, and other offences of that nature against mental defectives. For the life of me I cannot see why in the case of the unlawful carnal knowledge of a mentally deficient girl, the offender should receive two years' imprisonmnet as the maximum, while the person who indecently assaults a normal girl is liable, under the Criminal Code, to life imprisonment, together with a whipping. All the relevant sections of the Code are whittled down by the Bill—five years' imprisonment, four years' imprisonment, two years' imprisonment whittled down to six months'. These are cases where assaults and offences are against stupid persons who do not know how to take care of themselves. Yet there is ten times the punishment for similar offences against normal persons. I am told the reason is that the Bill needs to contain penalties. I agree with that, but the penalties certainly should not be less for offences against imbeciles than for offences against normal persons. I propose to try to amend the Bill in that respect during the Committee stage. I am sorry to have taken up so much time of the House, but the importance of the subject, from my viewpoint, has seemed to me to warrant it. I have much pleasure in supporting the second reading of the Bill.

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

BILL—ABORIGINES ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [9.33] in moving the second reading said: This is a Bill to amend the Aborigines Act of 1905. I think it just as well to give a brief outline of the history of our legislation dealing with aborigines, before I proceed to the various clauses of the Bill. The Act of 1905 was brought into operation in 1906. While the measure was under discussion the draft report of a Royal Commissioner inquiring into native questions was made available, and some of his recommendations were embodied in the Bill. The passing of the Act, which repeals all previous legislation relating to aborigines, was the outcome of years of more or less acrimonious discussion as to the best means of controlling and safeguarding the native race, and also of financing the newly-founded Aborigines Department, which took the place of the Aborigines Protection Board established in 1886. Section 65 of the original Act set right all alleged anomalies created during what may be described as stormy years. At that time the Governor controlled the board, reciving his instructions from the Colonial Office; while the Western Australian Government were expected to finance the board's operations. To this arrangement Sir John Forrest objected strenuously; and between him, the Governor, and the Colonial Office, great discussion arose. Eventually Sir John Forrest had his way. So much had been alleged regarding ill-treatment of natives during the years antecedent to the passing of the Act of 1905, that the Government of the day had appointed a Royal Commission to inquire into the subject. The Royal Commissioner, Dr. Roth, issued the report just mentioned, which created considerable stir and discussion in this State. Nevertheless, I am pleased to say practically all Dr. Roth's recommendations were then or have since been adopted in regard to administrative policy, showing that the Royal Commissioner was quite correct in his findings. A measure introduced at such a time, when there was much excitement in regard to the subject, failed to embody all that was legislatively required; but in the light in which the natives were then regarded, the 1905 Act was immeasurably superior to any previous enactment. After five years' experience of the measure, its amendment was deemed expedient, as well as additions to it. Accordingly, in 1911 an amending Bill was introduced and embodied in the Act which is now on the statute book. Eighteen years have passed since then, and our further experience of the native race indicates that there is need for additional legislative authority, especially as regards safeguarding native women and children who are an increasing responsibility, more particularly in view of the growing half-caste population. It may be as well if I quote a few figures concerning the number of natives affected, at the same time comparing the numbers in this State with the numbers in other States. So far as other States are concerned, the figures I shall quote are as at the 30th June, 1927. For our own

State they are as at the 30th June, 1929. I have no later figures than 1927 for the Eastern States. In New South Wales the full-blooded natives numbered 964, and the half-castes 5,829, giving a total of 6,793. In Victoria there were 56 full-blooded natives and 506 half-castes, a total of 562. Queensland had 13,523 full-blooded natives, and 4,210 half-castes, or a total of 17,733. In South Australia there were 2,149 full-blooded natives and 1,554 half-castes, a total of 3,703. In the Northern Territory there were 20,258 full-blooded natives, and 782 half-castes, or a total of 21,040. In Western Australia this year, the number of full-blooded natives is 22,815, and there are 2,833 half-castes, a total of 25,648. Thus there is a larger number of natives and half-castes in this State than in any other State of the Commonwealth. According to the Commonwealth figures for 1927 and this State's figures for the current year, Australia contains 59,765 full-blooded aborigines, and 15,714 half-castes, a total of 75,479.

Hon. J. Ewing: That is for the whole of the Commonwealth?

The HONORARY MINISTER: Yes.

Hon. J. Nicholson: How the natives have been decimated!

The HONORARY MINISTER: Yes. Hon. members will no doubt have noted that many clauses of the Bill deal with half-castes. I therefore propose to say a few words on that question. In Queensland the proportion of half-castes compared with full-bloods is 23 per cent.; in South Australia 42 per cent.; in the Northern Territory only three per cent.; in Western Australia 11 per cent. Those figures have a bearing on remarks which I shall make later. I have already said that the full-bloods in Western Australia would number 22,815 and the half-castes 2,833 as at the 30th June of this year.

Hon. G. W. Miles: Have you the figures for the Kimberleys as contrasted with other portions of the State?

The HONORARY MINISTER: No; but I will get them. Of the full-blooded aborigines of Western Australia, 12,815 are known to be within the confines of civilisation, while those still inhabiting unsettled areas number 10,000. Of the 12,815 full-blooded natives, 11,056 are adults, the males predominating, and 1,759 are children. Of the 2,823 half-castes, 1,597 are adults, 1,235 being children. Therefore of the full-boods 13.58 per cent. are children under 12, while of the half-castes 80 per cent. are children under 12. Those figures are highly significant. I think that before I finish I shall prove that our native problem in Western Australia has changed considerably since our original legislation dealing with aborigines was enacted. In those days the question was how best to deal with what were principally full-blooded natives, but I incline to the opinion that the question of the half-caste was not given that serious consideration which experience now shows to have been necessary. Ten years ago the native population of this State was 24,157. Twenty years ago the estimate was 32,000, of whom 12,000 were within the confines of civilisation. I have to admit, however, that those figures are not reliable. I incline even to the view that they are erroneous. However, during the past decade the native population has remained practically stationary, as regards both full-bloods and half-castes.

Hon. G. W. Miles: How is a census taken of wild natives in the bush?

The HONORARY MINISTER: The department carried out a deal of investigation among the natives from time to time, and I think it may safely be said that the numbers I have quoted are approximately correct—they may be a hundred or two out. As I was saying, during the past decade the native population has remained practically stationary, the increase in numbers of half-castes balancing the decrease in full-bloods. Indications are that the number of births is becoming greater than the number of deaths, resulting in a probable increase of population. Moreover, particularly on the departmental stations, the natives are regaining their confidence, which is resulting in a reversion to the old family life. That is particularly exemplified at Moola Bulla, the Government cattle station, where there is now a school with 30 scholars. From the report I have received I believe that school is doing very good work. It has been established only a few months, and the reports regarding it are very favourable. When the 1905 Act was passed there were only about 900 half-castes in the State, whereas to-day we have 2,833 that we know of. Twenty-four years ago there were only 50 half-castes in the South-West; to-day there are 1,180 between Perth-Albany and the west coast. That is excluding all those born

in the South-West and now at the Moore River Settlement, about 250. It indicates the difference to-day as compared with the time when this legislation was first introduced. As the years go by and development takes place, the natives are forced away from their natural hunting grounds, and I regret to say that in some of the more distant parts of the State, where the pastoral industry has extended during recent years, the new lessees of pastoral holdings do not view the native question in the same way as the older lessees did. Consequently we find quite a large number of natives who have looked upon that part of the State as their own country drifting away from it and being forced upon the hands of the Government, thus increasing the burden we have to bear, notwithstanding that those natives for a long time had lived and been employed upon their original areas.

Hon. J. Nicholson: That is to say, the new pastoralists are not recognising any responsibility for the care of the natives.

Hon. G. W. Miles: They are not allowed to employ natives to the extent they did in the old days.

The HONORARY MINISTER: There is nothing to prevent them employing natives in accordance with the Act.

Hon. J. Nicholson: You may have to amend your Workers' Compensation Act.

The HONORARY MINISTER: In some instances those pastoralists are quite prepared to continue to employ the younger male natives on their leases, but they do not want to be bothered with the older natives. Those older natives are not able to go anywhere else. They have been in the district all their lives, and it is only natural that when faced with the new position they make their way to a mission station or to some Government depot where they will receive attention. It is our duty to do all we can to see that those people are fed and clothed. It is interesting to note the amount of money expended each year by the several States in looking after the interests of the aborigines. The figures, relating to the Eastern States, are for 1927, whereas the Western Australian figure is for 1929. In New South Wales the amount expended has been £28,000 per annum, in Victoria £6,700, in Queensland £50,000, in South Australia £28,000, in the Northern Territory £10,000, and in Western Australia £25,808. The total expenditure in Western Australia since the foundation of the State has been £990,666, while the total receipts of the department have been £107,069. The expenditure is the expenditure by the Government. The missions, probably, have spent £225,000 in the same period. That is only an estimate.

Hon. G. W. Miles: And they have done very little good.

The HONORARY MINISTER: The hon. member is entitled to his opinion. We relieve 1,500 indigent natives monthly. Exclusive of those missions receiving subsidies from the Government, there are in Western Australia 4,500 natives employed under the Act. As compared with Queensland, we have fewer inmates of institutions and far more employees, indicating that our natives are more self-supporting and self-reliant. The cost of relief has gone up during the past few years. This is largely due to stations changing hands and to the fact that the new owners do not view the native question as the previous owners did. The food, blankets and clothing supplied by the Government to the natives costs £12,650 per annum. That is just a brief outline of the position and of what has been done by the Government up to date. The Bill before us, while it contains a good many clauses, will be found to deal particularly with the half-caste problem. It is essential that I explain the reason for some of those clauses, for they are most important from an administrative point of view, and particularly so in view of the added interest that appears to have been taken during recent years in the native question, especially in the Eastern States. It is pleasing to note that the Royal Commissioner appointed by the Commonwealth Government a little time ago to investigate the condition of the natives brought in a number of findings that are quite in accordance with the practice adopted for some years past by our department. Section 2 of the parent Act, dealing with interpretations, fails to give a definition of "aboriginal." It is necessary that we should have a definition, and it is therefore proposed that "aboriginal" means any person being either of full blood or not less than three-quarter blood of the original races of Australia, and a male half-caste whose age exceeds 21 years and who, in the opinion of the chief protector, is incapable of managing his own affairs and is declared by the chief protector to be subject to this Act."

Hon. G. W. Miles: How can the Chief Protector decide that?

The HONORARY MINISTER: Quite easily. There is no difficulty.

Hon. G. W. Miles: Will he not have a medical man to assist him?

The HONORARY MINISTER: It will not be necessary. The definition is required to enable natives of less than full aboriginal blood, but more than half-castes, to be deemed aboriginals within the meaning of the Act. There are three-quarter blacks and others of mixed blood, but still with aboriginal blood predominating, and it is necessary that they should be brought in. The second portion of the clause refers to half-castes who may be incapacitated or mentally deficient or for other reasons unable to look after themselves. I may say that this provision appears in the Northern Territory Ordinance and is quite a desirable addition to the existing Act in this State.

Hon. H. J. Yelland: Will not those people be subject to the Mental Deficiency Act, if that Bill passes?

The HONORARY MINISTER: No, they will be subject to this Act. The second part of the original section deals with districts, which in the Act means magisterial districts. Such districts are not always conveniently placed for supervision under directors, and therefore police districts are sometimes substituted. But those, too, are unsuitable at times, and so it is desired that we shall be able to declare districts by proclamation. Also paragraph (c) of Section 2 of the original Act refers to a half-caste being the offspring of an aboriginal mother and other than an aboriginal father. But we have children of Asiatic or negro mothers by aboriginal fathers. We have even children of white mothers and aboriginal fathers, and the section in the Act fails to include them as half-castes. So it is desired to include them in the Bill. The trend of opinion throughout Australia by those who have made inquiry into the subject is in the direction of separating the half-castes from the whites and treating them as akin to aborigines, except where they are exempted under the Act. I notice that the Commonwealth Royal Commissioner also agrees with that idea. The clause, as amended, also includes quadroons. Unfortunately, this class is growing, and while the original Act gave us power to deal with children, it did not give us power to deal with adults, of whom, I regret to say, quite a number are to be found in the native camps living in every way as natives. That is one of the problems with which we are faced, and I think the amendment is desirable. Wherever possible quadroon children are brought up in white institutions to which they are handed over by the Aborigines Department. Some of those who have been brought up in such institutions are quite a credit. In 1922 a half-caste was brought before the court and the resident magistrate who heard the case took the view that as the man's father and mother were half-castes, he himself was not a half-caste or aboriginal within the meaning of the Act, and the case was dismissed. Since then other magistrates have followed suit, and certain half-castes have taken advantage of the decision and defied the control of the Aborigines Department. As a result some of them have become an absolute menace to the community, and yet the department are powerless to act. The amendment is designed to give more power than we have at present. Half-castes are now in their second and third generation. There are numbers of the offspring of half-castes in the native institutions over whom the department are exercising control, and it would be very awkward if those people asserted themselves as a result of the magistrate's decision that they are not half-castes or aborigines within the meaning of the Act. A very heavy burden would be imposed on the State Children's Department if the Aborigines Department were compelled to relinquish the control they exercise at present. Clause 3 is a consequential amendment, as this provision is now included in the definition I have mentioned. Regarding Clause 4 (a), the section in the Act never contemplated the legal marriage of aborigines and half-castes, and from time to time difficulty has been experienced in dealing with children the offspring of parents legally married, whose condition has necessitated removal from their parents. Legal marriages take place now much more frequently than years ago, chiefly as the result of the efforts of missionaries and others, but the condition of parents and children has not always improved.

Hon. H. J. Yelland: Is not the legal marriage making it more difficult for the department?

The HONORARY MINISTER: Yes, in many instances. Those people often show little respect for their legal obligations, and the department are called upon to bear the brunt. They desert each other with impunity, and only too frequently are the department called upon to bear expense that would not be necessary if they were not legally married.

Hon. G. W. Miles: That is one respect in which the missions are doing more harm than good.

The HONORARY MINISTER: We have power to remove such children, but at present we have to proceed by a habeas corpus order, which is an exceedingly awkward method. The legitimate children of legally married natives require the protection of a guardian as much as do the illegitimate children. Under the Child Welfare Act, a child means any boy or girl under the age of 18 years, and under Section 55 (a) of the Aborigines Act, the governing authority of an aboriginal institution may have and exercise all the rights and powers conferred in respect of State wards under the Child Welfare Act. That, however, does not enable us to control children who are not in an institution, and there are quite a number of such children. Many are sent out to employment on attaining the age of 16 - sometimes even before they are 16—and it is desirable that the department should have control over such children at least until they reach the age of 18, particularly as we often find the most difficult period in the life of the children is between the ages of 14 and 18. By constituting the Chief Protector the guardian of the children until they attain the age of 18, much of the difficulty will disappear. Clause 5 also deals with half-castes. It is unfortunate that in this State the half-caste is more akin to the black than to the white. There are many groups of half-castes who are living as aborigines but who are not actually consorting with full-blooded aborigines, and therefore cannot be deemed to be such within the meaning of the Act. It is essential Section 12 should include them. Members conversant with the South-West particularly will agree that there is quite a big problem growing up in that part, and sooner or later it will have to be faced if we are going to deal satisfactorily with the half-castes. It has been necessary in the interests of the half-castes themselves to remove many such persons to reserves and settlements, though in some instances the legality of the proceedings taken might be questioned. It is essential that that should be rectified and this clause will do it. It is desirable to enable aborigines and half-castes to be removed to a settlement, institution or hospital. Such establishments purely for aborigines were not in existence when the Act was passed, and at present we have no power to place natives or half-castes suffering from disease in a hospital or institution unless it has been declared a reserve. An additional clause is required to permit of the examination of natives and half-castes suspected of being affected with venereal and other diseases. We have no power to do that, although the practice of gathering up diseased natives and interning them in lock hospitals has been followed.

Hon. G. W. Miles: You have power with the natives, not with the half-castes?

The HONORARY MINISTER: So long as they are willing. Some natives refuse inspection and we have had to give them their liberty. Such a native becomes a menace to the district he is inhabiting and may spread the disease considerably. Therefore it is essential that the department should have full power in that direction. Clauses 6, 7 and 8 contain consequential amendments. Clause 9 is important. The old Act allowed a half-caste, not deemed to be an aboriginal, 14 years of age, to be employed without a permit. The inclusion of 14 seems to have been a mistake, as the age in other sections is 16. In any event the age is too low and we desire to make it 21. We are turning out quite a number of half-caste boys from the Moore River Settlement and are sending them to employment, and the department consider it essential that they should have control of them until the age of 21, knowing from bitter experience that otherwise many of the young fellows will come to grief. If the department do not look after them, we are sure nobody else will do so. I suggest that control by the department would prevent exploitation of the young fellows by unscrupulous employers. We have had quite a number of instances of that kind. Clauses 10 to 14 are consequential. Clause 15 relates to female aborigines and half-castes, a large number of whom are employed as domestic servants.

Lads are also in employment, and it is important that the Chief Protector should be allowed to appoint a female inspector of aborigines to view the conditions under which they are employed. In some instances it is quite inadvisable that a man should undertake the duty, and we know from experience that if we had a woman to do this work, it would prove of more benefit to the people we are trying to help. Clause 16 contains four paragraphs. The second paragraph should not have been included and I propose in Committtee to move for its deletion. The other paragraphs are designed to prevent aborigines and half-castes from being imposed upon. From time to time we become aware that unscrupulous persons trade on the ignorance of the natives. The first paragraph is designed to prevent that. The Chief Protector is often appealed to by half-castes and natives, who claim that they have not received remuneration for wages or payment for sales of property to which they are entitled in accordance with the undertakings made with them. It is necessary from time to time that the Chief Protector should demand a statement of their affairs, in order to investigate such matters. This clause is designed to give that opportunity. Clause 17 is a new one which will enable the Chief Protector to recover expenses incurred in connection with accidents to natives, and in respect of which it is not desirable to make claims under the Workers' Compensation Act. This deals with the point raised by Mr. Nicholson. In many cases accidents have occurred to natives who have been employed for many years by the same person, but the employer has refused to acknowledge any liability for the hospital, medical or transport expenses. There have been many such cases. One I can call to mind deals with a native who was injured in the southern part of the State, near Balladonia. There was no question about the native having been employed for many years by the same man. A motor accident occurred, as the native and his gin were being removed from one part of the station to another. Both were severely injured. One had a broken thigh and the other a dislocated shoulder. The employer refused to accept any responsibility. A doctor had to travel over 100 miles to attend the patients, and they had to be taken to a hospital in Kalgoorlie at considerable expense. They were also kept there for a long time. Although the employer had the use of these natives for many years, he was not prepared to contribute a half-penny towards their cost of treatment. Had it not been for the good nature of the doctor who went out to attend them, serious results might have occurred to the natives. The department cannot accept responsibility for such expenses. When it was known that these natives had been in the employment of this man for a long period, the department did their best to get some contribution, but in the end had to meet the expenses incurred by the medical officer. There was no obligation upon the department to do that. The total expense was about £100.

Hon. H. J. Yelland: Did not the natives come under the Workers' Compensation Act?

The HONORARY MINISTER: The Act might have applied, but the Government did not desire to use it in cases of that kind. The natives would not appreciate the money they would get, and if they got it, probably would not keep it long because some unscrupulous person would soon deprive them of it.

Hon. V. Hamersley: No one would employ them with that responsibility.

The HONORARY MINISTER: That might be the case. In some instances it would be essential in all fairness to apply the Workers' Compensation Act.

Hon. E. H. Harris: Do the Government insure the black trackers and pay premiums for the insurance?

The HONORARY MINISTER: If full effect is given to the Act it does apply. If an aboriginal is receiving wages, he becomes a worker within the meaning of the Act.

Hon. E. H. Harris: Do you insure your men?

The HONORARY MINISTER: So far as I know they are all insured.

Hon. V. Hamersley: Does that apply to all the natives on the Moola Bulla station?

The HONORARY MINISTER: No. There is a difference between natives who are employed and those living on the station. I can quote an instance where natives are employed, and the employer is giving them more money than he is paying the white men who are on the same station. These natives are intelligent and excellent workers, and skilful. Some of them are half-castes. I could argue that in these cases the natives are just as much entitled to the protection

of the Workers' Compensation Act as anyone else.

Hon. E. H. Harris: Do the females receive the same pay as the males, as is done in the Government service? The policy is equal pay for men and women, is it not?

The HONORARY MINISTER: I shall be glad if the hon. member will pay attention to the subject matter of the Bill.

The PRESIDENT: I would remind the hon. member that this is not question time.

The HONORARY MINISTER: Clause 17 is important. It is only fair that the employer should be compelled to pay for the cost of medical treatment in such cases.

Hon. J. Nicholson: Will the employer be protected under the Workers' Compensation Act?

The HONORARY MINISTER: I think this Bill will do that.

Hon. G. W. Miles: Will it force employers to insure under the Workers' Compensation Act?

The HONORARY MINISTER: I would not be too sure.

Hon. G. W. Miles: Very few natives will be employed then.

The HONORARY MINISTER: We desire to do a fair thing. I do not brand all employers alike. Some treat their natives very well, and when an accident occurs are just as solicitous concerning their welfare as they would be in the case of white people. New owners of pastoral leases and of agricultural country sometimes do not view the native question in the same way as the old pioneers do. We find difficulty in that regard. It has been necessary for the department, in looking after the interests of the natives, to make claims upon the employers. In some cases the employers have a wrong impression of their duties towards these people.

Hon. G. W. Miles: Do not the new owners find it better to employ white men?

The HONORARY MINISTER: They probably argue in that way, but when they do employ them and an accident occurs, the least they can do is to pay for the treatment.

Hon. J. W. Miles: This will have the effect of the State keeping more natives.

The HONORARY MINISTER: I can hardly credit that point of view. It means that these people would be prepared to employ natives or half-castes at a nominal rate, but as soon as an accident occurred, they would disclaim any responsibility and look to the Government to foot the bill.

Hon. G. W. Miles: In some cases, where they are worth it, the natives are as good as white men. In other cases it would not pay an employer to have them.

The HONORARY MINISTER: Then the employer will not engage them, but when they do they should pay for the cost of treatment. Clause 18 is another important amendment. It deals with illegitimate children. It is necessary for maintenance to be recovered from the father of an illegitimate child. This provision appears in the Northern Territory Ordinance. Clause 19 which amends Section 36 deals with native camps. The old camps have disappeared, and iron shanties, which are often erected without authority, have taken their place. It is necessary to define the localities more accurately. Clause 20, which amends Section 42, deals with half-castes. It is desirable that the authority of the Chief Protector shall be obtained before and marriage can be solemnised before a half-caste girl and any person other than of her kind. Marriages between half-caste girls and white men and Asiatics have been proposed from time to time. The department have experienced much difficulty in preventing these marriages when it is evident that they are not in the interests of the parties concerned. Some marriages have been contracted without the consent of the department, and in almost all cases have led to undesirable results. Half-caste females are in the care of the department, and it is right that the Chief Protector should say whether a marriage is desirable or not. There is no one other than the department to regard the interests of these people. Clause 21 deals with cohabitation. This amends Section 43, which provides that every person other than an aboriginal who habitually lives with aborigines, and every male person other than an aboriginal who cohabits with any female aboriginal not being his wife, shall be guilty of an offence against the Act. The word "cohabit" in a general sense has one meaning to most people. It has been interpreted in a way which makes it almost impossible for the department to deal with the question. The Solicitor-General has laid down that in this particular section it means "living together as man and wife," and that the

person other than the aboriginal having promiscuous intercourse with an aboriginal woman is not cohabiting in the sense of the section.

Hon. V. Hamersley: That is cutting it fine.

The HONORARY MINISTER: That is the Solicitor General's ruling, and it has prevented the department from taking action against white men who, we have known, have had habitual intercourse with native women. It was never the intention of the framers of the Act to prevent such action being taken. Perhaps the greatest cause of hostility between the natives and the whites, and of most of the trouble we experience, is the interference by whites with the native women. Occasional intercourse is not, apparently, looked upon with much disfavour by the blacks, but the detaining of native women for immoral purposes certainly constitutes a grave offence in their eyes. To permit such intercourse is a distinct cause of enmity, which may lead, sooner or later, to tragedy. It is possible for the department to remove the women and half-caste children, if any, while the white man goes unpunished, and much expenditure has been incurred by the department in this respect. In my view, a man other than an aboriginal or half-caste who continues to practise sexual intercourse with native women should be punishable by law. In not one case out of a thousand could such men be said to be cohabiting with the native women within the meaning of the Act, but a woman might be living in an adjacent building and the conditions be such as would just prevent us from bringing an action against the man on that account. I know this amendment is controversial, but I believe the people of the State as a whole would welcome a revision of the existing state of affairs.

Hon. G. W. Miles: You provide a nice penalty!

The HONORARY MINISTER: Anything that would assist the department in this direction should be done. Proof in any such case is difficult enough, but as it stands the section is practically inoperative. There is a saving proviso in the clause to the effect that no complaint shall be laid without the authority of the Chief Protector. Naturally the Chief Protector has to be satisfied that a case will lie before he will issue authority to lodge such a complaint. This should include half-castes. Numbers of half-caste girls are now being placed in employment. Unfortunately the proportion of those returning to the care of the department with babies is far higher than it should be. We have had considerable experience during recent years with this matter, and I look upon it as a grave reflection on the white community, particularly on a small male section, that such a condition of affairs should exist. It is difficult to avoid placing some of the girls in thickly-populated centres. Owing to the difficulties arising out of the Act as it stands, we have not been able to take action that we would have liked to take in a number of cases. Half-caste girls have not the moral backing and natural stamina to resist the advances of a low class of white man, and they become easy prey, with the inevitable result that increased expenditure on the part of the department is necessitated in looking after the girls and their offspring. This class of white man should be dealt with and made responsible for the downfall of the girl. One or two salutary examples would have a far reaching effect.

Members: Hear, hear!

The HONORARY MINISTER: At present there are approximately 200 of these half-caste girls in situations, and they constitute a continual anxiety to the officers of the department. The girls have not had sufficient protection in the past and the clause will extend to them the protection to which they are entitled.

Hon. G. W. Miles: You will protect them more than you do white children.

The HONORARY MINISTER: And apparently it is absolutely necessary to do so. As it is provided in the Constitution that we shall set aside a certain sum annually for the assistance and protection of our native population, it is our bounden duty to look after and protect them. The Aborigines Department has been doing its utmost with the money available and I believe the work has been done well.

Hon. G. W. Miles: You are most inconsistent in your legislation regarding penalties for similar offences.

The HONORARY MINISTER: I do not think so at all. It is necessary to take action along these lines and if the existing law is not adequate to enable proper action to be taken, we should amend it. The alteration I have indicated will have that effect. The supplying of liquor to aborigines or half-castes is a matter that requires attention. That phase is dealt with in Clause 22.

Section 45 of the principal Act makes it an offence to supply liquor to aborigines or half-castes, and the clause in the Bill is designed to prevent natives from entering licensed premises at all. There is a conflict between the provisions of the Aborigines Act and the Licensing Act on that point and the Bill will rectify it. Then again the position regarding firearms has to be reviewed. That is dealt with in Clause 23, which provides for the inclusion of half-castes within the scope of the sections dealing with that question. This has become necessary on account of the increasing trouble arising from the possession of firearms by half-castes. There should be no objection to that clause. I do not know why half-castes should not be required to take out a license equally with the aborigines. We have had endless trouble with the half-castes who have been roaming the country with rifles and guns in their possession. The department has been put to considerable expense in effecting their arrest. The necessity for a half-caste to be in possession of a license would help the department. There are on record a number of instances in which half-castes has been in possession of guns and have menaced or shot whites or other half-castes in the country areas. Another clause deals with ammunition. If the law enables us to confiscate guns possessed by the natives, we should also be permitted to confiscate any ammunition they may have. At the present time the police are powerless to deal with these matters because half-castes are not deemed to be aborigines within the meaning of the Act. Consequently the half-castes are not compelled to take out a license, nor is it possible to prevent them from being supplied with firearms or ammunition. Power is not sought to prevent competent and respected half-castes from using firearms, if they are necessary in pursuit of their calling or for securing native game. The object is to control the issue of firearms and ammunition to irresponsible half-castes who, by obtaining guns, become a menace to the public and to themselves. Clause 27 includes a consequential amendment due to an alteration in the Criminal Code. Clause 28 deals with the estates of deceased aborigines, and follows the lines of the Queensland Act. It provides that the wages of aborigines and half-castes absconding from service, and moneys of deceased aborigines or half-castes, as well as moneys otherwise unclaimed, shall be forwarded to the Chief Protector to be placed by him to the credit of the Aborigines Trust Fund to be used for the benefit of aborigines generally. It occasionally happens that aborigines or half-castes die possessed of small means, and there are no relatives to claim the money. Then again when an aboriginal or half-caste in service dies and wages are due, there is no provision for securing that payment. Such money should be used for the further benefit of the natives. Clause 28 also deals with the issuing of poison to natives. Carelessness has been apparent in this respect and it has resulted in deaths. White arsenic has been sold as baking powder. Natives are often supplied with poison baits with which to poison dogs, and their careless handling of the baits, when not under control by a white employer, renders the practice dangerous to the natives and to others. The issue of poison should be permissible with the consent and approval of a protector of aborigines, who would naturally see that it was used in a proper manner. Some natives can use poison equally as well as the white man, but there are others who should not be entrusted with poison and we desire to provide this additional safeguard in the interests, not only of the natives but of the people among whom they are living. Clause 29 deals with mission stations. It is desired to include power to make regulations governing the control of mission stations and the regulation of itinerant mission workers and others interested. Western Australia is growing in favour as a mission field and there are representatives of various religious bodies seeking openings where perhaps none exist. The department has not sufficient authority in respect to its dealings with mission stations generally, and cannot insist upon reports or information being supplied. It is found in other parts of Australia that such a course is desirable, and in view of our past experiences we know it is desirable in this State. While there are a fairly large number of clauses in the Bill, most of them deal with the half-castes. I think I have shown conclusively it is a most important question and a problem that is growing more difficult every year, particularly in the South-West, where we find there are large numbers of half-castes, and their numbers are increasing every year. I would point out one disquieting feature from my point of view, and that is that in districts where there are large numbers of native and half-caste children, a large percentage of them are females. At present very little is being done for many of those children.

Speaking generally, quite a number of duties devolve on the department, and owing to lack of finance it has not been possible to do all that the department would desire. Some of the amendments in the Bill will give us additional power which experience has shown it is necessary to have. I hope members will agree with me that the amendments are essential and that they will assist to carry them through so that the department may be able to do their work more efficiently in future. I move--

That the Bill be now read a second time.

On motion by Hon. H. J. Yelland, debate adjourned.

House adjourned at 10.46 p.m.

Legislative Assembly.

Wednesday, 13th November, 1929.

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

QUESTION — UNEMPLOYMENT, PEMBERTON.

Mr. NORTH, for Mr. J. H. Smith, asked the Minister for Works: 1, Is he aware that over 100 men are still out of work at Pemberton? 2, If so, when does he propose to absorb these men on public works in that district? 3, Will he take steps to ensure that these men, who have waited for many weeks, are employed before men are sent down to Pemberton from the State Labour Bureau and other places?

The MINISTER FOR WORKS replied: 1, 2, and 3, I am aware that men are out of work at Pemberton, and they were advised by me some months ago that there was no likelihood of additional public works being put in hand in the district. Work available in any part of the State will be distributed on a fair basis.

QUESTION — MIGRATION AGREEMENT, SUSPENSION.

MR. THOMSON (without notice) asked the Premier: In view of the reported negotiations between Mr. Scullin and the Imperial Government regarding the suspension of the Migration Agreement, will the Premier state whether he has received information regarding Mr. Scullin's intentions and the direction in which he proposes the agreement should be suspended?

The PREMIER replied: I can only reply that I have not received any communication whatever on the subject from the Commonwealth Prime Minister.

ALSATIAN DOG BILL SELECT COMMITTEE.

Report Presented.

Mr. Clydesdale brought up the report of the select committee.

Report read, and ordered to be printed. Bill ordered to be reprinted in accordance with the report, and the consideration of the Bill in Committee made an Order of the Day for a later stage of the sitting.

BILL—RESERVES (No. 2).

Introduced by the Minister for Lands, and read a first time.

BILL — REDISTRIBUTION OF SEATS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. SIR JAMES MITCHELL (Northam) [4.40]: This measure provides for small adjustments of boundaries which, however, are extremely necessary. I have no objection whatever to offer to the Bill, but regret that the matter had to be referred back to the Commissioners. I remember how difficult it was, on a previous occasion,