

Hon. J. J. HOLMES: Did not the hon. member express solicitude for the struggling farmers whose wives and children were going hungry because of the depredations of kangaroos?

Hon. H. Stewart: I did not suggest touching the central fund for the purpose.

Hon. J. J. HOLMES: If the hon. member was serious; why not include kangaroos and emus?

Hon. H. Stewart: Because it would be a breach of an honourable understanding.

Hon. J. J. HOLMES: I am not aware of that. It is idle for Mr. Fraser to argue that nothing is ever heard of this trouble. The people out back are so accustomed to being neglected that they have given up hope and just battle along. The greater the number of people, the greater the noise they make; and the greater the noise, the more they get done. Some of the people to whom I refer do not receive more than four mails a year. They are too few to make themselves heard, but they are the people who suffer.

Hon. E. ROSE: I support the new clause. I know something of the great increase of kangaroos in the North and of their depredations. Not only do they eat the feed out, but in dry seasons they scratch out the roots of perennial grasses.

Hon. E. H. Gray: What are the niggers in the far North to do if the kangaroos are exterminated?

Hon. E. ROSE: Kangaroos prevail not only in hundreds but in hundreds of thousands. There are more kangaroos in the Kimberleys than cattle and sheep combined. The new clause is necessary for the protection of pastoralists in the Kimberleys. In no part of the State are kangaroos breeding so quickly as there.

Hon. J. Nicholson: What about the cost of exterminating them?

Hon. E. ROSE: People have been shooting them in thousands, but they are increasing faster than the sheep; in fact the sheep owners are being driven out of the country. Unless something is done to cope with the menace, the whole of that country will be ruined. I do not know what would have happened to the Kimberley settlers if they had not taxed themselves for the destruction of these pests. Only those who have lived in that part of the country know the extent to which the kangaroos have increased, and

the destruction for which they are responsible.

Hon. G. W. MILES: This amendment was put forward by my colleague, Sir Edward Wittenoom.

Hon. E. H. Harris: Are you making apologies for it?

Hon. G. W. MILES: I am not making any apology. People who know Western Australia will understand what a menace emus and kangaroos constitute. I misunderstood the Minister for Agriculture when I was speaking to him. What he conveyed to me was that he was referring to the central Vermin Act. He stated that if the pastoralists and primary producers could agree, and put up a case to the Government, Cabinet would be prepared to bring emus and emu under the operations of the Act. From what I can gather from utterances of members of the Country Party, there is no hope of such an agreement being arrived at. Something will have to be done to assist producers in the Central and Northern Provinces to combat these two evils. With the permission of the Committee, I will withdraw the motion to insert the new clause.

New clause, by leave, withdrawn.

Title—agreed to.

Bill reported with amendments.

House adjourned at 8.49 p.m.

Legislative Assembly,

Wednesday, 30th October, 1929.

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The SPEAKER took the Chair at 4.3 p.m., and read prayers.

QUESTIONS (2)—LAND SETTLEMENT.*3,500 Farms Scheme.*

Mr. C. P. WANSBROUGH, for Mr. Brown, asked the Premier:—1, In regard to the 3,500 farms scheme what measure of guarantee, if any, did the State Government receive from the Development and Migration Commission, whose members made many visits to the area in question? 2, Can a definite assurance be given by the State Government as to when the necessary railway construction will be started? 3, If the report of the disbandment of the Development and Migration Commission by the new Federal Government proves correct, will this disbandment react adversely upon the scheme? 4, What provision do the State Government propose to make towards subsidising the cartage of wheat this season for farmers who in these new districts are located 20 miles or more from a railway centre? 5, If the construction of the railways in question has been indefinitely deferred, when will the settlers concerned be informed of that fact, and what provision will be made for next year to cart their superphosphates out and their wheat in? 6, Failing any provision to subsidise wheat cartage this year or next, will the provisions of the Land Act as to forfeiture, covering personal residence and development, be enforced?

The PREMIER replied:—1, No official guarantee. The visits were made for investigation purposes. 2, No. 3, The Government have no knowledge of any proposed disbandment of the Development and Migration Commission. 4, None. 5, Settlers have not been promised immediate railway facilities. The cartage of wheat and superphosphates has always been the settler's responsibility. 6, Should circumstances be such as to necessitate settlers leaving their holdings, consideration will be given to the question of temporary exemption.

Exemption from Taxation.

Mr. LINDSAY, for Mr. Griffiths, asked the Premier:—1, Are settlers taking up land from the Government free of taxation for the first five years? 2, If so, does he insist that genuine settlers who fail to get land from the Government and are forced to buy from the Midland Railway Company shall be refused the exemption?

The PREMIER replied:—1, The many years' Parliamentary experience of the hon. member should have been sufficient to make him fully acquainted with the exemptions under the Land Tax Assessment Act. 2, The position of the settlers who have purchased land from the Midland Railway Company has been frequently before the House and should be well known to the hon. member.

QUESTION—UNEMPLOYMENT; MANUFACTURE OF MACHINERY.

Mr. SLEEMAN asked the Minister for Lands:—1, In view of the unemployment in the State, will he see that the Agricultural Bank Act of 1909 is strictly enforced, which sets out that moneys advanced for machinery are to be used for machinery manufactured within the State? 2, If not, why not?

The MINISTER FOR LANDS replied:—1, Portion of the Agricultural Bank Act Amendment Act, 1909, which deals with advances for the purchase of agricultural machinery manufactured in Western Australia was repealed by the Agricultural Bank Act Amendment Act, 1912. The Agricultural Bank has, therefore, no power to restrict borrowers to the purchase of locally manufactured machinery. 2, Answered by No. 1.

QUESTION—POLICE, JOLIMONT SWEEP.

Mr. RICHARDSON asked the Minister for Police:—1, Is he aware that the Commissioner of Police granted the Jolimont Progress Association permission to run a sweep on the Centenary Cup of the 12th October, 1929, and that after arrangements had been made to conduct the venture, the Commissioner placed certain restrictions on the method of organising it? 2, Is he also aware that, notwithstanding the association had the written permission of the Commissioner, a subordinate officer seized certain records, books of tickets and other matter connected with the sweep under the alleged authority of a search warrant? 3, If so, will he advise what statute vests the Commissioner with authority to authorise the conducting of a sweep and to lay down conditions regarding it? 4, Will he also

advise why the conditions laid down by the Commissioner for conducting sweeps are not uniform, and why discrimination is made between organisations in the enforcement of such conditions? 5, Do the Police Department intend to complete the execution of the search warrant by laying a charge for the alleged offence against the Jolimont Progress Association?

The MINISTER FOR POLICE replied:—1, Yes. 2, Yes. 3, There is no statutory authority to grant permission to conduct art unions, but successive Governments for a number of years have instructed that no objection need be taken to art unions for charitable or other worthy objects. 4, The conditions are uniform. 5, It is not intended to take criminal proceedings against the promoters of the art union in question, but until satisfactory guarantees are received that it will be conducted in accordance with the conditions imposed the impounded documents will not be returned.

BILL—MENTAL DEFICIENCY.

Third Reading.

THE MINISTER FOR HEALTH (Hon. S. W. Munsie—Hannans) [4.37]: I move—That the Bill be now read a third time.

MR. LATHAM (York) [4.38]: I have had an opportunity of going through the Bill carefully, and I fear that the measure will prove useless unless the Minister can induce all the other States to do what he is asking Western Australia to do. Here is a proposal to control and educate mental defectives, but nothing is being done to prevent other mental defectives from entering the State. On the contrary, in that respect our doors are wide-open to the world. The Minister might have reserved the subject for consideration at a conference of the Ministers for Health of the various States, or at a Premiers' Conference. Instead of enacting this Bill, we might have gone on quietly as we did in the past. The Salvation Army have done much good in this respect, and I was greatly interested in the evidence of an officer of the Education Department regarding the army's work. In addition, the Roman Catholic Church has done a great deal for mentally deficient children. I may point out the urgent need for providing a home for mentally deficient

girls as well as mentally deficient boys. I hope the religious bodies as a whole will be induced to take the matter up; it should not be left entirely to the Salvation Army and the Roman Catholic church. I desire to congratulate Miss Stoneman on the work she has accomplished in drafting the Bill. Much careful thought must have been involved in the production of such a measure. However, I hope the House will not pass the Bill at the present stage. We do not yet understand the subject sufficiently. As I have said, we are leaving our doors open to have the State filled with another lot of mental defectives. If these unfortunates were prevented from coming here, the measure might do some good. It is a matter that can be dealt with from an Australasian, but not from a State, point of view. I urge the Minister to give consideration to the religious organisations which have done such good work.

Question put and passed.

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

MOTION—ABORIGINES ACT.

To disallow Regulation.

MR. COVERLEY (Kimberley) [4.42]: I move—

That this House disagrees with amended Regulation 13a under the Aborigines Act 1905, which regulation was laid upon the Table on the 16th October, 1929; and that the regulation be hereby disallowed.

I realise that regulations of some description may be needed by the Aborigines Department for the control of the natives. However, photographs of natives can be desired only for two reasons—one, scientific purposes; secondly, the gratification of tourists who wish to possess such photographs. I am against the regulation and its wording, and am moving in the matter because the regulation, unless objected to by either of the Chambers, has the force of law. This regulation gives to the Chief Protector of Aborigines, a civil servant, or the head of a department, a power that is even beyond Parliament, with no appeal. That is my chief ground for opposing the regulation. I object to it because any person desirous of photographing aborigines would have to apply for permission to the Chief Protector, who, under the regulations, may give

permission subject to certain conditions, or else may confiscate the negative, or in fact do as he pleases. I do not think Parliament desires that such a power should be placed in the hands of a civil servant.

Mr. Sampson: It has to be approved by the Minister.

Mr. COVERLEY: I do not know that that makes it right. If I thought it did, I should not be moving the motion.

Hon. Sir James Mitchell: Very likely it would be wrong if he did agree.

Mr. COVERLEY: I think the whole thing is wrong, else, as I say, I should not be moving the motion. If the Minister desires any information, he should get it from the person controlling the reserve. These regulations say that no person shall enter upon a reserve defined by the parent Act of 1905 for the purpose of taking a photograph, without the consent of the Chief Protector of Aborigines. That is wrong. It is the wording of the regulation I object to, rather than the regulation itself. If the Minister desires to have that power, I agree; let it be given to him by all means, but not to a civil servant.

Hon. Sir James Mitchell: The objection is a very weak one.

Mr. COVERLEY: I do not know that it is. I know that the head of the department ruled the hon. member when he was in charge of the affairs of the State.

Mr. Sampson: You are certainly charging the present Minister with being ruled.

Mr. COVERLEY: My opinion is that if the Minister desires any information, he should get it from the officer in control of the reserve, and act on the advice tendered to him. My contention is that the Minister, not the head of the department, is the person who should hold this power. I have known parties of tourists go from the Wyndham Meat Works by launch to the Forrest River Mission, 60 or 70 miles distant from Wyndham. Under this regulation no member of such a party would be permitted to take a photograph on the mission reserve, unless he had previously wired to the Chief Protector in Perth for permission. And the Chief Protector, not knowing the circumstances, would wire back to the local officer for information. I do not know that we should put people to all that trouble and expense. In my view the superintendent of the Forrest River Mission is the person to say whether or not the visiting tourists

should be permitted to take photographs. I am not prepared to sit here and approve of regulations giving an officer of the department in Perth such power. It is altogether wrong. If this regulation should be approved, the Chief Protector would become a power in himself.

Mr. Latham: It seems worse than the Defence Act.

Mr. COVERLEY: It is indeed.

Member: Would you allow members of Parliament to take photographs?

Mr. COVERLEY: I do not know many members of Parliament who would desire to go on to an aborigines' reserve to take photographs. I do not know why the Chief Protector should want this power, seeing that Section 14 of the parent Act prohibits any person from going on to such a reserve without permission of the Chief Protector or the superintendent. There we have all the power the Chief Protector desires, and I do not see why he should want this regulation. Already no person has the right to enter on an aborigines' reserve, whether to take photographs or for any other reason, without the permission of either the Chief Protector or the superintendent of the mission. In my view the superintendent is the person to say whether or not photographs shall be taken. Certainly I think a civil servant is not the person to hold this power. I hope members will give this serious consideration, for after all, we are here to represent the taxpayers of the country. As I have said, there is, in the parent Act, a prohibition against any person entering on to an aborigines' reserve without due permission. Surely that is all that is necessary! If the Chief Protector of Aborigines desires to prevent any person from going on to such a reserve, he will give his reasons for it. But there would be no appeal under the regulations. I have pleasure in asking members to support this motion.

On motion by the Minister for Agriculture, debate adjourned.

RETURN—MAIN ROADS BOARD.

Contributory Local Authorities.

MR. GRIFFITHS (Avon) [4.52]: I move—

That a return be laid upon the Table of the House showing—(a) The names of each local authority that is to contribute 22½ per cent. of its license revenue to the Main Roads

Board. (b) The amount of unimproved land values in each local authority's area. (c) The amount of license revenue each receives from vehicular sources. (d) The value of proposed main road work in each area.

I do not intend to do much more than formally submit this motion. The compilation of this information should not impose very much work on the department. Certain road boards have requested me to try to get the information because they find the new system will materially affect their incomes. One board now paying £69 will have to pay an extra £580.

Mr. Lambert: Which board is that?

Mr. GRIFFITHS: The Kellerberrin Road Board. The Meckering Road Board, which in the past has paid £73, will have to pay an extra £735. These boards, and others, desire to get such information as will enable them to see whether there is any other way out which will effect an improvement in their finances. Many of my people think a tax on the unimproved land values would be a better way out. At this juncture I do not wish to say any more than that. If the compilation of the information is going to entail too much work on the department or take up too much time, I will not press the matter, but will endeavour to get the information in some other way.

On motion by the Minister for Works, debate adjourned.

BILL—INDUSTRIES ASSISTANCE.

Read a third time and transmitted to the Council.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Report of Committee adopted.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Mr. Lambert in the Chair; Mr. Mann in charge of the Bill.

Clause 1—agreed to.

Clause 2—Insertion of section after Section 653:

Mr. MANN: In keeping with a promise made during the second reading stage, I move an amendment—

That Subclause 1 be struck out, and the following inserted in lieu:—“(1) Whenever any

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

It was clearly indicated during the second reading that members desired the examination of the accused to be made as early as possible, and certainly prior to the trial. Authorities favour that procedure, and the amendment will provide for the examination of the accused immediately on committal.

Amendment put and passed.

On motion by Mr. Mann, Subclause 2 amended by inserting after “court” the words “in which such person is to be tried.”

Mr. MANN: I move an amendment—

That the following be added to Subclause 2:—“Such report shall be made in writing signed by the members of the board, or by those who concur therein, and, if the accused person is thereby reported to be mentally defective, shall state in what respects he is so defective. The report shall be delivered to the judge who is to preside at the trial of the accused person, but the contents thereof shall not be disclosed to any other person before the verdict of the jury has been given.”

The MINISTER FOR JUSTICE: The amendment would alter the principle of trial by jury, because it provides that after the jury have heard the evidence and delivered the verdict, something else shall be communicated to the judge.

Hon. Sir James Mitchell: The jury do not sentence an accused person.

The MINISTER FOR JUSTICE: The jury should decide whether the accused person was responsible for the crime.

Hon. Sir James Mitchell: Oh no.

The MINISTER FOR JUSTICE: If the accused was mentally irresponsible, the jury would say so and he would be detained during His Majesty's pleasure. The practice has been that if anyone desired to call evidence regarding the sanity of an accused person, he could do so.

Hon. Sir James Mitchell: That could still obtain.

The MINISTER FOR JUSTICE: No; the board would meet in secret and submit a report, but no one outside the board would know anything about it until the verdict had been returned.

Mr. Mann: That is in accordance with the English Act.

THE MINISTER FOR JUSTICE: Any-one who submits a report on the mental capacity of an accused person—

The Premier: Should go into the witness box and give evidence.

THE MINISTER FOR JUSTICE: Yes, he should give evidence before the jury. Then the Crown Prosecutor would have the right to cross-examine the witness as to the grounds on which he had based his opinion. The board might base their report on entirely wrong grounds. If the jury were convinced that the accused was not responsible for his actions, a verdict could be returned accordingly. It would not be right to allow a board to submit a report, for the jury to know nothing about it, and for that to be the deciding factor as to whether the accused should pay the penalty. Whatever report is made, the witness should be subject to cross-examination so that the reasons for the decision would be known to the public. All sorts of allegations have been made as to what can be done behind the back of the court. We desire to make the proceedings of the court quite open, so that the confidence of the public will be retained.

Hon. Sir James Mitchell: This is a different matter from the administration of justice.

The Premier: The objection is that the report will be known only to the judge.

Mr. Latham: But the report will not determine the innocence or otherwise of the accused; it will merely affect the sentence.

THE MINISTER FOR JUSTICE: If the jury found a man guilty on the facts, should not they have the evidence of his mental state before them?

Mr. Mann: I have no objection to your suggestion, but will give the reason for framing the amendment in this way.

THE MINISTER FOR JUSTICE: If a man has committed murder and is to escape the penalty of the law, whatever evidence is tendered should be tendered openly, in order that the public mind might be satisfied. The relatives of the murdered person would certainly desire that any evidence on the mental capacity of the accused should be subjected to the test of cross-examination. The more open we have the administration of the law regarding the responsibility of persons for their crimes, the better. We do suppress evidence in children's cases for definite reasons, but in the case of adults the reasons why they are adjudged mentally defective

should be made public. I am opposed to the amendment.

Mr. LATHAM: If the Attorney-General appoints the board, it will mean that grave consideration will be given to its personnel. It is not for the jury to decide the sanity of a person.

The Minister for Justice: Up to now juries have decided upon the sanity of the accused.

The Premier: And we should not take from them that right.

Mr. LATHAM: I do not know that they are competent to do that.

The Minister for Health: The jury should be told why the conclusions have been arrived at.

Mr. LATHAM: The jury are not competent to express an opinion as to the sanity of the individual. The best authority we can get is the board appointed by the Attorney-General. I understand that our psychologist has an instrument which can detect whether a man is telling a lie or not.

The Minister for Health: You had better try it.

The Premier: I hope she will never come into this House with the instrument.

Mr. LATHAM: She might detect the Premier prevaricating in the Chamber.

The Premier: I should not be alone if she did.

Mr. LATHAM: The board should determine the question. After the board have interviewed the accused they will submit a report in writing to the judge. The only use the judge will make of it is to say what the sentence shall be if the verdict is one of guilty.

The Minister for Justice: The board may find that the man is absolutely insane, but that will not be known unless the verdict is one of guilty. The man would then be turned loose.

Mr. LATHAM: The amendment does not say that the judge shall not hand the report to the Attorney-General. It could be published after the verdict had been given. The Attorney-General would certainly see that the interests of the public were protected if the man was insane.

THE PREMIER: The amendment is a very serious departure from the practice that has always prevailed in Australia. It proposes to deprive juries of a good deal of the power they exercise to-day.

Hon. Sir James Mitchell: I should not say so.

The PREMIER: Not only do juries decide whether the accused is guilty or not but whether he is insane or not. They frequently find a man not guilty on the ground of insanity.

Hon. Sir James Mitchell: They can still do that.

The PREMIER: The Leader of the Opposition has not read the amendment. It takes that power from them.

Mr. Latham: Not as to the mental condition of the accused. His legal adviser may call in any expert opinions he likes.

The PREMIER: The board will have no relationship with the court. They will therefore be an outside board so far as the trial is concerned.

Hon. G. Taylor: They do not appear in the case.

The PREMIER: It would be a very serious thing for the court to accept the decision of any board whose members were not called as witnesses at the trial. Nothing would be known as to how the inquiry was made and to what extent the antecedents of the accused were gone into. The lawyer representing the accused will be told what tale to tell the board. It may be said that the man had a fall when young, that he was knocked on the head, or that there had been insanity in the family which unfortunately cannot be proved. Many excuses may be put forward. Members of the board may be opposed to capital punishment. Very many people hold that the person who commits a murder is necessarily not sane.

Hon. G. Taylor: It is a wrong opinion.

The PREMIER: We may have a board whose members hold that view. Believing that, they will certify that the man is not sane. They may make a recommendation that will obviate any possibility of an execution taking place. Evidence of that kind should be given in court and be subject to cross-examination. Doctors have been known to differ as to the mental condition of an accused person. The board should give their evidence in court. I object to a report being handed in without the board being subject to cross-examination to justify the conclusions arrived at. Many experts might be willing to put up a recommendation in writing if there was no obligation to stand up to in the court. All that the Attorney-General would do would be to select medical men of

standing to constitute the board. He would know nothing about their personal views. The average jury is just as capable of forming an opinion as to the sanity of the accused as it is of deciding whether he is guilty or not. The evidence is sometimes obscure, and juries have great difficulty in arriving at a conclusion. I object to any secret examination. We do not know how the person would be examined or under what conditions the conclusions would be arrived at. The responsibility would be thrown upon the judge to accept the report. Everything ought to be done in the open as has been the case in the past.

Hon. Sir JAMES MITCHELL: This is merely an additional safeguard. I believe in capital punishment, and am glad the Premier does so too.

The Premier: I did not say so; I offered no opinion.

Hon. Sir JAMES MITCHELL: I thought he did.

The Premier: As a fact I do not believe in it.

Hon. Sir JAMES MITCHELL: Well, I do.

The CHAIRMAN: That is not the question before the Chair.

Hon. Sir JAMES MITCHELL: All we are doing is to offer an additional safeguard. To-day when a man is found guilty, the sentence has to be confirmed by the Executive Council, and I am perfectly certain the Council will seek information regarding the sanity of the accused person. The sentence would not be confirmed if there was the least reason why that course should not be adopted.

The Minister for Justice: But that is the task of the solicitor for the accused.

Hon. Sir JAMES MITCHELL: No, it has nothing to do with him.

The Premier: What this amendment means is that the judge will have to deal with the accused, when sentencing him, in accordance with the report of this board, not one member of which will have been a witness in the case.

Hon. Sir JAMES MITCHELL: The Premier suggested that the men who examined the accused might be averse to capital punishment, and therefore might be unduly merciful.

The Premier: They might be men who held the opinion that all men who committed murders were insane.

Hon. Sir JAMES MITCHELL: But the worst that could happen would be that the accused person would escape capital punishment.

The Premier: Whereas he might not escape that punishment in other circumstances.

Hon. Sir JAMES MITCHELL: Counsel for the accused could call all the evidence he liked to prove that his client was insane.

The Premier: Of course, and the jury might ignore it and find the man guilty. Then would come the report from this secret board.

Hon. Sir JAMES MITCHELL: The suggested new clause will take nothing from the powers of counsel.

The Premier: But we add a secret defence to his powers.

Hon. Sir JAMES MITCHELL: All that is suggested is that the Attorney General must cause the man to be examined by two medical men and a psychologist, and that the report must be handed to the judge who will be required to have regard to it in passing sentence. If the board find the man insane or mentally deficient, then the judge will not be permitted to pass sentence of death on him. In those circumstances, the Premier should support the proposed new clause, because it will make it more difficult to pass sentence of death on mentally deficient persons than it is to-day. It will add to the protection of such people.

The Premier: But it will also add a dangerous line of defence that is not dealt with in open court.

Hon. Sir JAMES MITCHELL: It would merely increase the protection afforded.

The Premier: With such a clause in the Bill it would be open to a wicked Attorney General—there have been such—should an influential person be concerned, to cause the man to be examined by the board with the object of securing his release.

Mr. Latham: But that would not be done here.

The Premier: It has been done elsewhere.

Mr. Latham: We are not in America.

The Premier: The clause would allow secret influences to be brought to bear.

Hon. G. Taylor: That is so.

The Premier: It might mean breaking down the jury system by means of a packed board.

Hon. Sir JAMES MITCHELL: Then I wonder that the second reading of the Bill was not opposed.

The Minister for Justice: I did oppose it. The member for Perth has introduced the new clause in order to comply with an objection I raised.

Hon. Sir JAMES MITCHELL: I realise that it is a serious matter to interfere with the law.

The Premier: This will interfere with our jury system. This may enable a verdict of the jury to be thrust aside in favour of the report of a secret board.

Hon. Sir JAMES MITCHELL: The jury will have the right to say an accused person was not responsible for his act.

The Premier: And the jury may say that he was, on top of which the secret board may say he was not and the decision of the board will reverse the jury's verdict.

Hon. Sir JAMES MITCHELL: Then all it will mean will be that the accused will not suffer the death penalty.

The Premier: The defence may produce voluminous evidence to show that the man was insane, but the jury may ignore it and find the man guilty.

Mr. Sleeman: What would happen if the jury returned a verdict that the man was not guilty?

Hon. Sir JAMES MITCHELL: That would end the proceedings; the man would be discharged. I should imagine that if a man accused of murder were found not guilty and was discharged, he would be so satisfied that he would not think of complaining.

The Premier: But this board might set aside the verdict of the jury.

Hon. Sir JAMES MITCHELL: Whatever the effect of the suggested new clause may be, it is merely intended to provide an extra protection for the mentally deficient from the death penalty.

The Premier: But it is also possible that it will protect the man who is not mentally deficient, and that is the point.

Hon. Sir JAMES MITCHELL: There is no doubt about that, but the Premier will realise that that may happen to-day. If the Premier received an adverse report from the authorities regarding the mental condition of an accused person, he would be loth to confirm the death penalty. The position is much the same whether the new clause be agreed to or not, although it might be that through fraud an individual might escape just punishment.

The Premier: The board might be well meaning, but the members might not believe in capital punishment.

Hon. Sir JAMES MITCHELL: That is so, but we must run that risk even under existing conditions.

Mr. KENNEALLY: The new clause will spoil the effect of the Bill. We agreed to the principle that if a man were found guilty on a charge of murder, he should be referred to the board for report prior to the individual suffering the full penalty of the law. The suggestion by the member for Perth will be a departure from that and will place too much power in the hands of the judge.

Mr. Mann: Will the hon. member let me explain?

Mr. KENNEALLY: Yes, when I have finished what I wish to say. The Bill as it stands proposes that an outside board shall be appointed to arrive at a decision regarding the mental condition of a person charged with an offence. Now the member for Perth wishes to insert a provision whereby the information contained in the board's report will be kept secret but will be disclosed only to the judge. I question whether, in accordance with the wording of the proposal, a judge would be entitled to look at the report before the decision of the jury had been reached. Should a man be found guilty, I assume that the report would not be opened until such time as the accused had been found guilty. Assuming that the contention of the Leader of the Opposition is right, that the power of counsel for an accused person to call evidence regarding the insanity of his client remains unimpaired and that the jury, independent of that phase altogether, returned a verdict of not guilty with regard to the crime itself, what position would arise? The jury would find that person not guilty of the crime itself, but the secret board might report to the judge that the man was mentally deficient. Do hon. members think that the Attorney General, in view of the secret report from the so-called competent board, would allow that man to have his liberty.

Mr. Mann: No, the accused would be dealt with under other provisions.

Mr. KENNEALLY: Just so, and the Crown would have two shots at the accused instead of one as at present. That accused person would have been set free in other

circumstances as soon as the verdict of no guilty had been arrived at.

The Premier: The man could be found innocent of the crime and yet be sent to an asylum for being insane.

Mr. KENNEALLY: That is so. Such a man would be placed in restraint because of the secret report lodged by the board. I am sorry the member for Perth decided to move any such provision. It is a serious matter to interfere with our existing system of trial by jury.

Mr. Latham: But the result will be exactly the same.

Mr. KENNEALLY: I do not agree with that because it would be quite possible for money to play a great part in the administration of justice.

Mr. MANN: When I submitted a similar Bill in the session before last, I left the whole issue to the jury, and the opinion of hon. members was that the question should be taken from the jury, that it should be decided by experts. I have endeavoured to preserve the rights of an accused person, and for that reason my desire is that the trial should be decided on the facts of the case, and that it should not be influenced one way or another. I am not wedded to the words in my suggested amendment. The draft I submitted to the draftsman left the report open to the court and to counsel on both sides. The draftsman advised me that I was interfering with the trial, that I might be influencing the accused person one way or the other, and that the question should be left to the judge. The only comparison I can make is with an Act in America, and that reads as follows:—

Whenever a person is indicted by a grand jury for a capital offence or bound over for trial in the superior court, the clerk of the court in which the indictment is returned, or the clerk of the district court or the trial justice, as the case may be, shall give notice to the department of mental diseases, and the department shall cause such person to be examined with a view to determining his mental condition, and the existence of any mental disease or defect which would affect his criminal responsibility. The department shall file a report of its investigation with the clerk of the committee in which the trial is to be held, and the report shall be accessible to the court, the district attorney for the accused, and to the attorney for the accused.

The Premier: Capital punishment never takes place where American millionaires are

concerned; they are always proved to be insane. Do you remember the Thaw case?

Mr. MANN: In America it is left to the jury. The English Act is different. It says—

On the conviction by a court of competent jurisdiction of any person of any criminal offence punishable in the case of an adult with penal servitude or imprisonment, or on a child brought before a court under Section 58 of the Children Act 1908, being found liable to be sent to an industrial school, the court, if satisfied on medical evidence that he is a defective within the meaning of this Act . . .

And it goes on to say that the court may postpone passing sentence and direct that a petition may be presented to judicial authority with a view to obtaining an order that the accused person be sent to an institution or placed under guardianship.

The Premier: If the court is satisfied! That is different from the Attorney General referring it to a board.

Mr. MANN: I have said all along I do not want any hole and corner measure. All I desire is that a person known to be mentally deficient shall not be executed.

The Minister for Justice: And the House is with you; that is why we passed the second reading.

The Premier: Capital punishment is still the law of the land, and this will enable a perfectly sane man to escape.

Mr. MANN: The Premier's suggestion has a thousand to one chance. A dishonest Attorney General might instruct a friendly board to give a friendly report.

The Premier: There is also such a thing as jury squaring. What about the possibility of a board being squared.

Mr. MANN: Section 653 of the Code makes provision for an accused person to be found not guilty on the ground of insanity. You might suggest squaring the doctors.

The Premier: But a doctor would have to give evidence in court and stand up to a cross-examination. The hon. member knows of cases where doctors have got men out on the ground of insanity.

Mr. MANN: There can be no exception to the Attorney General instructing that an accused person be examined, and the report being made available to the open court. Both counsel would know the effect of it. They would have the right to call the members of the board and if necessary cross-examine them.

The Premier: It is all right so long as everything is done in court.

Mr. MANN: My amendment will provide that the report shall be delivered to the judge who is to preside at the trial of the accused person, but the contents shall be accessible to the court, to counsel for the prosecution and counsel for the defence.

The Minister for Justice: I had drafted roughly an amendment somewhat on those lines.

Mr. MANN: Very well.

The MINISTER FOR JUSTICE: The hon. member has stated the position clearly. Previously in this State on a charge of murder the fact that an accused person was mentally deficient was not considered. Insanity had to be proved. On the second reading I said that it could be demonstrated that many people who committed the crime of murder might have the mental capacity of a child of ten years. Everyone would shrink in horror at a child of ten having to submit to capital punishment. In circumstances such as these we are with the hon. member, but what he proposes to do now is entirely at variance with the procedure in the law courts in connection with the trial of accused persons. If the board determine that the accused person is mentally defective, they will give their report to the court. If the jury considered the accused to be mentally defective it would not hold him responsible for the act and a rider would be added to the verdict. In such a case capital punishment would not be inflicted. That is entirely different from altering the whole procedure of the court, a procedure that has been in existence for many years. The proposal of the hon. member will not appeal to the House. I feel confident justice would not be done. If the proposed board were appointed there would be the same personnel for half a dozen different accused people. The hon. member should agree to report progress to give us an opportunity to reconsider the amendment. There is no desire that anything should be done hurriedly. If the member for Perth would agree to report progress, the Premier's motion relative to private members' business would not prejudice the prospects of this measure.

Mr. MANN: I take it that the part of the amendment to which the Minister for Justice takes exception commences with the words "The report shall be delivered to the judge."

The Minister for Justice: Yes.

Mr. MANN: Then I move the following amendment—

That the following be added to Subclause 2:—"Such report shall be made in writing signed by members of the board, or by those who concur therein, and, if the accused person is thereby reported to be mentally defective, shall state in what respects he is so defective."

Amendment put and passed.

Mr. MANN: I ask leave to withdraw the remainder of the amendment appearing on the Notice Paper.

Leave given; remainder of amendment withdrawn.

Progress reported.

BILL—ALSATIAN DOG.

Second Reading.

Debate resumed from the 23rd October.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [6.7]: I listened with much interest to the case of the member for Toodyay (Mr. Lindsay) against Alsations and in favour of this drastic Bill, as well as his quotations from various authorities and the information he had drawn from different countries. Since then I have been compelled to listen to the case for the other side, which conveyed a great deal of information in reply to the arguments of the mover of the Bill. It is well the House should know both sides, because the step suggested by the measure is very serious, involving financial loss to numerous people. The House is entitled to give both parties a hearing. The first point made by the member for Toodyay was that the Alsatian is really a wolf cross. In support of that contention he quoted Colonel Richardson, the editor of a publication called "The Watchdog," who had something to do with the training of dogs for the British army during the war. I observe that the same quotation appears in this morning's "West Australian." However, I have had authorities and documents produced to me showing that Colonel Richardson is really a dealer in dogs and a breeder of Airedales, besides being largely a seller of Airedales.

Hon. Sir James Mitchell: We should not listen to a seller or breeder of dogs at all.

The MINISTER FOR WORKS: I consider that everyone interested has a right to be heard. There can be no question that amongst dog fanciers the world over the Alsatian to-day is the most popular type. The Alsatian has come to the front during recent years, and made wonderful progress in popularity, especially at Home since the war—prior to the war the Alsatian was practically unknown in England. To-day the Alsatian is the most popular of dogs amongst fanciers the world over, and there must be some reason for it. The dog has not achieved such a position in so short a period without some substantial cause for it. Documents have been produced to me to-day showing that of this breed, which was practically unknown in England before the war, there are now over 25,000 at Home, and that the number is increasing at the rate of 700 to 800 per month.

Mr. Latham: We have the same stuff here.

The MINISTER FOR WORKS: In America, I am informed, the number is increasing at the rate of about 2,000 per month. In Canada and South Africa, and indeed the world over, the Alsatian is high in public favour.

Hon. Sir James Mitchell: The Alsations are good breeders' dogs.

Mr. Latham: What about the Australian rough-haired terriers?

The MINISTER FOR WORKS: It is estimated that to-day there are more Alsations than there are of any other type of dog in the world. I have to thank the member for Toodyay for causing me to be deluged with papers and documents, a huge file of them, showing the position obtaining relatively to Alsations in other countries. It is easy to understand that if this dog has made such immense progress in public favour, and if there is such a great demand for it, those who have been fanciers and breeders of other types of dogs feel the competition, and that thus it would be to their business interests to discredit Alsations. That aspect has been presented to me as one reason why people interested in other types of dogs have broadcasted the information which was used here by the member for Toodyay.

The Premier: Fancy the noise that would be made by a Scotchman who is breeding Airedales and is losing his business through Alsations!

The MINISTER FOR WORKS: It has also been pointed out to me, and substantiated by documents submitted to me for examination, that the wolf is what is known as a lupine, and that the Alsatian dog is a canine, and that every attempt to cross the two has resulted in a mule unable to reproduce its species. Scientists declare that a fertile cross between the two is impossible.

Mr. Latham: Let us ring up Mr. LeSouef.

The MINISTER FOR WORKS: I am advised that Mr. LeSouef denies having made a number of statements credited to him in connection with this subject.

Mr. Latham: We have sent out a few wires, too.

The MINISTER FOR WORKS: It is stated that the cross between the Alsatian and the wolf has invariably proved sterile.

Mr. Lindsay: I did not refer to that.

The MINISTER FOR WORKS: I did not suggest that the statement came from the hon. member interjecting. I have said that he produced authorities, documents and quotations to show that the Alsatian came from the wolf; and now I am putting up the other side as submitted to me. Eventually I shall suggest the taking of certain steps, in view of the difference of opinion.

Hon. G. Taylor: How are Alsations bred?

The MINISTER FOR WORKS: I shall come to that in a moment.

The Premier: The Alsatian comes from Germany.

The MINISTER FOR WORKS: It is a German sheep dog. One scientist goes back hundreds of years by way of showing that all dogs primarily spring from the wolf, and that it is only a question of how far any particular dog is actually removed from the wolf, the father of all dogs.

Hon. G. Taylor: When authorities disagree, who is to decide?

The MINISTER FOR WORKS: I am not prepared to pit one authority against another. However, the scientist I referred to maintains that all dogs came originally from the wolf, either directly or indirectly.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR WORKS: Before tea I was explaining the contention that these dogs are really a cross from the wolf, and the arguments for and against that contention. But there is one thing that stands out undisputed, namely that the Alsatian

has really been the sheep dog of the Continent for the last 300 or 400 years. He does practically all the sheep work throughout Europe. For the past 40 years strict pedigree books have been kept showing how the exported dogs have descended, and in consequence their pedigrees can be traced.

Mr. Latham: I did not see the Alsatian at work in Europe.

The MINISTER FOR WORKS: I saw it in Belgium, where practically the whole of the milk carting is done by these dogs.

Mr. Latham: I will admit that but that is very different from working sheep.

The MINISTER FOR WORKS: All kinds of small carting are done by these dogs, which drag loads of milk, vegetables, and a number of other commodities in their little carts all over Belgium and Germany, and also parts of France. The Alsatian is really the shepherd dog of the Continent. The history of these dogs shows, and it is generally admitted, that they originated from two different types of German sheep dogs. The cross resulted in the Alsatian. It was brought to England after the war. But it was of German origin, and when everything that was German had a German taint and was unpopular in England, those responsible for the importing of the first of these dogs into England from Germany feared the prejudice against Germany would be extended to the dogs. So, instead of calling them German shepherd dogs, as they are known on the Continent, they called them Alsatian wolf dogs. From that the name has spread to this country and to most other countries, it being feared that if the dog were given its right name there would be a prejudice against it. I am not going to do what the member for Toodyay did. He pelted all kinds of authorities at us and quoted extracts galore. In consequence I have had to suffer. I have this huge pile of documents, papers, letters and books that have since been pelted at me. I had to submit, owing to the action of the hon. member. But I am going to heap coals of fire on his head; I am not going to retaliate by quoting lengthily. Still, I want to quote the following from a publication by the British Alsatian Club. The member for Toodyay gave the Alsatian dog a very bad name, and we know that if a dog be given a bad name there is only one ending for it. The hon. member is trying to prove the truth of that old adage with this dog.

This is an extract from this publication issued by the British Alsatian Club, and this is how the Alsatian is described—

From many uninformed quarters it is periodically broadcasted as a supposedly authentic truth that the present-day Alsatian contains a strain of the wolf, but it is not necessary to attempt to controvert this in any detail. Nothing in fact could be further from the truth than are statements of this kind, and it is sufficient to point out that the Alsatian could not have been so successful and trustworthy a sheep dog for 300 years, as it has been, had it contained the wolf strain. To the discerning observer there is in point of fact little similarity between the structural foundations of the wolf and of the Alsatian. The Alsatian wolf dog is first, last and always a working dog. Therefore utility stands before beauty, or rather their real beauty lies in their actual usefulness. Its characteristics and disposition are a combination of most of the best qualities of all large breeds of dogs. It is gentle, obedient and faithful to the last degree; absolutely fearless; possesses a wonderful memory, is unusually fond of children, and its great intelligence makes it a perfect companion for man, woman or child, or as a guardian of the house. It is, however, typical of the breed to be suspicious of strangers, although quick to recognise whether or not a newcomer is on friendly terms with its owner, and to act accordingly.

I want only to make that one quotation in answer to the many that the hon. member put up.

Mr. Lindsay: That is put up by breeders of Alsations.

The MINISTER FOR WORKS: Yes, just as the hon. member quoted people interested in other breeds of dogs.

Mr. Lindsay: No.

The MINISTER FOR WORKS: The hon. member quoted largely from Colonel Richardson, who is a breeder of Airedales, and I am just repeating what happened.

Mr. Lindsay: That is what you have been told.

The MINISTER FOR WORKS: No, it is not. What I have just quoted represents the views of the other side, and I think the House is entitled to hear both sides.

Mr. Lindsay: Yes, that is right.

The MINISTER FOR WORKS: We had from the hon. member quotations from an interested source. The other side has since been put to me, and the House is entitled to hear it.

Mr. Angelo: Why listen to breeders of other kinds of dogs? Let us hear the opinions of those who have had practical experience of the Alsatian.

The MINISTER FOR WORKS: I will touch upon that in a moment. Some of these documents I have here deal with a number of cases cited by the member for Toodyay. Those who approached me say that, of course, they are not placing the blame on the hon. member.

Mr. Lindsay: Judging from this pamphlet, I think they are.

The MINISTER FOR WORKS: They say the hon. member in his speech merely cited the charges, but did not follow up to the explanation. In a couple of cases I have read, the explanation given disproves the charge and shows that the crimes committed by dogs in the instances cited by the hon. member were not committed by Alsations at all.

Mr. Lindsay: For instance, the case at Toodyay?

The MINISTER FOR WORKS: Yes, that was featured in the local Press, and in consequence the Premier's office authorised an investigation. It was stated that a dog had killed 50 sheep. It has since been shown that the dog was not an Alsatian, but was born before there were any Alsations in Western Australia, and therefore could not possibly have Alsatian blood in it. It was bred locally. An investigation was held.

Mr. Lindsay: By whom?

The MINISTER FOR WORKS: I have here the authority given by the Premier's Office for an inquiry. I have also the report made, together with statements signed by the owner of the dog, by the owner of the sheep and by others interested. The documents are all here.

Mr. Lindsay: I have seen them.

The MINISTER FOR WORKS: It is here shown that the dog's parents and the dog's age were known, that it was bred in this country before there was an Alsatian dog in Western Australia. So the dog that committed that crime was not an Alsatian. Then, regarding an English case cited by the hon. member, I have here information showing that the owner admitted that the dog was a retriever, not an Alsatian.

Mr. Latham: This authority says the Alsations have been here for the past 25 years.

The MINISTER FOR WORKS: Where?

Mr. Latham: On page 4, paragraph 10.

The MINISTER FOR WORKS: Yes, but where have the dogs been?

Mr. Latham: In Australia.

The MINISTER FOR WORKS: I am speaking of Western Australia. It is known when the first Alsatian was brought to Western Australia.

Mr. Latham: You know when the first one was brought from Germany to Western Australia.

The MINISTER FOR WORKS: These statements are signed by those persons interested, and it is admitted that the dog in the Toodyay killing had no Alsatian blood in it.

Mr. Marshall: Can you give us the breeding of the native sheep dog of Germany?

The MINISTER FOR WORKS: I have already explained that; you were not here. In many of these cases the documents are produced to show that a thorough investigation proved it was not an Alsatian, but a dog of another breed that committed the offence.

Mr. Latham: Who conducted the investigation?

The MINISTER FOR WORKS: I am not going to quote the whole of these, instance by instance. I am not going to delay the House—unless I find it necessary later in the debate. I am not going to take these things instance by instance. The hon. member need not expect me to quote from these documents and so inflict them on the House. I do not want to delay the House. As for the instances quoted by the member for Toodyay, it is just once more a case of giving a dog a bad name and hanging him. While it is not held by those who approached me, and I do not think anyone is going to contend, that the Alsatian is an exemplary dog, not capable of killing, and all that can be desired, I do say there is no breed of dog that is not a killer. If I liked I could take each instance cited by the member for Toodyay and find instances of dogs of other breeds committing crimes equal to those the hon. member cited against the Alsatian. I could take the collie, the kelpie, the stag-hound, the kangaroo dog, the fox terrier, the Airedale—almost any breed of dog, and be able to prove a case against members of that breed equal to the case cited by the member for Toodyay.

Mr. Latham: If prompted by Mr. Snowden, you could.

The MINISTER FOR WORKS: That is most unfair.

Mr. Latham: This is all his stuff.

The MINISTER FOR WORKS: The hon. member knows full well that any num-

ber of dogs in his district do kill and are not Alsations. I remember an instance given by the member for Beverley as having happened in that district. A collie dog used to travel for miles and kill sheep. The same may be said of kelpies. I could give scores of instances of other dogs having indulged in killing equivalent to the instances the member for Toodyay quoted regarding Alsations. There is no breed of dog that does not contain killers.

Hon. G. Taylor: But none is so bad as the Alsatian.

The MINISTER FOR WORKS: Every family has an outlaw and every type of dog, I suppose, contains an outlaw.

Mr. C. P. Wansbrough: Some are worse than others.

The MINISTER FOR WORKS: There was an instance at Toodyay of a little Pomeranian having been caught worrying sheep. Even human beings kill each other.

Mr. Lindsay: Yes, but we hang them, whereas we propose only to sterilise Alsations.

The MINISTER FOR WORKS: If the principles of the Bill were applied to human beings, the fact of one man killing another would be regarded as sufficient justification for preventing every individual from propagating his species. It is most unfair to say that only the Alsatian is guilty of the crimes that the member for Toodyay quoted to the House. I read in the newspaper the other morning that some Russian wolf-hounds had been sent to some of the big stations up North. The wolfhound is a much bigger dog than the Alsatian. Why single out the Alsatian for this drastic treatment?

Mr. Latham: We have to start somewhere.

The MINISTER FOR WORKS: The wolfhound is a much bigger dog; the stag-hound is a much bigger dog.

Mr. Marshall: Not the staghound.

The MINISTER FOR WORKS: I do not say that the Alsatian is different from other dogs. There is not much doubt that amongst all breeds can be found outlaws and killers. It is wrong to say that Alsations are not used by sheepowners in this State. I have a list containing the names and addresses of 28 farmers and graziers who have Alsations working sheep at present. The list has been supplied by an owner. I am told that there are 600 or 700 of the breed in the State and that six-tenths of them are in the farming districts.

That was stated at a deputation. It is all very well to blame the breed, but if we take a fair and broad-minded view, we must admit that all breeds contain a killer. The fault of that may not be due actually to the breed so much as to the training of the dog. Yet the Alsatian is singled out for special treatment and is maligned up hill and down dale, though there is a good deal to be said in its favour. If I cared I could give an exhaustive account of things standing to the credit of the Alsatian. The war records show what it did on the battlefields in attending the sick, taking carrier pigeons out to posts to be released and doing many acts that were considered impossible for human beings to perform. The Alsatian's war record is very creditable indeed. The Alsatian is the sheep-dog of the Continent. On the border of Germany and Russia, where wolves abound, I am advised and the publications state that the Alsatian protects the flocks against the wolves. It has been known to kill wolves, and it has never been known to mix with or cross with the wolves, though those animals are running wild in the parts where the Alsations are employed. I myself have seen the Alsations in France and Belgium minding not only sheep but poultry. Huge flocks of geese, ducks and fowls are actually minded by Alsations.

Mr. Latham: If they are so serviceable there, let us send them back.

The MINISTER FOR WORKS: I am told that the Alsatian actually gathers the eggs and takes them to the house without breaking them.

Mr. Latham: That is a good story.

The MINISTER FOR WORKS: From the south of England evidence has been cited in its favour. During a heavy snow storm lambs were buried and an Alsatian rescued the lambs and even lay with them to keep them warm during the night.

Members: Oh, oh!

The MINISTER FOR WORKS: If the dog had been fond of lambs, it certainly could have helped itself to a little frozen lamb on that occasion. I have a photograph of the dog with the lambs. When so much is being said against the Alsatian, we should not overlook what an intelligent dog it is. Everyone is aware of the work that the Alsatian has done for the police on the Continent, in England, America and other countries. We have seen the exploits of the Alsatian depicted by the cinema.

Mr. Lindsay: That is how it became popular here.

Hon. G. Taylor: We do not mind it on the screen, but we do not want it in the country.

The MINISTER FOR WORKS: Although the Alsatian has been given a bad name by the member for Toodyay, I advance those facts in its favour because the account for the great popularity that the dog has won for itself in most countries of the world. There is being shown in the Eastern States at present a film depicting Alsatian working sheep in Australia. That film will be shown in Perth shortly. The member for Toodyay quoted the report of a committee of the Canine Association detrimental to the dog, but he forgot to mention that the association was defunct.

Mr. Lindsay: It was not defunct when the committee was appointed to inquire.

The MINISTER FOR WORKS: Perhaps not, but it has been defunct for some time. I do not know what truth there is behind the case presented to me, but I was informed that a disgruntled section of the Kennel Club split off from that organisation and called themselves the Canine Association in opposition to the Kennel Club. The Kennel Club had supported the Alsatian, but the Canine Association, desirous of securing a period of five years. Consequently during cognation at the Royal Show, opposed the entry of Alsations. That, I am informed was done with the idea of currying favour with the Royal Show authorities and securing recognition over the Kennel Club. I am merely stating the case as it was presented to me. Consequently it does not do to accept every statement put up to us without inquiry. The Canine Association no longer exists and the Kennel Club is the recognised organisation of dog fanciers in this State. I have inquired from the Eastern States what the Governments there propose to do. The Commonwealth Government have placed an embargo on the importation of Alsations for a period of five years. Consequently during the next five years no Alsations will be admitted into Australia. Tasmania has introduced a Bill, but each of the other States has advised me that no action will be taken this session. The matter has been considered and a decision will be come to next session.

Hon. Sir James Mitchell: That is extraordinary in view of the resolution of the conference of Ministers for Agriculture.

The **MINISTER FOR WORKS**: The Bill before the Tasmanian Parliament is not nearly so drastic as this one is. It appeared to me that the Commonwealth Government must have made fairly exhaustive investigations before imposing the embargo on importations, and so I have wired to the Commonwealth Government asking that the information gathered be forwarded to me. The action of the Commonwealth in barring importations during the next five years will afford a certain amount of protection. The amendment of the Dog Act passed last session gives local authorities extensive powers to deal with killers.

Mr. Latham: Some of the local authorities.

The **MINISTER FOR WORKS**: The municipalities in the metropolitan area are the only ones exempt; all the country areas are included. Wherever I go in the country districts, I see scores of mongrel dogs of all descriptions, sizes and colours that apparently have no owners but have been left to wander about the country. It seems to me that those dogs probably constitute the real danger to the sheep industry.

Mr. Lindsay: You did not give us much assistance last session.

The **MINISTER FOR WORKS**: No, the hon. member seems to have a terrible set of dogs of all kinds. He accuses the Alsatian of being ferocious and savage, but judging by the Bill of last session and this measure also, it appears to me that he himself has become a sort of political Alsatian. The Act gives ample scope and authority for the destruction of any dogs that are killers, become a nuisance, are wanderers, or are troublesome in other directions. I do not think in any part of the world are such wide powers given as here for the destruction of dogs that become a nuisance. If that Act is enforced there will be any amount of scope for the destruction of Alsatisans.

Mr. Lindsay: If you had left the measure as it was introduced, it would have been all right.

The **MINISTER FOR WORKS**: There is ample power for the destruction of Alsatisans or any other dog which becomes a killer and interferes with our flocks. The Bill is far more drastic than the one that has been introduced to the Tasmanian Parliament. I am informed there are between 600 and 700 Alsatisans in Western

Australia. If the Bill is passed it will mean that the owners of those animals, some of whom have paid a substantial figure for them with the idea of getting their money back from the progeny, will suffer. The Bill proposes that those dogs shall be destroyed. That would mean heavy financial loss to the owners. There is no suggestion of compensation. Indeed, I do not know whether the Bill is in order. If it comes to the question of destroying the dogs and damages being due to the owners, the taxpayers will have to pay. The Bill will, therefore, be inflicting a financial obligation upon the taxpayers, and to that extent it would not be within the scope of a private member to introduce it.

Mr. Lindsay: I was very careful about that point.

The **MINISTER FOR WORKS**: There is no provision for compensation, and yet the obligation is cast upon the owner of the dog to engage a veterinary surgeon to perform these operations.

Mr. Lindsay: A private member cannot provide for compensation.

The **MINISTER FOR WORKS**: The courts will have to determine the matter, because the Bill is silent on the question. That is not to say no compensation will be paid.

Mr. Davy: Yes.

The **MINISTER FOR WORKS**: That was not the case in connection with the rinderpest outbreak, when numbers of cattle were destroyed.

Mr. Davy: That was a Governmental action.

Mr. Latham: There was no law in that.

The **MINISTER FOR WORKS**: Was there not? People's cows and pigs were destroyed. It must have been done under the law. Of course that was so.

Mr. Latham: The destruction was, but not the compensation.

The **MINISTER FOR WORKS**: The Commonwealth Government stepped in and paid compensation. If the Bill is not to provide for compensation, it is a pretty serious proposition for those who have invested their money in this class of dog, with the idea of getting their capital back at a later stage. If that is not confiscation of property, I do not know what is. If confiscation is to be endorsed by Parliament in this instance, I do not know where we

shall end. In connection with the seizure of cows suffering from tuberculosis, we passed a Bill to establish a compensation fund.

Mr. Latham: You provided for it there.

The MINISTER FOR WORKS: Yes. Does the hon. member favour the idea of placing the obligation upon the owners to incur the expense of destroying the animals which they themselves have imported? That amounts to confiscation.

Mr. Latham: I would favour it in the case of useless dogs.

The MINISTER FOR WORKS: It is just as well, then, that the public should know that he stands for confiscation. If he does so in this instance, he will have to stand for it in other directions. The Government suggest that all evidence given and the facts advanced by deputations should be collated.

Mr. Latham: Advanced by interested parties.

The MINISTER FOR WORKS: All are interested. The hon. member is interested in one way against the other. It is all a matter of interest. There is interest on more sides than one. The evidence is very conflicting, and the step proposed by the Bill is very drastic. The proposal I have to make on behalf of the Government is that the Bill be submitted to a select committee to conduct a thorough investigation. The evidence can be collated and a thorough investigation held.

Mr. J. H. Smith: That will mean shelving the Bill.

Mr. Marshall: You are setting up your own case.

The MINISTER FOR WORKS: I am setting up the argument that has been presented to me by the other side.

Mr. Angelo: The Minister is offering a fair proposal.

The MINISTER FOR WORKS: Will members say that merely on the statements advanced by the member for Tooday, who quotes reports that are given to him from one source, and on the statements I have advanced, which are based on information given to me from another source, they are able to come to a satisfactory conclusion on the matter? Can the statements of either of us prove or disprove the arguments that have been advanced by

either side? The evidence, so far, is of a conflicting nature. I feel that the House wants justice to be done to all sides. We do not want to do injustice to anyone, and we want to make sure that the ultimate decision is in the best interests of the State as a whole. A proper decision cannot be arrived at by a discussion across the floor of the House and by each member collecting information from one source or another. We shall never get down to the true position by that means. It would be better, fairer, and more effective to appoint a select committee to hear both sides and make recommendations concerning the matter.

Mr. Lindsay: That means shelving the Bill.

The MINISTER FOR WORKS: It does not necessarily mean anything of the kind.

Mr. Lindsay: That does not meet with my approval.

The MINISTER FOR WORKS: The hon. member and I were both on a select committee recently. Many witnesses were called and only a few days elapsed before the report was furnished. The House will be sitting for a few weeks yet. No State Parliament has yet passed a Bill of this nature. I have numbers of telegrams here stating what it is proposed to do in the other States. The situation in Western Australia is no more urgent than it is elsewhere in Australia. If the other States do not propose to pass legislation this year, it will not hurt us to have a thorough investigation. It is better to do that than to feel afterwards that we have arrived at a decision without justification.

Mr. Marshall: I grant you that.

The MINISTER FOR WORKS: We shall be here for three or four weeks yet.

Mr. Angelo: Will the Government promise to get the Bill through this session if we do appoint a select committee?

The MINISTER FOR WORKS: The Premier has already said that an opportunity will be given to discuss private members' business. It will not be denied in this case. I hope the hon. member will accept the proposition and agree to a thorough investigation being made, so that all sides may be able to state their case, and the full facts sifted.

MR. LATHAM (York) [8.10]: The object of the Bill is not only to destroy these dogs, but to provide means for protecting the pastoral industry.

The Premier: The destruction of the dogs is incidental thereto.

Mr. LATHAM: Their destruction means affording protection to the industry. Many years ago rabbits, starlings, sparrows and foxes were introduced into Australia. If the Minister for Works had been on the floor of the House then, no doubt he would have defended the action of those responsible. What have these pests cost the country?

The Minister for Works: To be logical you should prevent any importations whatever.

Mr. LATHAM: Yes, if there is any chance of danger accruing to our industries I would do so, despite the Minister.

Mr. Davy: This Bill is not a matter of preventing importations; it is a matter of destroying property that is already here. It should be argued on that basis.

Mr. LATHAM: If the total losses that these pests have brought to the people of this State could be computed, the toll would be found to be enormous.

The Premier: Sparrows and rabbits have no relationship to this matter.

Mr. LATHAM: The Premier's remark makes me think he does not know what rabbits have cost the pastoralists of New South Wales and Victoria.

The Premier: I knew that before you ever saw Australia.

Mr. LATHAM: The Premier is older than I thought he was.

The Premier: That was when you were in the Old Country.

Mr. LATHAM: The Premier is only guessing. I will always do what I can to prevent the same thing happening with Alsatian dogs. The Federal Government have seen the necessity for preventing the importation of these animals for five years. They must have given serious consideration to the matter. Seeing that they have done this, what is the use of giving people a monopoly in these dogs? We must take steps to prevent the breeding up of such fierce animals.

The Premier: It is not a monopoly.

Mr. LATHAM: No one will be able to import them for five years.

The Premier: But in five years there will be enough to go round for everybody.

Mr. LATHAM: I have seen these dogs and feel sure it would be in the best interests of our pastoralists and others engaged in primary production to prevent any further breeding of those animals. I am just as competent to judge the question as anyone else. The gentlemen who sent out this pink propaganda did so because they are engaged in the business of breeding and selling these dogs.

Mr. Mann: That is not fair.

Mr. Angelo: There are many other kinds of dogs.

Mr. LATHAM: I do not know whether that is their livelihood or not but they intend to do the best they can to see that Parliament does not deprive them of their livelihood. I have read several of the communications they have sent out in reply to the member for Toodyay (Mr. Lindsay). Unfortunately many members have not given enough consideration to our primary industries, which provide the wherewithal for them to carry on the State. They have given too much consideration to dogs. Every time that legislation is brought down for the protection of the pastoral industry, the dog question crops up. The care and protection of dogs seem to weigh more with some members than the care and protection of sheep.

Mr. Kenneally: And the protection of life?

Mr. LATHAM: Yes. I want members to view the matter the other way. The Minister says these people are entitled to compensation. I do not say they should not be compensated. If their dogs become a menace to sheep owners, however, who will pay for the loss of the stock? Who will bear the cost that is inflicted upon the pastoral industry?

Mr. Marshall: Do you think these dogs have become a menace?

Mr. LATHAM: There is a probability of that occurring.

Mr. Marshall: You are speaking in anticipation of the future.

Mr. Angelo: It was not thought that foxes would become such a menace.

Mr. LATHAM: I said there was a probability of these dogs becoming a menace. This is a serious matter and we should not view it from the standpoint of the owner of a few days that produces nothing for this

State. We can do without the Alsations; we have good sheep dogs in the kelpie and the collie.

Mr. Marshall: And they kill, too.

Mr. LATHAM: I do not say that they don't, but the kelpie is far easier to train as a sheep dog than an Alsatian.

Mr. Marshall: You have had no experience with Alsations!

Mr. LATHAM: I do not want to have any such experience. I would not have an Alsatian on my place if they gave me £50 a month to have it there. The liability would be too great. I have read the document sent to us by Mr. C. H. Snowden, the secretary of the Alsatian Breeders' Association. I notice there is a reference to Mr. S. G. Smithin, who is described as a farmer at Bengier. I have searched the electoral roll for that district, and I have not been able to find the name of Mr. Smithin, farmer, of Bengier. I know a Mr. Smithin there. He is on a farm at Bengier, and I know there is an Alsatian dog on that farm. I saw the dog. It was kept in a wire-netting enclosure that was covered on the top so that the dog could not possibly get out of it.

Member: He would not want to.

Mr. LATHAM: It was kept in a cage and was pacing backwards and forwards just like a lion at the Zoo.

The Premier: And the same as a man would do if he were confined in a cage.

Mr. LATHAM: Just so. If the Alsatian is such a fine animal, capable of being trained so easily, why was this animal not taken about on a chain like an ordinary dog?

Hon. W. D. Johnson: Perhaps the people were afraid you would steal it.

Mr. LATHAM: Then they must have mistaken me for the hon. member. I have not yet reached the stage of stealing other people's dogs, and I certainly have no desire to steal this type of dog. Then, again, I noticed the name of Mr. H. G. Vine, described as a farmer at Merredin. I have searched the electoral rolls for Merredin and also the York and Yilgarn rolls for the surrounding electorates, and I cannot find any record of Mr. H. G. Vine. He cannot be an important person, otherwise his name would be on the roll.

Hon. W. D. Johnson: Perhaps he is under age.

Mr. LATHAM: I have no knowledge regarding Sir Joynton Smith, "Smith's

Weekly," and others mentioned in Mr. Snowden's memorandum, but I have no doubt that Sir Joynton Smith and the others referred to, regard this question from the point of view of the dog and not from that of the pastoral industry. The member for Toodyay, when introducing the Bill, gave instances to show what the Alsatian is capable of doing. In the "Daily News" of the 24th October there appeared the following paragraph:—

Miss M. Bramm, of Myrtle-road, Folkestone, was taken to hospital recently after being mauled by an Alsatian dog. Miss Bramm stopped to stroke the dog when it jumped at her, knocked her down, and bit her about the back and shoulder.

Hon. W. D. Johnson: Did you look up that electoral roll?

Mr. LATHAM: The member for Guildford is a sheep owner, and if he chooses to treat this subject lightly, he may do so!

The Minister for Works: Did you notice what happened in Melbourne when a bulldog attacked a woman?

Mr. LATHAM: We are not dealing with bulldogs in this instance. We had a Bill dealing with other classes of dogs last year; now we wish to go further. In the "Daily News" of the 28th October last, there was this further paragraph, under the heading "Children Attacked"—

On the ground that it was dangerous, the Fareham magistrates recently ordered an Alsatian dog belonging to Mr. Bob Morris, of Wickham, to be destroyed. It was stated that the animal broke out and attacked several small children. Morris, who said that the dog was valued at 80 guineas, was summoned for not keeping it under proper control. He said it was not dangerous. A woman staying at his house, he admitted, was bitten by it on the lips.

There are a couple of additional instances of Alsatian dogs having attacked people. I hope hon. members will treat this matter seriously, and help us to protect industries to which Western Australia has to look for her future prosperity.

Hon. W. D. Johnson: Are you prepared to include kangaroo dogs as well?

Mr. LATHAM: The hon. member knows very well that an attempt was made last year to protect the pastoralists from that standpoint, but we did not succeed.

Hon. W. D. Johnson: What about including the lot, so that we can rope them all in?

Mr. LATHAM: We will deal with one breed at a time. If it was necessary for the Federal Parliament to prohibit the importation of Alsatians, we are surely justified in pursuing the course suggested. There is certainly the necessity for us to control the dogs that are in Western Australia. I hope hon. members will view this question entirely from the pastoralists' point of view.

Mr. Davy: Why should we do anything entirely from the pastoralists' point of view?

Mr. LATHAM: If the hon. member chooses to ask a question like that, I can only reply that the pastoral and agricultural industries represent the backbone of Australia.

Mr. Davy: I will not do anything from the point of view of anyone in particular.

Mr. LATHAM: That is for the hon. member to say.

Mr. Davy: We should view matters from the point of view of everyone.

Mr. Marshall: Perhaps the hon. member would hold a different view if he were a pastoralist.

Mr. LATHAM: The member for West Perth should know that the effects of the pastoral industry find their way down to everyone in the State.

Mr. Marshall: And it keeps you going, too.

Mr. LATHAM: Perhaps the hon. member is not aware of the position regarding the pastoral and agricultural industries.

The Premier: You must be fair to everyone.

Mr. Davy: Of course.

Mr. Angelo: But there are plenty of breeds of dogs other than the Alsatian.

Mr. LATHAM: The case submitted by the member for Toodyay (Mr. Lindsay) was a fair one, but the suggestion submitted by the Minister for Works, which would have the effect of putting off the evil day, was unwise. I do not think the proposal for a select committee will appeal to members of this House.

The Premier: It would give the other side a chance.

Mr. LATHAM: But we do not go to others affected every time we deal with legislation. We are sent here by our electors to legislate for the whole of the people.

Mr. A. Wansbrough: Not for one section.

Mr. LATHAM: When did the Premier send his legislation along to select committees for further inquiries?

The Premier: Often Bills have been referred to select committees.

Mr. LATHAM: Very seldom. The Premier has said that the work of select committees was not of advantage.

The Premier: When did I say that?

Mr. LATHAM: When we asked for a select committee.

The Premier: In those instances it was not warranted!

Mr. LATHAM: The Premier has asserted that select committees have not been useful, and that the work of those bodies was of limited value to the Chamber.

The Premier: They are very useful at times.

Mr. LATHAM: At any rate, I ask hon. members to accept the responsibility their electors placed upon them and to deal with this question as the electors would have them. I can assure the House that we could well do without the Alsatians for sheep dogs.

Mr. Marshall: You are speaking without experience; they are very good sheep dogs.

Mr. LATHAM: Where has the hon. member seen an Alsatian working?

Mr. Marshall: Here in the city.

The SPEAKER: Order!

Mr. LATHAM: That is what I expected—in St. George's terrace.

Mr. Marshall: Yes, and on the Show-ground at Claremont as well.

The SPEAKER: Order! If the hon. member interrupts again I shall have to take certain steps.

Mr. LATHAM: I ask hon. members to accept the responsibility cast upon them to deal with this matter as the electors would have them deal with it. If they do that, I will have no fear of the result. We should dismiss from our minds the question of the ownership of these dogs and take into consideration the damage that may result if they are allowed to extend through the country districts. We should have before us all the time what it has cost the people of Australia since the introduction of the rabbit, which appeared at the outset to be so harmless, but which remained to be such a pest. The people in the agricultural and pastoral industries have had to pay a tremendous toll. We can do without the Alsatian dog and it will not add to the wealth of the country if we allow it to breed here. It will adversely affect industries upon which Australia has to depend.

MR. J. H. SMITH (Nelson) [8.26]: I shall oppose the appointment of a select committee to deal with the Bill. We should decide to-night on the fate of the Bill itself. I do not think a select committee would serve any good purpose. The proposal of the Minister for Works is merely one way of defeating the issue. The member for Toodyay (Mr. Lindsay) will be well advised to accept a decision regarding the Bill itself this evening. The reason why I say a select committee will serve no good purpose is that, on the one hand, the member for Toodyay quoted authorities he had collected within the State and from other parts of the world, and, on the other hand, we had the Minister for Works, who spoke as member for South Fremantle, I presume, championing the cause of the breeders of these animals and quoting authorities from here and from other parts of the world as well. If we appointed a select committee to deal with the Bill, what would happen. No good purpose could be served.

Mr. Davy: Why?

Mr. J. H. SMITH: Because the issue will be the same. We will have the same class of information placed before the select committee, and we will not be advanced at all. I hope the member for Toodyay will reply to the debate this afternoon and ascertain if the circular letter members have received has borne any fruit. My vote will be cast after I have heard the member for Toodyay's reply. I am satisfied, seeing that the Pastoralists Association, the Royal Agricultural Society, and different local governing authorities throughout the country areas have approached the hon. member, who has also done great work as a member of the Central Vermin Board, with a request that he should introduce a Bill for the destruction of Alsatian dogs, that that course would not have been adopted unless there was danger to be apprehended. If the danger does exist, it is the duty of Parliament to see that it does not proceed any further. In his circular letter, Mr. Snowden is quite justified in advancing his arguments from the point of view of a breeder. As a business proposition it is quite all right for him to place all the information he can before us, in an endeavour to prevent the Bill becoming law. The importation of Alsatis into Australia is forbidden, and that means that Mr. Snowden and others who are engaged in breeding the dogs will have a monopoly of the whole business.

The Premier: What nonsense!

Mr. J. H. SMITH: The Premier says, "What nonsense."

The Premier: Anybody can buy the dogs as well as Mr. Snowden, and breed them too.

Mr. J. H. SMITH: Mr. Snowden may have the best dogs in Australia, but if the member for Toodyay (Mr. Lindsay) can convince the members of this House that his facts are right and that what Mr. Snowden has put up is wrong, we shall be quite satisfied in voting for the second reading of the Bill. But we shall be making a grave blunder if we appoint a select committee to consider the matter. I hope the member for Toodyay will not listen to the proposal.

The Premier: It will help the Bill to get through if there is a case at all.

Mr. J. H. SMITH: Even if a select committee were appointed it would take three or four weeks to consider the matter.

The Premier: Why should it?

Mr. J. H. SMITH: The member for Toodyay has all his facts collected; he has had them for months and months.

Member: For years and years.

Mr. J. H. SMITH: And Mr. Snowden has had his facts collected also I suppose for years and years. If we appoint a select committee we shall get over again all the statistics that have already been supplied to us. The select committee will take two or three weeks to consider the matter and the Christmas holidays will be on us and no finality will be reached. Possibly also the select committee will look for those people who, according to the member for York, do not exist. It will be a blot on the intelligence of this House if we allow the Bill to go to a select committee. The only effect will be to create delay and there will not be an opportunity to send the Bill to another place, and moreover we shall shortly be in the throes of the elections and we shall forget all about Alsatian dogs.

MR. DAVY (West Perth) [8.33]: It is remarkable that every time the word "dog" is mentioned in this House we get—

The Premier: Excited.

Mr. DAVY: It is certainly extraordinary that an entirely non-party matter should engender so much feeling. Recently I was approached by people interested in the subject and asked what my views were on the Alsatian Dog Bill. I said I had been following the controversy in the newspapers for years past but had found it very diffi-

cult indeed to make up my mind which side was right. One side had declared the Alsatian to be the wildest and most fiendish animal on the face of the globe, while the other side said it was the most gentle and sweet-natured. One side quoted instances of the dog's brutality and the other contradicted the assertions made, and quoted instances of docility. Whilst I am prepared to vote in favour of exterminating the breed, if the weight of evidence is against the dog, I propose to hear what is said by the other side before committing myself. I have heard what has been said by the Minister for Works and I find myself now favouring the appointment of a select committee to make a closer investigation of the evidence that has been submitted to us. True, the evidence on the other side is nothing more than hearsay, and so the select committee should be given the opportunity to call evidence, weigh that evidence and determine whether the balance of weight is against the dog. If it is against the animal I shall agree that it should be wiped out. We cannot afford to run the risk of permitting this animal to propagate in Western Australia if it is dangerous to sheep. But the point seems to be that the dog is by far the most intelligent and the most active dog in the world, and, what is more, it is claimed that it is a utility dog. It is not a dog that would be kept in towns by dog fanciers only; it is a dog that should be bred for utility purposes.

Mr. Angelo: That is the danger.

Mr. DAVY: It is said that its breed must spread through the country districts. It certainly will not be kept as a pet; it is no good as a pet; it is born and bred for work.

Mr. Marshall: Active work, too.

Mr. DAVY: And it cannot be kept in a place where it would not be in touch with other dogs. But it has not been proved to me that it is savage. So I say the suggestion of the Minister for Works is the proper one. I cannot see that the appointment of a select committee will result in shelving the Bill. Even supposing it does, and the Bill is carried over to next session. Are we light-heartedly going to pass a piece of legislation that will have the effect of destroying at least a good deal of the valuable property of a lot of people in Western Australia? Are we going to do that without having weighed the evidence on both sides? I

suggest to certain hon. members who have spoken that they did not improve their case by casting aspersions on the manner in which a certain gentleman outside the House has put up material to us. I never will agree that because a man has a personal interest in a subject, what he says on that subject must be dishonest.

Mr. Latham: I never made any such suggestion.

Mr. DAVY: I am not hitting at anybody in particular, but the suggestion has been made that because Mr. Snowden is a breeder of these dogs—

Mr. Latham: I did not know he was a breeder, though I knew he had one.

Mr. Mann: He is not a breeder.

Mr. DAVY: The suggestion was made that because he was a breeder, anything he said must be dishonest or untruthful. That suggestion, if it were carried out, would take us back to the dark ages when persons accused of a crime were not allowed to give evidence in their own favour because, naturally, they must be telling lies. That is not the proper attitude to take up. We are entitled to hear Mr. Snowden or anyone else who likes Alsatian dogs and who will take up the cudgels in their behalf, and weigh whatever they may have to say against the arguments advanced by the opponents of the dog. I protest against a certain attitude that always seems to creep in on the dog question. It crept in last session and it has crept in again this session. It is the suggestion that those who do not completely agree with certain members who are in favour of the proposed legislation are hostile to the pastoral industry. That is not a fair attitude at all. If, after reading the evidence of the select committee, which I hope will be appointed, I come to the conclusion that I should vote against the Bill, I shall certainly do so and I will consider it a gross injustice if anyone says that that proves I am against the pastoral industry merely because I differ from somebody else. I think the member for Toodyay has made out a powerful case for close investigation and that a select committee should be appointed to listen to what the other side has to say. If the case of the member for Toodyay is not overthrown by evidence that is called by the select committee, then we ought to agree with what he wants us to do. At the same time I do say that compensation ought to be

paid to people whose valuable animals are going to be destroyed. If the Bill is carried through the second reading, there are one or two amendments that I intend to suggest in the Committee stage.

On motion by the Premier, debate adjourned.

BILL—WHEAT BAGS ACT AMENDMENT.

Second Reading.

Order of the day read for the resumption of the debate from the 23rd October.

Question put and passed.

Bill read a second time.

BILL—ELECTORAL PROVINCES.

Second Reading.

Order of the Day read for the resumption of the debate from the 10th September.

Question put.

Mr. SPEAKER: The passing of the second reading of this Bill requiring an absolute majority, I order the division bells to be rung.

Bells rung, and a division taken with the following result:—

Ayes 28

Noes 10

Majority for 18

AYES.

Mr. Chesson
Mr. Clydesdale
Mr. Collier
Mr. Corboy
Mr. Coverley
Mr. Cowan
Mr. Cunningham
Mr. Griffiths
Miss Holman
Mr. Johnson
Mr. Kenneally
Mr. Kennedy
Mr. Lambert
Mr. Lamond

Mr. Latham
Mr. Lindsay
Mr. Marshall
Mr. McCallum
Mr. Millington
Mr. Munsie
Mr. Rowe
Mr. Sleeman
Mr. J. H. Smith
Mr. Troy
Mr. A. Wansbrough
Mr. Willcock
Mr. Withers
Mr. Wilton

(Teller.)

NOES.

Mr. Angelo
Mr. Brown
Mr. Davy
Mr. Ferguson
Mr. Mann

Sir James Mitchell
Mr. Taylor
Mr. Teesdale
Mr. C. P. Wansbrough
Mr. North

(Teller.)

Mr. SPEAKER: I declare that the question is resolved in the affirmative by an absolute majority.

Bill read a second time.

In Committee, etc.

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

Standing Orders Suspension moved.

The PREMIER: I move—

That so much of the Standing Orders be suspended as is necessary to enable the third reading of the Bill to be taken forthwith.

Question put.

Mr. SPEAKER: An absolute majority being required for the passing of the motion, I direct that the bells be rung for a division.

Bells rung, and a division taken with the following result:—

Ayes 25

Noes 11

Majority for 14

AYES.

Mr. Chesson
Mr. Clydesdale
Mr. Collier
Mr. Corboy
Mr. Coverley
Mr. Cowan
Mr. Cunningham
Miss Holman
Mr. Johnson
Mr. Kenneally
Mr. Kennedy
Mr. Lambert
Mr. Lamond

Mr. Latham
Mr. Marshall
Mr. McCallum
Mr. Millington
Mr. Munsie
Mr. Rowe
Mr. Sleeman
Mr. Troy
Mr. A. Wansbrough
Mr. Willcock
Mr. Withers
Mr. Wilson

(Teller.)

NOES.

Mr. Angelo
Mr. Brown
Mr. Ferguson
Mr. Griffiths
Mr. Lindsay
Mr. Mann

Sir James Mitchell
Mr. Taylor
Mr. Teesdale
Mr. C. P. Wansbrough
Mr. North

(Teller.)

Mr. SPEAKER: There not being an absolute majority, the motion is lost.

On further motion by the Premier, ordered that the third reading of the Bill be made an Order of the Day for the next sitting of the House.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Lambert in the Chair: the Premier in charge of the Bill.

Clause 4.—Insert after the word "shall" in line nineteen the words "notwithstanding anything to the contrary contained in the Fines and Penalties Appropriation Act, 1909, or any other Act."

The PREMIER: I move.—

That the amendment be agreed to.

It deals with the disposal of fines. As the Bill is worded, under the Fines and Penalties Appropriation Act of 1909 the fines could not go to the governing authorities of the University. To put the matter beyond doubt, this amendment has been made. This will make it doubly sure that the fines will go to the University. Evidently the Legislative Council did not desire to take any risk.

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

Resolution reported and the report adopted.

BILL—LICENSING ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from the 24th October.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lambert in the Chair: the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 21:

The MINISTER FOR JUSTICE: I move an amendment—

That in lines 5 and 6 the words "from time to time" be struck out.

The effect of the amendment will be that the extension of the time for the appointment of the members of the Licenses Reduction Board can be dealt with once only.

Hon. SIR JAMES MITCHELL: I presume that the effect of this will be that the appointment of the board will be for 12 months.

The Minister for Justice: That will be dealt with by a later amendment.

Hon. SIR JAMES MITCHELL: I am in agreement with that proposal but I did not favour the Bill in its original form because it would have made the members dependent upon the Government each six months for the renewal of their appointments.

Amendment put and passed.

The MINISTER FOR JUSTICE: I move an amendment—

That in line 6 the word "six" be struck out and "twelve" inserted in lieu.

Mr. LATHAM: I hope that the amendment will not be agreed to, because six months is quite long enough if it is proposed to extend temporarily the powers of the board. Surely the Government will have sufficient time within which to make up their minds whether they will re-appoint the present members of the board, or substitute others for them.

The Premier: It is not a question of the personnel of the board but of an amendment to the Act.

Hon. G. Taylor: And that cannot be amended this session.

Mr. LATHAM: The Minister has not explained the position.

The MINISTER FOR JUSTICE: The intention is not to alter the time merely for the purpose of postponing matters a little longer. Last session we extended the period during which hotelkeepers could be de-licensed and receive compensation from the fund that was established. No additional money is being paid into that fund. When the money in the fund is exhausted, the Government will be faced with the necessity for considering whether or not the Licenses Reduction Board shall be re-appointed in the future. There is hardly time to consider that point and introduce amending legislation this session. After 12 months further experience we shall be

in a better position to judge, and then legislation can be introduced by the Government next year.

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

Title—agreed to.

Bill reported with amendments.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

Debate resumed from the 22nd October.

HON. SIR JAMES MITCHELL (Northam) [9.10]: This Bill is submitted annually to us and is considered by members very carefully. From time to time we have granted taxation. I suppose there was never before a period in the history of this State when reduced taxation could be demanded with more justification than now. In support of that statement there are two considerations. One is that our sinking fund charges are being paid in part by the Federal Government. Last year £99,000 was paid by the Federal Government towards a sinking fund on the debts of the States. That £99,000 must be taken from the people of this State before it can be paid on our account by the Federal Government. Under the terms of the Financial Agreement, the Government are convinced that the people are not penalised at all. The fact is that nothing is saved to this State because of the Financial Agreement. The Federal Government pay only on our account money they first take from the people of this State. The Federal Government pay £474,000 on account of the State's interest Bill. But it is collected by the Federal Government from the people of this State. The special new payment of £99,000 last year and to be paid this year will be made up by additional taxation. The people are already sufficiently taxed, and they do not desire more taxation. The Premier will agree that if the Federal Government are to raise money and in raising it save our Treasury £99,000, then all the people will have to contribute towards that amount. The people will be foolish to pay twice and they will have to pay twice if they continue to pay taxation to the State and also pay that imposed by the Federal Government.

The Premier: Although the Federal Government paid portion of the sinking fund

charges, they are not levying additional taxation upon us.

Hon. Sir JAMES MITCHELL: Of course they are.

The Premier: The tax has remained the same.

Hon. Sir JAMES MITCHELL: In order to get the £99,000, the Bruce Government proposed to impose a tax on tobacco and beer.

The Premier: But that Government has gone.

Hon. Sir JAMES MITCHELL: But there will be further proposals, we are told, by the present Federal Government. We have no reason to believe that the people here were saved £99,000 last year. We are not going to give the Premier the taxation he had before. He must take off the £99,000. Then we have another amount of £360,000.

The Premier: Are you going to take that off, too?

Hon. Sir JAMES MITCHELL: Yes, and it will leave the Premier all that he had before. This £360,000 represents the amount we have been paying for years to our sinking fund trustees in London. But under the Financial Agreement we have been able to get out of our responsibilities in London, and we no longer intend to pay sinking fund on our debts, neither do we intend to pay interest on the investments held by the sinking fund trustees. So we shall save that interest, and save also the sinking fund on the whole of our debts, representing £360,000 this year. That gives the Premier an advantage under the Financial Agreement of £459,000 in those two items alone. Up to now the people have been paying both items, and in view of the altered circumstances they will require some relief. Also what we have done is to postpone the time of payment of our loans; we shall have to pay interest on all our debts for the next 58 years, whereas if our sinking fund had been continued, we should have discharged many of our debts within the next few years. So, of course, the people must be relieved of taxation now because they will have to pay so much longer than was contemplated. The Premier says he is going to have a credit balance of £105,000. So if we get all these amounts we shall have to relieve the taxpayer considerably. There are many advantages that ought to be considered. We have the special grant of

£300,000 this year and next year from the Federal Government.

The Premier: It is £200,000, not £300,000.

Hon. Sir JAMES MITCHELL: No, it is shown as £300,000.

The Premier: That includes that other diminishing grant that we were getting. It is £200,000 plus that special grant we have been getting for long years.

Hon. Sir JAMES MITCHELL: Yes, plus the special grant of £250,000, reducible by £10,000 a year. But by now we shall be drawing very little under the grant, about £35,000.

The Premier: No, about £70,000.

Hon. Sir JAMES MITCHELL: At any rate, we have devoted the best part of £200,000 to the reduction of income tax. So I propose that we shall say nothing about the £300,000 when we consider reducing taxation. We will let that go and be content to get other amounts. Then we have obligations to face. But we have under the Migration Agreement very great advantages. To date, we have saved interest totalling £600,000 under the Migration Agreement. This year we shall save £184,000 at least, representing the difference between $5\frac{1}{4}$ per cent., which has been the rate under ordinary loans, and the 1 per cent. we are paying under the Migration Agreement. We propose to let that go, too, relying for reduction upon the £99,000 that the Federal Government are going to take from us, and the £360,000, which is the amount we are no longer obliged to pay to the trustees in London. The Premier made a comparison between the taxation proposed here and the taxation proposed in the other States of the Commonwealth. Of course, taxation in Queensland is particularly high. Mr. McCormick, who was Treasurer of Queensland when the Financial Agreement was being discussed, said that Queensland had been on a financial jazz. That was when he was asking his people to accept the Financial Agreement. Queensland has been on a financial jazz, of course, and in consequence her rates are up. So, too, in New South Wales. Victorian rates are a little below ours. There they have a rate for personal exertion, and another for income derived from property, just about equal to ours, particularly in the lower amounts. In South Australia they have spent money very freely and in consequence

have had to increase taxation. There they spent something like £11,000,000 on existing railway lines.

The Premier: Their rates are very much above ours.

Hon. Sir JAMES MITCHELL: Yes, it ought to be a lesson to this State and to the other States.

Mr. Marshall: A lesson not to import Yankee experts.

Hon. Sir JAMES MITCHELL: We can afford to import brains from anywhere. What happened there is that the railway lines were all established, but they spent millions of pounds in improving the lines without increasing the traffic. So, of course, the general taxpayer has had to face the cost of that enormous expenditure, with the result that taxation rates have gone up.

Mr. Marshall: We do not want them here, do we?

Hon. Sir JAMES MITCHELL: We do not want what?

Mr. Marshall: Yankee experts.

Hon. Sir JAMES MITCHELL: I do not think they were all Yankees in South Australia. Mr. Gunn, who was Premier at the time this money was spent, is a South Australian.

Mr. Marshall: But he got a Yankee expert to do the job.

Hon. Sir JAMES MITCHELL: I do not know about the Yankee expert, but I do know it was unwise to expend the money. A few years ago people from this State sent their money to Victoria for investment because the taxation rates there were so much lower than those in Western Australia. I do not know how much money was sent in that way, but we were told that many thousands of pounds went across, in order that income tax might be saved. But now the position has entirely changed, and the other States are no longer able to carry on at the rates they once imposed. In 1913 the whole of the Australian States lived on five millions of taxation, whereas in 1928 the taxation of the whole of the States amounted to 31 millions, or a multiplication by six in 15 years. So, of course, the rates in all the States have been increased. This extravagance has got to stop.

The Premier: But since 1913 the whole of the world has been turned upside down

Hon. Sir JAMES MITCHELL: Maybe, but we are not the whole of the world. We are only a small place, settled well away

from the ordinary disturbances that have upset the rest of the world. We have had particularly good times during the last few years when our wool has been at a high price. The export figures are available to the member for Murchison to see what has happened in the meantime. At any rate we have nothing to complain of in the production of this State, and nothing to complain of at all in the amount of our exports. Something might be said against the amount of imports. When we are in extravagant mood we think more of our imports than of our exports.

Mr. Marshall: And something can be said for that, too.

Hon. Sir JAMES MITCHELL: I hope the hon. member will keep quite quiet now, and say it when his turn comes.

Mr. Marshall: If only you would keep quiet, other members might get a chance. You are always allowed to chip in when I am speaking.

Mr. SPEAKER: I warn the hon. member once more. I do not like to keep on reminding him of authority, but I shall be obliged to exercise it if I have to call him to attention again.

Hon. Sir JAMES MITCHELL: When we talk extravagance, of course, it must mean the imports going up every year. While our exports are satisfactory, having regard to the small population of the State, our imports seem to me to be soaring altogether too high. But while people have money to buy the things that are brought in, importers will continue to bring in those things. Just now the Governments of Australia, I know, are having some difficulty in borrowing in London. I think it is largely due to the fact that we are expecting the Old Land to lend us money to pay for goods purchased in America. In that we are certainly asking for too much; because, as the position stands in England just now, settlements will have to be made with America, and that cannot be done without a draining of the money market. Before the war it was simple for Britain to pay America, because America owed Britain a great deal of money and was paying her £30,000,000 a year in interest. Now the position is reversed, and it is England that is paying millions to America. It is pretty certain that Britain will not lend us money to settle our accounts in America. In Eng-

land we do not go to the public for money when we raise a loan. Our loans are controlled by financial agents and by the banks. I do not suppose we could get the money we want through the recognised channels. So there it will be seen they can say "no" when we ask for money; and it does not mean a lot of people saying "no," but merely one or two authorities. I hope that difficulty will not long continue; but for the moment it is there, and we shall be troubled to pay our taxation if our imports are not considerably curtailed, as I think they will be by force of circumstances before very long. Last year we brought in £20,000,000 worth of goods, which meant a very big cheque for 400,000 people to pay. During the war we were not able to import very much, our figures being less than half that amount, yet we all managed to carry on somehow. We shall have to avoid all extravagance, and we shall have to demand value for all work done. The Government will have to get a full 20s. worth for 20s. spent. And this will be necessary if the work is to go round. If there is enough work for all, it will be because of our doing our very best to keep down the cost of work. Very foolishly we believe we can get along without doing too much work. We cannot. There is no doubt about it, if we have a mile of railway to build and can build it for £3,000 instead of £5,000, we can provide very much more in wages for the worker than we are doing at present. I am certain that for the expenditure of our money—and we have been expending £15,000,000 per annum—we should try to get full value, in the interests of the workers themselves. The people who are out of work are really our consideration. People in work are fairly comfortably off, but people out of work are having a very hard time. These are the days of high costs; and in all that we can do we should endeavour to create work and the opportunity to work. I assure members that that will not be the case unless we get full value for all our expenditure. These are times of stress financially. There is no reason at all why Australia should be in this position, but the fact remains that money is very tight and difficult to get, and the position will probably grow a little more difficult month by month until after next harvest.

The Premier: The position is extremely difficult.

Hon. Sir JAMES MITCHELL: There is sufficient money in the country if we could only use it wisely. We are apt to imagine that we create money. We do nothing of the sort. We simply make things, railways, chairs, tables and a hundred and one other things, but that is all we do. If we make things cheaply, we provide much greater opportunity for work than if we make things that are dear, and we also provide much greater opportunity for sale. We shall have to face this trouble, having regard to the fact that everybody is entitled to a chance to earn a living. We shall have to speak our minds and tell the people in their own interests the truth as we see it. We cannot say that it does not matter a jot how much or how little a man does, that he shall have a job and keep it and always have money to spend. It would be good if it were so. I should like to see the people able to earn a living by working only a very few hours a week, but nature will not have it. It cannot be done. We are being taught, and in fact we have been taught in the last year or two, some pretty severe lessons, but let us face the position, doing the best we can for the people on daily wages. We must increase production if we are going to maintain the standard of living, and it is only by each one doing a little more that we can bring that about. I do not propose to discuss that matter at great length, but I realise what the difficulty will be. The Treasurer is not likely to receive the income he got last year unless we are able to keep everybody employed. The man out of work is the curse of the Treasury, because while he is out of work, he is not able to spend, and there is no trade with him to give a return to the Treasury. It is the return from trade to the Treasury that brings in the money to carry on all the work of Government. Of taxation there is a limited amount and probably hardly sufficient to meet the free services, but it is the contribution of trade that is all-important, and it is the work of the people on the bottom rung of the ladder that creates trade for us all. No matter how unpalatable the facts may be, we must get much nearer to the people and make the position quite clear to them. I hope there will be no extravagance on the part of the Government. I dislike dealing with small matters, but there is one I must mention. In connection with the Main Roads Board I be-

lieve that an officer was appointed some time ago to travel from contract to contract to ensure that the award rates were being paid to the workers. That is not part of the job of Government, because the men contribute to their unions and have union representatives in all the camps. The men can attend to such matters for themselves. If they are told what their wages are, they will see that they get the right amount. The law provides that if a contractor underpays a worker, a claim may be made for the difference. Even five years afterwards he may claim the difference between the amount paid to him and the rate prescribed in the award. Consequently we have protected him by legislation to the fullest possible extent, and he further protects himself by paying union officials. I suppose there is a representative of the union on every job to watch the interests of the workers. I object to Government officials running around the country doing this sort of work. It cannot be any encouragement to the man with a pick and shovel to work hard if he sees a Government official travelling from camp to camp, as I have described. Is it done for the Civil Service or for any other employees? I doubt it. But for some time there has been a Government official, costing a considerable amount of money, doing this job, which is work the Government have no right to undertake. It is expenditure of that kind which keeps other people out of work.

Mr. Ferguson: Is he paid by the union or by the Government?

Hon. Sir JAMES MITCHELL: By the Government. That sort of thing creates unrest. As this official is so employed, it is possible there are many others employed doing nothing and so creating unemployment. I owe the Minister for Agricultural Water Supplies not an apology but perhaps an explanation. Last night I accused him of having spent money rather freely on water supplies in the Norseman district.

Mr. Teesdale: And he became very cross.

Hon. Sir JAMES MITCHELL: I said that he had spent £60,000 on McPherson's Rock scheme. I was wrong; I should have said £67,000 on the water supplies between Norseman and Esperance — probably two dams.

The Premier: There are several dams, one about every 15 miles.

Hon. Sir JAMES MITCHELL: The Minister ought to know how many there are. How many are there? There is one at Salmon Gums and one at McPherson's Rock.

The Premier: One at Scaddan and one at Grass Patch.

Hon. Sir JAMES MITCHELL: But they are ancient works.

Mr. Teesdale: Yes, with whiskers on them.

Hon. Sir JAMES MITCHELL: The ancient ones were not built out of migration money. The railway, however, was built with 1 per cent. money and cost £264,000. It was a cheap line, much cheaper than any other line built during the last year or two.

The Premier: Are you referring to the line right through?

Hon. Sir JAMES MITCHELL: No, to the 60 miles from Norseman to Salmon Gums. I accused the Minister of having spent £60,000 on the dam at McPherson's Rock; I should have said £67,000 on the dams adjacent to the line from Norseman to Esperance.

Mr. Davy: The optimist calls two dams several.

Hon. Sir JAMES MITCHELL: There are two.

The Premier: There are more than two—there is one about every 12 miles. I think it is the best watered district I have been through.

Hon. Sir JAMES MITCHELL: There is a dam at McPherson's Rock and another at Salmon Gums. The others, small ones, were put down years ago, and have nothing to do with this expenditure. The two I have mentioned were built out of 1 per cent. money, on which in 10 years' time we shall have to pay the full interest rates. Meanwhile we are paying very little on the cost of constructing the railway, about £2,600 a year.

The Premier: Unfortunately we are getting very little from it.

Hon. Sir JAMES MITCHELL: The Government are getting practically nothing from it. That is why they have to tax us so heavily. I should like to see all that country settled. I suppose it was intended when the line was built and the roads cleared, and the water supplies provided, that the country would be settled.

The Premier: I think it will be all right in time.

Hon. Sir JAMES MITCHELL: But it is years now since that country was opened up. It is useless to put down dams that will not pay us. They encourage birds and foxes and that is all that is happening now. The work is not costing us much at present; probably £4,000 would pay the interest on the money used to build the line and the dams. That is a very small sum, but it would be better if we had the £4,000. The gap between Salmon Gums and Norseman had to be linked by a railway but if we had settled the country, we would be saving the £4,000 we are now paying out.

The Premier: We had to provide a water supply.

Hon. Sir JAMES MITCHELL: All lines are not built with money at 1 per cent., as this line was. But for that the Premier would be facing a big interest bill and his deficit would be increased.

The Premier: We could not leave it without a water supply.

Hon. Sir JAMES MITCHELL: The water was not provided to serve the railway line alone; it was provided to serve the district. The Premier knows that we have had £4,200,000 under the migration agreement, which money is costing us very little, and which ought to help him with his balance. Unfortunately, the loss on group settlement will deprive us of all the advantage we shall get from the expenditure of the first £10,000,000 of cheap money. We have already set aside £600,000, which is the saving of interest on the cheap money to date, in order to cover group settlement losses. This year we shall save £184,000, which I hope will be devoted to the same fund. Still, we have the advantage of the work done. We have just opened a water supply costing £25,000. Some advantage to revenue has resulted from the haulage and trade caused by that work. There again we are paying about £2,600 a year interest. It is splendid to have money at such a cheap rate, but we must make full use of the opportunity granted us by the good offices of the British and Federal Governments. There are many other advantages that have come to the Treasurer during the last few years under the Migration Agreement. There are advantages under the Financial Agreement, to which I objected at the time it was considered, believing that it would be bad for the State in the long run. However, we have entered into the Financial Agreement

and must abide by it. I press the claim for reduced taxation on those two items—one of £99,000 and one of £360,000, both of which we have discussed. Consequently, out of the £459,000 I ask the Premier to consider whether it would not be wise to reduce taxation, rather than leave it to the House to insist upon a reduction.

The Premier: The special grant will disappear in another year.

Hon. Sir JAMES MITCHELL: We shall have the special grant for this year and another year. By the end of two years things might brighten and we might then be better able to stand some additional taxation. If the fair thing were done by the Federal Government, they would continue the grant to the State. They ought to give us £450,000 as the Disabilities Commission recommended, and not for five years but for 25 years. Of course we cannot force the Federal Government to do that, and meanwhile we have to accept the position as it stands.

The Premier: South Australia is getting half a million this year.

Hon. Sir JAMES MITCHELL: Yes. Still for two years the Premier will get the £300,000 grant. Meanwhile he is saving on the sinking fund and on the payments that for years have been made to the trustees in London. Considering all the advantages derived by the Treasurer in the last few years, we can with confidence appeal in the name of the people, for a reduction of taxation, and I go so far as to say that we should all insist upon it, particularly the members supporting the Government. It is the enormous amount paid by Australia in taxation that is bringing the country into trouble now. The war is costing us 30 millions a year. We have also to remember that we have gone up £66,000,000 in taxation in 15 years. There has been too much of it. It has been due rather to the increased cost of Government and not so much to the increased expenditure consequent upon the war. The interest on borrowed money also absorbs a great deal. If all Australian Governments determined upon it we could give the people the services they are getting now at a decreased cost. How much better it would be for the workers of the country to have 20 million pounds taken off their taxation. This money could be used by the people who are now paying it in order to create continuous employment about which there

would be no uncertainty. That would be far better than to have the money collected by Governments and used by Governments. One pound in the hands of a private individual does as much as £2 in the hands of any Government. I hope the Premier will agree in Committee to a reduction in the rate of tax. We never oppose the second reading of the Taxation Bill, but it is possible in Committee to effect a reduction in the amount. The Premier might also consider the increased valuations set upon town and country properties during the last few years. I think about six million pounds has been added to city properties, thereby doubling the taxable value and that about a similar amount has been added to the value of country land, which has also meant doubling the amount of taxation paid.

MR. LINDSAY (Toodyay) [9.47]: I listened with a good deal of interest to the remarks of the Premier the other evening. I have on many occasions in this House suggested that it was time we dealt with the Assessment Act. It is no use expecting to deal with the rate of tax on a Bill of this nature. I am under the impression that the Premier last year half promised that we should be given an opportunity to deal with the assessments this session.

The Premier: No, I did not.

Hon. G. Taylor: It must have been said when he was joking.

Mr. LINDSAY: Yes. That was in my mind, and I think the member for West Perth (Mr. Davy) was also implicated in the matter. The time is now ripe, and we are in the right place.

The Premier: We are in the right place but the time is not ripe.

Mr. LINDSAY: From my reading of the various Acts in operation in Australia I should say that ours is the worst of all. The Premier was at pains to show that taxation in Western Australia was at least as low as, if not lower than, that in the other States. That may be so as far as rates and taxes go. When we come to exemptions and the basis on which the taxation is imposed there is a big difference. When I was speaking on the Address-in-reply I referred to the Premier as "lucky Collier." We know what has occurred in connection with the Financial Agreement, and the assistance that has been rendered by the Commonwealth Government. In view of that one would think

that our finances would be in a position to enable us to budget for a surplus. The land tax receipts have been increased by over £50,000 in the last four years. One of the reasons for that, as put forward by the Premier, is that valuations have risen very materially. There are also other reasons. In Western Australia we pay a land tax on the first pound. The Premier compared the land tax paid in this State with that paid in Queensland, but he did not tell members that in Queensland the first £1,250 of valuation is exempt from taxation. It is not possible to compare rates and taxes without going back to the question of how they were originally imposed. In Queensland up to the first £100 is exempt from taxation. In that State they follow a system we used to have in this State. If a man paid land tax it was deducted from the income tax. It is not altogether right to make a comparison with other States without going a little further. I have had 23 amendments to the Land Tax and Income Tax Assessment Act which have been prepared for four years, and I have had no opportunity to speak about them.

The Premier: I should be glad if you would let me have a copy of them.

Mr. LINDSAY: Next session perhaps I may be able to use them. There will be an election in March, and I may be able to convince the present Government, which will probably be on this side of the House then, that the Act should be amended.

The Premier: Take my advice, and do not yet talk about what you are going to do.

Mr. LINDSAY: Private members who belong to the Country Party organisation are continually receiving requests to amend that Act. People seem to think that because one is a member, one can amend anything in this Chamber. No member on this side of the House can move to amend a Taxation Act. That must come from the Government. The responsibility is not on this side of the House, but on the opposite side.

The Minister for Lands: They will receive a disillusionment in the future if you get the responsibility.

Mr. LINDSAY: We are quite prepared to risk the disillusionment provided we get the opportunity.

The Minister for Lands: They suffered that disillusionment before.

Mr. LINDSAY: I do not think so. The people were quite satisfied with the previous Government. It was not the people who decided the issue on the last occasion and put

the Labour Party into power, but it was due to the two parties on this side of the House.

The Minister for Lands: It will happen again; do not forget that.

Mr. LINDSAY: I do not think so. We are getting older and acquiring more sense.

Mr. Teesdale: We are getting very chummy now.

Mr. LINDSAY: We shall not be divided as we were on the last occasion. Members on this side have learned wisdom, and will be able to show a united front. We shall be able to convince the people on the question of altering the assessments. We can and will get the opportunity to carry on the affairs of Government and deal with the land tax.

The Premier: The party on your side of the House were in office for a long time, but did not rectify the anomalies you are talking about.

Mr. Latham: They laid a good foundation for you.

The Premier: But you only discovered the anomalies when you got into Opposition.

Mr. LINDSAY: The Premier's Government did alter things. They put more land tax upon the people. I am glad to have the assurance of the Premier that he agrees to have increased taxation on land.

The Minister for Lands: We reduced your income tax by 45 per cent.

The Premier: By 48 per cent. to be exact.

Mr. Latham: That was because of the assistance you received from the Federal Government.

Mr. LINDSAY: I agree that we once had to pay a super tax. That was because of the troublous times through which we were passing.

Mr. Kenneally: That was put on by your Government.

Mr. LINDSAY: Many of our citizens were fighting at the war. We had difficulty in carrying on, and had to face huge deficits.

The Premier: But you carried on for six years after the war.

Mr. LINDSAY: And the tax was still carried on during the Premier's time. The reason why the super tax was taken off was because of a deadlock between the two Houses. In order that the Bill might be passed by Parliament to increase the land tax there was a compromise between the managers representing the two Houses. The reason why a conference was held was because the Government were effecting a re-

duction in the exemptions. I have never cavilled at a land tax that will bring into production unimproved land. The Premier and members of his party continually stand up and say they have not increased the tax. The figures, however, show that they have increased it.

The Premier: We have not said we have not increased the tax. I have said that the Treasury has not benefited by an increase in the tax. That is quite a different thing.

Mr. LINDSAY: The Premier wants the House to believe that the money brought no benefit to the Treasury. The tax was increased from one half penny to one penny. It was doubled. The money must have gone somewhere. Perhaps it went to the Railway Department.

The Premier: And an equivalent amount was given away in reduced railway freights.

Mr. LINDSAY: We have been told by responsible Ministers that the Railway Department reduced freights by £45,000. When we analyse the land tax actually received we find that it is double that amount.

The Premier: Hon. members know that the increased land tax received was not due to an increase in the tax itself, but to an increase in the valuations.

Mr. LINDSAY: That is another statement.

The Premier: It is a fact.

Mr. LINDSAY: I will reply to that. The Premier says the increase in the land tax was not due to the increase in the tax itself, but to the higher valuations.

The Premier: The increase beyond £45,000.

Mr. LINDSAY: Before the Act imposing the land tax was amended, as it affected agricultural land, we had a £250 exemption. The tax was one halfpenny in the pound. On city land there was a £50 exemption. A person holding a block of land not valued at more than £50 paid no tax. The Premier's measure wiped out that exemption. The man who had a block of land worth less than £50 in the city then had to pay land tax. He does not pay one penny on £50, but 2d. for under £50. The farmer and the agriculturist pay land tax on the first pound and not after a £250 exemption has been allowed. Certainly there must have been an increase in the amount of taxation received.

The Premier: I say that was taken into consideration. The abolition of this exemption and the points raised by the hon. member were calculated in the total increase amounting to £45,000, and an equivalent sum was given away in railway freight charges.

Mr. LINDSAY: In 1925-26 the land tax received was £145,830. In 1928-29 the amount received was £196,000 odd. The increase was not all due to increased valuations.

The Premier: Beyond the £45,000 it is due to that. You know that in some cases values have been doubled or trebled.

Mr. LINDSAY: I am prepared to agree with that. There have been increases in valuation. Last year alone the increase was £6,667,000.

The Premier: That accounts largely for the increase in taxation received.

Mr. LINDSAY: I agree that the increased valuations have increased the amount received. Naturally the Premier has no control over that. As the land increases in value, and as the Commissioner of Taxation sends out his officials, the assessments also increase. Not only has the rate of tax been doubled, which means doubling the amount collected, but there have been reductions in exemptions, or they have been cut out altogether. There is an increased tax on improved land from one halfpenny to one penny, and an increased tax on unimproved land from one penny to 2d. The collections last year amounted to £196,000. Has not £90,000 more, therefore been received in increased land tax? The increase is not all due to the valuations. The fact that we have doubled the rate of tax must double the receipts. The railway freights may have been reduced by £45,000 but the Government have received in return £90,000 odd. Naturally there must have been some gain.

The Premier: That is not denied.

Mr. LINDSAY: I am glad I have that admission at last. I should have been pleased to have the assessment measure before the House in order to be afforded an opportunity of explaining my views on the need for amendment. I have studied the various assessment measures of Australia, and I consider this State's to be the worst. I have here the Queensland Act, together with many clippings. There £1,250 must

be the capital value of land before taxation begins; and there are deductions for water supply, fencing and income tax. I agree that rural residents must be taxed in order that the affairs of the State may be carried on; but I regret that our assessment measure is not before the House, so that taxation might be placed on a more equitable footing.

THE PREMIER (Hon. P. Collier—Boulder—in reply) [10.2]: There is no desire on my part to evade responsibility for the increase made by the present Government in land taxation; but I do object to the statements made so frequently in the country—not so much in this Chamber—at meetings, and also in country newspapers, and generally by way of propaganda carried on by the Primary Producers Association, on the lines that the present Government are responsible for the increase of land taxation to the extent of 300 per cent. It is not admitted—and the failure to admit it is unfair—that the increase in the amount of land taxation paid by the farmer is due largely to increased valuations. It is entirely misleading to take the total amount received from land taxation four or five years ago, and the total amount of land taxation for last year, and to assert that the great increase shown is due to increase in taxation levied by the present Government. It is to such statements I take exception. Hon. members are quite justified in criticising, if they so desire, the Government for having increased the tax; but they should in all fairness let it be known that a large proportion of the total amount paid by farmers is due to no action of the Government, but to increased valuations.

Mr. Latham: Previously the farmer paid only one tax. Now he pays two.

The PREMIER: I accept responsibility for that, as I have frequently stated; but I will not accept responsibility for something with which the present Government have nothing whatever to do. New valuations were set on foot before we took office. Additional officials were employed to do the work, and I think nine-tenths of the cost of the work was paid by the State. It was agreed by the previous Government—whom I do not criticise at all for their

action—that re-valuations might be regarded as overdue.

Mr. Lindsay: I agree.

The PREMIER: There were scores, and perhaps hundreds, of farmers whose valuations for taxation purposes were only one third of the actual value. When references are now made to the amounts paid by farmers in taxation, hon. members should be fair. According to speeches made, there is downright misrepresentation in telling the farmers and settlers things that are unfair. It has not often been pointed out in the country that the increased amounts farmers have to pay are in large measure due to re-valuation. The Government are always saddled with the responsibility of increasing taxation.

Mr. Latham: But you imposed two taxes, whereas formerly there was only one.

The PREMIER: I admit that; but the Government will not be saddled with responsibility for what they did not do. That responsibility belongs to hon. members opposite. In all the newspapers supporting the Primary Producers' Association it has been stated that the present Government increased the land tax by 300 per cent. That statement is distinctly untrue, and members who make it know it to be untrue. Let them confine themselves to the increases made by the Government, and not charge us with having imposed an increase of 300 per cent. That statement has been poured into the ears of farmers all over the country.

Mr. Davy: What does the taxpayer care about how the amount he has to pay is arrived at?

The PREMIER: He does care.

Mr. Davy: Every Government must be responsible for the amount of tax it collects.

The PREMIER: No. The Government are responsible only for what they have done.

Mr. Davy: Every year you increase taxation.

Hon. G. Taylor: Why not alter the Assessment Act?

The PREMIER: The assessment Act has nothing to do with the tax. The Assessment Bill provides for a certain valuation, but the Government are not responsible for the increases in valuations.

Mr. Davy: You are getting more money now than you originally got.

The PREMIER: Of course.

Mr. Davy: Then why not reduce taxation?

The PREMIER: Because the financial situation will not permit it. Our tax, as I have stated, is fair compared with similar taxes in other Australian States. No one can say that a penny in the pound on unimproved values is an excessive tax.

The Minister for Lands: Let them compare our conditions with those imposed in South Australia.

Mr. Latham: But it represents a heavy burden on top of other taxation they have to pay. This is taxing the tools of trade of the farmer.

The PREMIER: The people of Western Australia are not overtaxed on the average in comparison with those residing in the Eastern States. On a former occasion I gave instances of the land and income taxes paid by the farmers. The taxation here is considerably below the direct taxes levied in other States, more particularly with regard to the income tax. It is well to let the farmers know, when they are reminded of the burden imposed by the land tax, that they enjoyed a 48 per cent. reduction in income tax. They cannot have it both ways.

Mr. Latham: But the farmers were not the only ones who received that reduction.

The PREMIER: I know that, but the farmer is included among those who did receive that benefit. As a matter of fact, more than half the land tax is paid by other than farmers.

Mr. Lindsay: But the farmers pay a large proportion of it.

*The PREMIER: Quite so.

Mr. Latham: The farmer earns his income from the land and you tax his tools of trade.

The PREMIER: Everyone who earns must contribute towards taxation. The farmers received a reduction of 48 per cent. but hon. members do not remind the farmers of that fact!

Mr. Latham: Yes, we do.

Mr. Lindsay: Tell us where the money that enabled a reduction to be made, actually came from.

The PREMIER: It is only when I mention it that hon. members are forced to make the explanation, and then they say, "But, of course the money came from some other source." The money may have come from the Commonwealth Government, thus enabling us to reduce taxation, but the Government could have used that money for purposes other than reducing taxation.

Surely the Government should receive some credit for that, although the Federal Government did make the money available to the State.

Mr. Latham: What was it made available for? It was to lessen the burden on the primary producers.

The PREMIER: It was not for that purpose at all. No conditions whatever were attached to the payment.

Mr. Latham: Did you read the findings of the Royal Commission?

The PREMIER: Yes, and no conditions were attached to them at all.

Mr. Latham: At any rate, it was expected that the money would be used for that purpose.

The PREMIER: The money was paid because of the disabilities Western Australia had suffered on account of Federation. It could have been utilised for lessening the burden on the pearlers in the North-West or the miners on the goldfields, as well as for reducing taxation.

Mr. Latham: They all received their share.

The PREMIER: All who were taxpayers received their share, whether they were farmers, miners, or primary producers of some other description. The fact remains that the Disabilities Grant could have been used for other purposes had the Government so desired.

Mr. Latham: But that would have been unpopular. I do not think you could have done it.

The PREMIER: It could have been done. Many people were clamouring for it because of the disabilities from which they were supposed to be suffering. I do not mind taking the responsibility for the action of the Government with regard to the land tax. It is not a burdensome tax. A year or two ago, I produced instances to show what the average thousand-acre settler would pay under the heading of land tax. The amount is very small indeed, a mere bagatelle. The sum paid by the average farmer as land tax will not affect his financial position except to a small degree.

Mr. Latham: But it is the total of those small amounts that creates the farmers' difficulties.

The Minister for Lands: What is your land worth now?

Mr. Latham: I know it was difficult for many of the farmers to raise the money last year.

The PREMIER: That was not so, except with respect to those who experienced a bad season. But those farmers do not experience a bad season every year. I am aware that there was a partial failure in parts last year, but, taken all round, the men who went on the land during the past 15 or 16 years, took up their holdings without having any money whatever. To-day they are substantially well off. Had those persons remained in the city as wage earners, they would still be working for wages and no better off than they were 15 or 16 years ago. To-day they are comparatively well off. That result has been achieved because of the generosity of the State, and the assistance rendered by the State to people who went on land without any money at all.

Mr. Latham: What do you mean?

The PREMIER: The State provided the money that enabled them to go on the land.

Mr. Latham: But they paid interest on the money.

The PREMIER: Where is there any other country in the world in which men, without any capital whatever, have been able to go on the land and be financed by the State until they reached a state of prosperity? No other country in the world approaches Western Australia in the liberality of its laws.

Mr. Latham: That is so, but the farmer repaid the money advanced with interest.

The PREMIER: Of course, but they could not have received that assistance in any other country in the world. Nowhere else have Governments taken the risk, nor have private financial institutions.

Mr. Lindsay: But look at the advantages the State reaped from their labours.

The PREMIER: The State gets a return from the labours of every man, but many of those men do not get anything out of their labours for themselves. The State gets a return from those men as well as from the men on the land.

Mr. Lindsay: We have not said otherwise.

The PREMIER: The men who build the roads or drive the trains help the farmer, but those people are not able to make a competence for themselves unless they are able to save out of their wages. It is because the State has been more generous than any other country in the world that the farmers have been able to reach their present prosperous position. Having regard to what

the State has done for them, the farmers ought not to grumble when asked to pay a fair measure of taxation in order that the State may be able to carry on.

Mr. Latham: But the farmers have repaid that money, plus interest.

The PREMIER: There are many who have not done so. Those who have repaid were financed by the State in order to give them a start in life.

Mr. Lindsay: But the man who is on a farm is producing wealth that assists everyone else,

The PREMIER: It is as well for the farmers to realise that the community as a whole gains as the result of everyone who works. Our citizens are producers if they are at work, although they are not on the land. The man who renders services that are essential and necessary to enable the farmer to continue, is a producer just as much as the farmer himself. The man who builds a railway or builds a road, the man who drives a train and all these other workers are also assisting to produce the wheat. Very often too narrow a view is taken of the position by the primary producers. Because they are actually ploughing the land and reaping the wheat, they regard themselves as solely responsible for that production, and fail to realise that others engaged in essential services also play their part in the production.

Mr. Davy: Even the man who draws up the documents!

Mr. Lindsay: We will not agree to that.

The PREMIER: Hon. members should get away from that narrow point of view. Everyone who works does his share.

Mr. Lindsay: But the farmer keeps the rest of the State going.

The PREMIER: But he should not overlook the fact that he could not live were it not for the other people who reside in the State.

Mr. Lindsay: And they could not exist without the farmer.

The PREMIER: The hon. member knows that we are all dependent on one another. The farmer could not live alone without the people in the city. What could he do if he lived 200 miles away with his thousand acres of wheat around him and nobody else was doing anything? What value would it be to him? He would not be producing anything worth a penny.

Mr. Latham: We all agree with that.

The PREMIER: The hon. member does not agree, but always claims something entirely different.

The Minister for Lands: The farmer could not grow a bushel of wheat without superphosphate.

The PREMIER: Whilst nobody in the House or out of it would for a moment detract from the work rendered by the farmers, it is just as well for them not to get it into their heads that they are the sole support of the State, the only people that are contributing to it. Why, the men who have never put foot on the land, the scientists, are contributing more towards the production of wheat than is the man who ploughs the land itself. And the men who carry on the disagreeable work in the superphosphate factories are doing their share towards the production of wheat, and have much more disagreeable work to do than has the man who is out on the plough in the fresh air. The men in the superphosphate factory work harder than do the farmers and get a jolly sight less for it than the farmers get.

Mr. Lindsay: I do not agree with that.

The PREMIER: The superphosphate worker gets infinitely less than does the farmer, and has to do much more disagreeable work. Let our friends, the primary producers, not imagine that they are the salt of the earth. Important as they are in the scheme of things, they most certainly are not the salt of the earth. We are not all dependent on them, are not all going to fall down and starve without them.

Mr. Latham: The farmers do not get a 44-hour week, nor do they get three months' long-service leave.

The PREMIER: I am not sure that they do not get long-service leave. Go to any town in an agricultural district, and you will see motor cars there by the score all day Saturday.

Mr. Lindsay: The owners came out to see you.

The PREMIER: They do not work six days a week every week in the year. They have many slack periods when they can enjoy their leisure and come to town and have a pretty easy time. They do not work one bit harder than do men spending a 44-hour week in a factory, but they get a jolly sight better return for their labour. I hope that in future farmer members will take a

broader view of this question. Their present view is very circumscribed indeed.

Mr. Latham: We are truthful, anyhow.

The PREMIER: I hope their minds will widen with the process of the suns: but I am very sceptical about it.

Mr. Latham: Why this preaching tonight?

The PREMIER: Because members representing agricultural districts are badly in need of a lecture. The only thing about it is that I have neglected it too long. They ought to have lectures more often because, while they started in a modest way, they have grown and grown until we hear them night after night trying to persuade us that the whole State hinges upon them.

Mr. Lindsay: Of course it does.

The PREMIER: They require to get back to some degree of reason in regard to it.

Mr. Lindsay: How would you get on without agriculturists in Western Australia?

The PREMIER: During the next few months I shall go round and tell the farmers something of the other side of the picture. This attitude on the part of members is not good for the farmer himself, who very often is quite content with his lot, is not complaining, is fairly well off: but when members representing agricultural districts go round to him and try to make him discontented, they are the agitators, the bolsheviks, who are trying to raise discontent in the farmer, and who tell him how his land tax has been increased 300 per cent., and talk about the Alsations and the vermin tax. Presently the farmer who, before their coming, had no idea that anything was seriously wrong, becomes dissatisfied. He piles up things in his mind and they tell him he is the worst done-by citizen in the land. If only they would let the farmer alone he would be a very much happier man. Those members are the red-raggers of the Primary Producers' Association, out to stir up discontent. They are in the same category as those who will stop the wheels of industry and foment strikes. Those members keep the farmer's mind disturbed with imaginary wrongs and grievances.

Mr. Brown interjected.

The PREMIER: The member for Pingelly will have enough to do during the next few months looking after the new portion of his electorate. Without, I hope, being charged with anything personal, here is the hon. member himself retired from farm-

ing pursuits. Farming is so profitable that he has already retired from active life. There is the position. Let members representing farming districts leave the farmer alone. Let them not go around stirring up strife in the heart of the farmer. He is all right if members will tell him the facts and not use so much misrepresentation as they have used upon him in the past.

Question put and passed.

Bill read a second time.

House adjourned at 10.28 p.m.

Legislative Council,

Thursday, 31st October, 1929.

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

ASSENT TO BILLS.

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

- 1, Water Boards Act Amendment.
- 2, Pearling Act Amendment.
- 3, Transfer of Land Act Amendment (No. 1).

BILL—RESERVES.

Select Committee's Report.

Hon. A. Lovekin brought up the report of the select committee appointed to inquire into the Bill.

Resolved: That the report, together with the evidence, be printed and taken into consideration when the Bill is dealt with in Committee.

PAPERS—STATE SHIPPING SERVICE.

Hold-up of M.V. "Kangaroo."

HON A. LOVEKIN (Metropolitan)
[4.34]: I move—

That all papers relating to the latest voyage of the "Kangaroo," particularly with regard to the events in connection with her crew at Derby, the subsequent hold-up of the ship at Fremantle, and the negotiations that resulted therefrom, be laid on the Table of the House.

I placed this motion on the Notice Paper for two reasons. I asked a question of the Chief Secretary on Tuesday last and received a reply with which I am not altogether satisfied. There are two items in it with which I am dissatisfied, but I shall refer to only one of them. I asked the Chief Secretary what was the cost of conveying the men from the Wyndham Meat Works per M.S. "Centaur" to Fremantle in consequence of the hold-up of the "Kangaroo." The answer I received was—

The extra cost of conveying men on "Centaur" as against passages on the "Kangaroo," was £611.

From information I have received, that answer is entirely misleading. The facts are that the "Centaur" was paid not £611 but £2,100 in respect of passage money and some £770 in respect of freight from Wyndham.

The Chief Secretary: The extra cost was £611.

Hon. A. LOVEKIN: As against carrying the men by the "Kangaroo"?

The Chief Secretary: Yes.

Hon. A. LOVEKIN: The State has paid to the owners of the "Centaur" £2,870, and the "Kangaroo" which has been lying idle at the wharf all the time and earning nothing, is credited with £2,159, and this House has been told that the cost of transport in connection with the hold-up of the "Kangaroo" was £611, whereas in fact it was £2,870. I wish to see the file to ascertain how that came about, because it is wrong to credit the "Kangaroo" with £2,159 for being on strike at the wharf, while another ship was doing the work and getting the money. That answer was certainly misleading to the House. These ships belonging to the State and forming part of the State Shipping Service are not running too profitably. According to the Auditor-General's report in July, 1927, £595,674 was written off the capital of the State Shipping Ser-