Mr. HARDWICK (East Perth) [9.11]: I second the amendment.

Mr. O'Loghlen: You seconded the motion.

Mr. SPEAKER: Is there any seconder?

Mr. BROWN (Subiaco) [9.12]: I second the amendment.

On motion by Hon. T. Walker debate adjourned.

PAPERS—CASE OF MRS. JEFFREY.

Hon. P. COLLIER (Boulder) [9.12]: I move—

> That all papers relating to the prosecution of one Mrs. Jeffrey on a charge of theft in the Police Court, Perth, on June 25, be laid upon the Table.

I understand the Government have no objection to this motion. I am principally actuated in moving for the papers because the case has received a good deal of publicity in the columns of the metropolitan newspapers. I believe the newspapers have had access to the files, and that being the case I think there is no objection to the House having similar information.

Mr. MUNSIE (Hannans) [9.13]: I second the motion.

Question put and passed.

The Attorney General laid the papers on the Table.

House adjourned at 9.16 p.m.

Legislative Assembly,

Thursday, 19th September, 1918.

The SPEAKER took the Chair at 11 a.m. and read prayers.

[For "Paper Presented" see "Votes and Proceedings."]

BILL—INTERPRETATION.

Second Reading.

Debate resumed from the 17th September.

Hon. T. WALKER (Kanowna) [11.6 a.m.]: I do not think it necessary to discuss this Bill at any length. The measure involves no new principles; and I understand that no startling innovation of any kind is proposed, and that really the only clause calling for attention is that interpreting the words "may" and "shall." The measure really represents a re-enactment of laws already in force, with some slight additions from the laws of the Commonwealth and of other States; but nothing at all departing from principles already acknowledged here and already upon our statute-book. Perhaps the Bill has the advantage of effecting consolidation of our laws in the matter; and such a reform was needed, but the urgency of it I fail to understand. As the Bill really contains nothing introducing new principles, or any drastic or even partial alteration of our already existing laws, I think the measure might well pass its second reading now and go through Committee, when we can consider the particular points to which I have referred.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Attorney General in charge of the Bill.

Clauses 1, 2, 3—agreed to.

Clause 4—Meanings of certain terms:

Hon. W. C. ANGWIN: This clause interprets "Minister" as meaning—

> the Minister of the Crown or member of the Executive Council to whom the administration of the Act or enactment or the part thereof in which the term is used is for the time being committed by the Governor, and includes any Minister of the Crown or member of the Executive Council for the time being discharging the duties of the office of Minister.

This definition appears to confer on any member of the Executive Council who may be appointed by the Governor legal authority for the administration of any Act of Parliament. That is a new departure in Western Australia. The Governor has power to call in any person to give advice and to make any person a member of the Executive Council. We know, of course, that the Constitutional practice is to appoint members of the Executive Council only upon the advice of the Government. The practice here has been for an Honorary Minister to act for a portfolio'd Minister, the Honorary Minister having himself no legal authority, and the whole of the authority being vested in the portfolio'd Minister. Many of our Acts provide that only a Minister of the Crown can sign documents under them. If this clause is carried as printed, the power to sign will apparently be vested in the Honorary Minister. Personally I see no reason for the change, since it is only right that a portfolio'd Minister should in important matters be the person to sign, and to take the responsibility. I have had more years of experience as Honorary Minister than any other member of this House; and my invariable practice as Honorary Minister was to sign only for the portfolio'd Minister, and any matters of importance I referred to the portfolio'd Minister, and he took the responsibility as the only man responsible to Parliament. On one or two occasions I had the pleasure of acting as deputy Minister, but only during the absence of the portfolio'd Minister. As members who have been sworn in members of the Executive Council well know, the portfolio'd Minister has to make three declarations, while the Honorary Minister has to make only two. Consequently, when an Honorary Minister has been appointed to act as deputy Minister, it has been necessary for him to make the third declaration, in addition to the two made by

him previously. Immediately the portfolio'd Minister sets foot on Western Australian soil, the deputy Minister's authority ceases. I wish to know whether it is the intention of the Government to place Honorary Ministers on the same footing as Ministers having portfolios and responsible to Parliament for the administration of legislation?

The ATTORNEY GENERAL: There is no intention on the part of the Government to alter the existing rule, which has always been recognised in Western Australia, that the statutory duties of a Minister can be discharged only by a portfolio'd Minister. In the main I agree with the arguments of the member for North-East Fremantle, and I am quite willing that the words "or member of the Executive Council" should be deleted from the definition. Honorary Ministers, of course, have each to discharge the functions of an office. That has been felt necessary by successive Governments of this State.

Hon. W. C. Angwin: You want more portfolio'd Ministers.

The ATTORNEY GENERAL: There is no intention of acquiring the position by any particular words in a statute. These words have been taken from the statute of another State, but I am agreeable to their deletion. I move an amendment—

That in the definition of "Minister" the words "or member of the Executive Council," in lines 1, 2, and 6, be struck out.

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

Clauses 5 to 30—agreed to.

Clause 31—Attempt to commit an offence to be deemed an offence:

Mr. WILLCOCK: This clause seems to give rather a big power. It provides that an attempt to commit an offence shall be an offence. In connection with assault we have it in the Criminal Code that if anyone just raises a hand, that movement can be construed into an attempt to commit an assault. So far as arson is concerned, a person may walk along and innocently drop a match in a shop. That may be construed into an attempt to burn down the premises. In the War Precautions Act there is provision for the imposition of a penalty in the case of a person found guilty of slowing down, that being an offence. If we were to try to prove that someone had attempted to slow down, it would be ridiculous. The clause under discussion in my opinion is not necessary, and, moreover, it gives too much power to the judiciary. Therefore, I think it should be struck out.

The ATTORNEY GENERAL: In connection with most offences of a serious nature, we already have a provision for attempts to commit offences, but there are some cases in connection with which such a provision has not been made. It sometimes happens in our criminal courts that a charge falls short of proof, but there is abundant proof that the person made an attempt to commit an offence and did not succeed. If there were not a provision of this sort that man would escape punishment for having attempted to commit the offence. There are many minor offences where the attempt to commit the offence is almost as bad as the actual commission of the offence. I am free to admit, however, that there are other cases where the attempt to commit a crime would not be as bad as the crime itself. The elasticity of the power of the judges however, is so great that they may impose a condition in connection with the sentence from nothing at all up to the maximum. The proposed provision has been the law in the Commonwealth since 1904; it has also been the law in South Australia for a number of years, and where we have taken provisions of this description from the statutes of the other States, inquiries have always been made from the Crown Law Departments of those States as to the working of those provisions, and we have never taken a clause in connection with which there has been found any difficulty in the working. The clause in question has worked well in South Australia, while no complaint with regard to it has been raised in the Commonwealth.

Mr. MONEY: I would draw attention to the fact that the clause reads, "A provision, passed after the passing of this Act which constitutes an offence." I take it the clause therefore will only apply to any provision, after the passing of the Bill, and will be of no use to the existing provisions.

The Attorney General: Quite so.

Mr. MONEY: That being so, the necessity for it is not there. Surely it is within the province of the Committee to take into consideration whether there should be any punishment for an attempt to commit an offence. Why should we look into circumstances as to the nature of an offence, which at present we do not know will arise, by placing this clause in the Bill. We are dealing with something in the dark and I think the Attorney General might well leave it to the good sense of members to decide what shall be an offence in the future, and what punishment shall be meted out.

Mr. WILLCOCK: The Attorney General's remarks rather strengthen my opposition to the clause, inasmuch as he stated that with regard to serious offences provision was already made. The clause will only affect minor offences. But in connection with minor offences an attempt cannot be regarded as a serious matter, and it is quite enough to have the power to prosecute. Personally, I do not feel inclined to give power to permit anyone to be prosecuted for only attempting to commit a minor offence.

Mr. PICKERING: I am at a loss to see the necessity for this clause. If one takes into consideration the attitude of the Attorney General, the whole tendency of that attitude to my mind, appears to be towards leniency and not in the opposite direction. Therefore I support the member for Geraldton in his views.

The ATTORNEY GENERAL: The clause deals with minor offences punishable on summary conviction. Such cases are not prescribed in the Criminal Code, but are prescribed in almost every Bill we pass. It is not usual to insert in such Bills a clause dealing with this principle. No court would punish to the same extent for an attempt as for an offence.

Mr. Money: Then why give the power to punish to the same extent?

The ATTORNEY GENERAL: We are merely giving judges or magistrates power to make the punishment fit the crime in respect of these minor offences.

Hon. T. WALKER: The provision merely makes safeguards for the future in any new law to be passed. The most natural thing to do is to leave the legislation free to make its own definitions and limitations when it comes into force. This provision is anticipatory of any possible failure to adequately deal with the subject when it, in due course, arises. It seems to me that the time to attach these proposed conditions is when the time comes to deal with the new legislation. It is certainly dangerous to place on record a principle which has no present application, no force. Therefore I endorse the remarks of the member for Geraldton. It is unnecessary at this stage to enact what really is within the province of future legislation.

Clause put and negatived.

Clause 32—Amendment of service of a notice or document:

Mr. PICKERING: I think the words "registered post" should be inserted in paragraph (c). It is quite common for letters posted in the ordinary way to miscarry. I move an amendment—

That before "letter" in line 1 of paragraph (c) the word "registered" be inserted.

The Attorney General: I agree.

Amendment put and passed.

Mr. MONEY: Does not the word "delivered" really mean personal service? Is it intended to alter personal service to service by post? It may be essential that a document should be personally delivered, but if the clause is passed as printed it will be sufficient to post the document to the person concerned, and even though that document does not reach its destination its very posting constitutes good service.

The ATTORNEY GENERAL: For the information of the Committee I may say that the clause as it stands has been the law in this State since 1898, and I have never heard of its working any hardship anywhere. The clause is, word for word, the law to-day.

Mr. Teesdale: Then why put it in here?

The ATTORNEY GENERAL: Because we are codifying the law. Instead of amending the Act, as I might have done, by bringing down a dozen new clauses, we have brought in a codifying measure covering all necessary amendments. Members have repeatedly stated they prefer that to the bringing down of amending Bills. By an oversight in the copying of this clause the word "registered" was omitted before "letters" in line one of paragraph (c), hence my agreement to the amendment we have just passed.

Mr. PICKERING: I support the Attorney General, more especially in regard to the service of such documents as summonses. In those cases the prescribed form of delivery is of benefit to the recipient.

Clause as amended agreed to.

Clause 33—"May" imports a discretion, "shall" is imperative:

Hon. T. WALKER: The Attorney General might give us an expression as to whether he fully approves of this new provision. It leaves matters largely at the option of our worthy justices, which may be a little unwise, and may possibly lead to some confusion.

The ATTORNEY GENERAL: Yesterday I took the opportunity of advising the legal members of the House that this clause dealing with the words "may" and "shall" was quite a new clause, and asked them to give some consideration to it, and let me have the benefit of their advice. I have also given serious consideration to it myself and talked it over with the Crown Law officers. There is no special interpretation of the meaning of the word "may," and there is no statutory provision with us in regard to this. The courts of law have been in the habit of laying down what the meaning of the word "may" is in certain cases, and what the meaning of the word "shall" is in certain cases. The object of the Crown Law Department in putting forward this clause is rather to express the general meaning accorded by the courts to these words, so that in any Acts in the future these words shall bear the meaning given to them. It would be confusing to make this interpretation apply to all the statutes in existence, because in the days that are gone the words may have been used by the various draftsmen with different intentions. For the future the words will have to be used in this sense, or the contrary intention expressed. The word "may" ordinarily imports the conferring of a power. Up till now the courts in certain cases have construed that to mean a duty to be carried out. When it is made clear by the context that it is a duty then the courts have given effect to the word "may." as if it was the word "shall." The word "shall" always imports a duty. In these circumstances it is a wise thing to codify the meaning which has been given to these words by the courts. In any Act passed after the passing of this Bill the word "may" will be interpreted to imply that the power so conferred may be exercised or not at discretion. If, therefore, we want to use the word "may" in future, to imply that a person exercising the power must exercise that power, we shall have to say so and make the intention appear quite clear. The object is to prevent misunderstanding about Bills and about interpretations. Where in any new Act the word "shall" is used that word shall be interpreted to mean that the power must be exercised, unless a contrary intention is clearly expressed. In that way we divide our "mays" and "shalls" into two classes only. With that explanation I think the clause is probably a good one. In almost every case the Minister in charge of a Bill, who has to explain it to the Legislature, is not the man who drafted it. It is quite possible to assume that he may have a different conception of the meaning of the words from that given to them by the draftsman. It is also possible that members may give a different meaning to the words. It is, therefore, a good idea to house these common words together in a Bill giving them a common meaning, so that

whenever these words appear in the statute this will be the meaning given to them, and they will not bear the meaning given to them by the Attorney General or anyone else. This will be in the interests of the people and not in the interest of the profession. It will take it out of the power of lawyers to precipitate legislation over two such common words.

Mr. MULLANY: Although I agree with the Attorney General as to the necessity for the clause, I notice that it will only apply to any Act that is passed in the future. Would it not be possible to make this apply to all legislation in Western Australia, and, if not, why not? The different interpretation placed upon these simple words has in the past been the cause of much litigation. Whilst this clause will obviate that state of affairs in the future, it will not affect any Acts which are in the statute-book to-day.

The ATTORNEY GENERAL: It would be impossible to do this. There are probably no Acts in the statute-book to-day in which the words do not appear. It would be impossible to schedule the Acts containing these words. In any event it would involve a tremendous amount of labour to go through them, and endeavour to arrive at any conclusion as to what meaning these words bore. There is no man living who could make an accurate estimate of the meaning of these words as they have been used in the past. If he could, there would be no occasion for any of the litigation which takes place. In future, with this clause, there can be no waste of money on words such as these in our legislation, because the draftsman in drawing up Bills must have regard to the meanings expressed in these words as laid down in the clause.

Hon. T. WALKER: I do not know that this interpretation will prevent any litigation whatsoever. Questions will still arise as to whether the discretion implied is a compulsory or an obligatory discretion. The word "may" always involves a duty or an obligation, which the context supplies. I think the good sense of the courts in the past in regard to the interpretation of the word "may" has given it a specific and obligatory meaning, and that this has been in accordance with common sense, after recourse to the context. This does not codify the decision of the courts and does not take us one step in advance. It is not a mere matter of discretion to carry out the law. We might have the word "may" so as to imply discretionary power in the carrying out of a duty, whereas the whole tenor of the law and the context may imply the obligation for the performance of the duty involved, from which a man ought not to be allowed to escape by a mere reference to the interpretation Act, which says it is purely obligatory.

The Attorney General: This only applies to acts for the future. The hon. member's argument applies to acts that have gone by. It would be a crime to interfere with those.

Hon. T. WALKER: We have many instances of the use of "shall" as we have of the use of the word "may." Draftsmen know the use of it. When we use "may" it is conferring the power of authority on the individual to act. The word "shall" is used in the strictest sense after the power has already been conceded.

The Attorney General: Imposing the duty to exercise the power.

Hon. T. WALKER: The usual way is to confer the power by the use of the word "may." The distinction is lost if we pass the clause as it stands. It leaves us in a position in which we may make mistakes in the future as in the past. The new clause is making work for the lawyers and not avoiding it.

Mr. PICKERING: Speaking as a layman I congratulate the Attorney General on making an attempt to lay down a definition by which the ordinary man can understand the difference in the two words. We are better off under the clause.

Clause put and passed.

Clauses 34 to 48—agreed to.

Schedules, Title—agreed to.

Bill reported with amendments.

CRIMINAL CODE AMENDMENT.

Second Reading.

Debate resumed from the 17th September.

Hon. T. WALKER (Kanowna) [12.9 p.m.]: I am at a loss to know why this Bill is introduced at this juncture. We have important measures concerning the welfare of the country demanding attention, but ahead of them and possibly to their exclusion, we have an exceedingly debatable matter like this Bill placed before us. It may be considered by some members that there is nothing debatable in the Bill. In the first place to me it seems to proceed entirely on a wrong principle, in the main. It provides for an increase of punishment as punishment. We have arrived, I trust, at the age when we are no longer clamouring—*lex talionis*—an eye for an eye and a tooth for a tooth. We are past the age of barbarism and savagery and supposed to be civilised; it is purely a supposition at the present time. If we are to deal with the amendment to the Criminal Code, this method of dealing with it is most disastrous. It is piecemeal to a degree. It is patchwork in extremis. No subject can be more serious than that which deals with that portion of the population that has fallen from the paths of physical and moral health. It is not one that can be treated lightly and offhanded. It is one that requires the utmost care, and information, observation, and the collection of facts, and, moreover, some expert knowledge. To think that the ordinary citizen, the ordinary legislator offhand can make an amendment of the criminal law is an act of absurdity. In the reign of Queen Victoria that produced so many great reforms and set the British Empire in that high atmosphere of thought and investigation and progress that has made us all proud of the name of Britain, in that age for the first time comparatively speaking, men brought their attention to the reform of the criminal law. Committees of the House of Commons and Lords, special bodies of men deliberately set to work to effect reform and we have got the result, particularly in our Criminal Code as far as they can go, a Criminal Code which

was originally suggested in its main outlines and features by the late Mr. Justice Stephens —the extent of the reform that was attempted as possible by the lawyers who dealt with it purely from a legal standpoint, and with such information as to social and physological knowledge as was obtainable, but without calling on those experts who are of recent time only giving their voice to the public without the assistance of those whose special problem it has been to study the causes of crime, not only in relation to circumstances and conditions of life in any particular centre, but with regard to the conditions of heredity and disease which materially affect the existence and continuance of crime. This is a subject upon which the best minds of our most civilised communities might well be engaged, not for an hour, not for the course of a second reading debate, but for their lifetimes. I need not mention the fact that we have got marked humanity pervading, or subsidiary to, our criminal law from the works of such men as John Howard, and the philanthropists who reformed the gaol system in England, and from those minds in the United States who have given so much thought to the matter that they have tried to carry humane principles into effect by the establishment of such reformatories as Elmira, and from other minds in the British Dominion of Canada, where they have State prisons on such a scale that they might almost be termed colonies, where every humane experiment is put into operation, and where an appeal is made, not to the sense of fear or coercion, but to the sense of those better qualities that exist in even the most degraded individual. The world is experimenting not only in the United States and in the British Dominions, but also on a large scale in Italy, in Switzerland, in France, in Germany, in Austria, and in those more northern countries, Denmark, Sweden, and Norway. In all the countries I have named new experiments are being tried, experiments based upon humane principles and upon recognition of the fact that men are what they are from the tendencies derived from their birth, and from their subsequent surroundings. That some men cannot help being immoral, for instance, simply because they were never born with moral nerve cells. That morality, like any other faculty of the brain and the nervous system, is derived from the qualities we possess, from the tendencies we have derived from our parents, and from the nutrition given to the higher nerve centres, and from the influence which the surroundings, the moral atmosphere, exercise, in which these qualities can live or combat disease. Even the same individual may be what we call perfectly moral at one period of his life, and then may be attacked by a purely physical disease which shall cause brain or nervous lesion, and from that time forth the man whom we knew as upright and honourable in relation to his fellow men becomes the direct opposite as the consequence of a physical change. A nearer illustration of that would be the influence of drink, of alcoholic poison, which, by its operation, acts as a paralysing agent upon the nervous system and the brain. The man poisoned by alcohol has his higher brain centres put out of action, and does what he would never dream of doing in ordinary circumstances. If poisoned by alcohol, the best man in the community would be liable to commit murder or any other offence. We partially recognise that fact. Although the law says that drunkenness is no excuse for crime, still, the Attorney General knows that drunkenness does enter into a mitigation of punishment; at least if it is proved that the offender was in a state of intoxication at the time he committed the offence. Of that we have had a recent illustration in our criminal court. But it is not only in cases of that kind. It is a possibility for a man to be born under unfavourable circumstances where his mother, during the time of pregnancy, could not give that necessary nutrition and those proper chemical elements for the building up of firm and healthy nerve tissue to the full completion of the brain and the very highest nerve centres; where the child born is doomed to be the victim of police supervision from the moment he can lisp his mother tongue almost, to the time he perishes, perhaps on the scaffold, perhaps in the dank surroundings of a gloomy dungeon. None of this is considered in our Criminal Code. It is a disgrace to us that we should continue upon the old lines and perpetuate the old faults, ignoring the conditions which govern humanity, and forgetting that we are a people who are learning to do, who are trying to do, good in the world, in place of perpetuating conditions marking the extent of what is called the evil. I wish the Attorney General to take that aspect of the question into his consideration. There is nothing in this measure marking one feature of humanity, not one single contribution to an increase of humane treatment of our unfortunates.

The Attorney General: The indeterminate sentence does that.

Hon. T. WALKER: Not of necessity, by any means. It altogether depends upon the officials and upon the administrators of the Act. The indeterminate sentence, if administered by some men I know who are administering the criminal law, would permit a human being to be secluded from his or her fellow citizens forever, for as long as he or she lived, indeterminately. At the present time there is a chance for a man to come back into the open air, so to speak; to get out of his gloomy surroundings; because we fix a definite sentence, and also because, after fixing the sentence, we give some degree of encouragement for the man or the woman to obtain, by good behaviour, a reduction of the sentence, and to come out rewarded for good behaviour, as it is called, in gaol. But indeterminate sentences put into the hands of people administering the law with the views now generally held by those in administrative offices, would mean the detention of a human being not for four or five or six years, but as long as the administrators saw fit; which might be forever, for as long as the man or woman lived. Therefore, the advantage of the indeterminate sentence is highly questionable, unless we can be assured that we are to have different treatment and different standards of judgment in the supervision of those who have fallen into the hands of the law. Let me ask, what provision is to be made for that? This Bill as it stands is supposed to be an instal-

ment of a reform which speaks of reformatory schools and reformatory prisons and boards that are to be established. Can we really credit the Minister with earnestness in a proposal of this kind at this stage of our history? What do these reformatory prisons mean? We can set aside any portion of our existing gaols, and probably that would be done under this Bill. But our gaols as they stand, throughout this State—we have not many of them—are utterly unfit in design, structure, and surroundings, and in the manning of them, for any reformatory purpose whatever.

The Attorney General: But the hon. member would not have us wait to commence the work of reform until money is available?

Hon. T. WALKER: I would not have the Government play with a subject of such importance. I would determine to make now such reforms as can assuredly be effected. I trust the Attorney General will not fall into the error that I fell into, whilst I was Minister, in my zeal to get an Inebriates Act passed so that drunkards should no longer be treated as criminals, so that never again might we behold the spectacle of a woman coming before the court for the two hundred and thirtieth time on a charge of drunkenness, and being sent back to gaol again. I proposed that we should have institutes where alcoholic poisoning that had taken possession of the body and the brain should be treated as a disease, and properly handled, and where some humanity would characterise the treatment of sufferers from alcoholism. Not a thing has been done since. Every effort I made was met with the reply that there was no money available, no means of accomplishing what I aimed at, and the law stands a dead letter to-day—one of the laws which I took a pride in endeavouring to place upon the statute-book of Western Australia. And now it hurts me every time I read of these police court cases. The two hundred and thirtieth time an unfortunate woman is sent back to gaol for a term of months! Gaol had been tried 229 times previously, and had failed 229 times; and yet there is no lesson learned by our authorities, no good done to those administering the laws as they affect what are called criminals and unfortunates. Not one step in advance has been taken up to this hour. We perpetrate the same folly over and over again. We continue to pass laws which will not be and cannot be administered. I am objecting, whilst there are matters of urgent necessity, to this mere advertisement for the future. An advertisement, and nothing more, is to engage the attention of the House. And it is an advertisement which conceals more than it reveals. It is a pandering to a certain section of the community; neither more nor less. It is a pretence of giving them what they ask, without the provisions for granting, but with certain concealed dangers—dangers to the community. I take for example a serious matter to deal with, and one which I think ought to be dealt with. In this Chamber we are men, and we ought to be able to speak irrespective of the emotionalism which sometimes rules even the rulers. Offences against children are absolutely abhorrent, of course; but will any member tell me that there is a mortal man living who is normally constituted, and who would be guilty of a carnal wrong against a child under 10 years of age? The very possibility of a case like that is a demonstration that there is something wrong with the individual who perpetrates that offence. The assumption of this Bill and of most of the criminal laws is that every man is born with equal will, capable of exercising the mind of a normal healthy man. No allowance is made for the imperfect structure of the nervous system, no allowance for that incapacity to control the will, no allowance for the impulse which springs from disease. None of those things is taken into consideration, and upon a mere arbitrary assumption that every man is equally capable of controlling himself we apportion our punishment. It is absolutely wrong. There are some people so congenitally diseased, or perhaps diseased from other causes, who are not in a position to be trusted in the presence of the opposite sex, and more particularly in the presence of the young and helpless. To my mind there is every room for pity for those people. They never brought themselves wilfully or purposely or with knowledge aforethought to that position. They are diseased in their most inner parts, their most delicate parts; either they are absolutely lacking in those moral nerve centres, or those nerve centres are so inflamed or so diseased or so perverted in their operation that they are not men in the ordinary sense of the word, and they are as incapable as beasts of acting morally. Flogging and gaol are no deterrent, no cure. That is the strong point I wish to impress on the House. Those people need isolation, they need treatment, they need to be kept away from the innocents among our people, but not under the cruel discipline of a gaol. Nothing of that kind is provided here. The Attorney General thinks that the whole case is met by changing an offence of that character from a misdemeanour to a crime, and by lengthening the term of imprisonment. That is no cure, no protection to society. It does not help the position. What has caused the Attorney General to provide for an increased term of imprisonment?

The Attorney General: The statement of the judges throughout Australia.

Hon. T. WALKER: There is no justification for it in our State, besides which—and I say this with all due deference—our judges have qualified for the bench in the study of the law in its dry, stereotyped and antique form, and they have been isolated from the march of the world in the study of the causes of crime. It is not the duty of the judges to ascertain the cause; they never question the disease which was responsible for the abnormality of the conduct.

Mr. Pickering: You credit a judge with the ordinary thought of the ordinary individual.

Hon. T. WALKER: I am speaking with the utmost respect of our judges, but I say that their environment causes them to see through the spectacles of the law, and a law handed down by custom and the decisions of other judges. Therefore, their minds to that extent are warped—and I say this without disrespect

to them. These new questions, new subjects and new studies, they have not had the opportunity of studying. Life does not afford them the time or the leisure, let alone the inclination, to watch the progress of the new course of studies taking place in all parts of the active civilised portion of the world. What has suddenly awakened the Attorney General to take these steps? I have here the statistics of this State relating to these offences, for the year 1917, the latest available. For offences against girls under 13 years of age, there were two committals for trial and only one conviction. It might be said, therefore, that we had only one case. There were two cases with regard to offences against girls under 16 years of age, and one conviction there also. For carnal knowledge under 13, there was one case sent to trial but there was no conviction. Under 16 there were three cases sent for trial and only one conviction.

The Attorney General: Is that the official record?

Hon. T. WALKER: This information is taken from the statistics.

The Attorney General: There is never a year without such cases.

Hon. T. WALKER: The hon. member makes a mistake there. These are actual facts taken from the statistics of this State for the year 1917. The hon. member comes down with a Bill containing drastic provisions based entirely on wrong principles, and taking up the time of the country. If the Bill is passed into law it will involve the State in enormous expenditure. Is it required when the record of these offences is as I have quoted? In New South Wales they have a different way of tabulating these offences, but the records show that offences against female children in the same year numbered 67, of which number 39 were committed for trial and 11 were convicted. In Victoria there were 44 committals and 25 convictions.

The Attorney General: It is very difficult to secure a conviction in a sexual case.

Hon. T. WALKER: In some instances it ought to be. It is no use trying to cover investigations of this kind by prudery; it is a case where we must speak the truth.

Mr. Money: The greater the penalty the lesser the chance of conviction.

Hon. T. WALKER: Undoubtedly. I want to draw attention to another feature. We cannot blind ourselves to the fact that in this country feminine maturity is early. If we are dealing with this subject as men of sense, we should look at the facts apart from feeling. Feeling must not enter into it. In Western Australia the qualities of a woman are matured at an early age, and anyone of common sense will be compelled to admit that the sexual passion is as strong in some girls as it is in some men. Nymphomania is as possible as satyriasis, and to make laws to apply to one section of the community and not to the other is not ordinary justice. There are cases in which the victim is the man. Each case stands on its own merits, and to make women exempt under a certain age is mere sentiment; it is emotionalism; it is an old superstition in regard to sex, an expression of that dense ignorance, that shameful ignorance, that prevails in the community on all sex matters. All this is ignored in a measure which is presumably a measure of reform. There are cases where a man may need as much protection as a woman, but the Bill makes no provision for that. There are the same instincts in a sexual sense in woman as in man.

Mr. Teesdale: There would be a fine outcry if you made it apply to women here.

Hon. T. WALKER: I know, but I am afraid the Attorney General has been influenced by what the women have told him.

The Attorney General: There are several clauses in the Bill which protect men in cases of that sort.

Hon. T. WALKER: There is no protection for a boy under 17 years of age who is seduced by a girl of 17. Nothing of that kind. They are treated differently. Passion is common to both sexes, and the resistance to passion altogether depends on the strength and virtue and moral qualities of each. To lump them altogether indiscriminately is not the work of men, but the work of those trying to cater to the ill-informed emotionalism that may exist in this community. I desire to do my utmost to protect from every species of contamination our young. But we are not going to do it by putting laws of this kind on the statute-book. The work comes before that. We require some degree of education in the home. That is where the work commences. We require to eliminate this stupid taboo of all sex matters in the education of our children.

The Attorney General: I agree with that.

Hon. T. WALKER: Yes, but how do you show it? By proposing to put this on the statute-book in the criminal law. Our knowledge of our relation to each other and to society is to be gathered by studying the criminal law. It is beginning at the wrong end, for the wrong is done, the evil effected, when the Criminal Code comes into operation.

The Attorney General: What would you do with those who commit these offences?

Hon. T. WALKER: I should want to know who was the perpetrator of the offence, to begin with. The hon. member will know from his court recollections that the committing of these offences either arises from senility, when the natural decay of the brain has commenced, the softening of all the tissues, or else the offence is committed by those who have all the effects of senility, mental and moral deficiency. I am speakeing of the moral in a physical sense; that is those nerve fibres and cells which give us what we call our moral outlook on the world. What would I do with the offenders? I would have my proper place in which to treat them, not the gaol.

The Attorney General: So would I, if I could have such a place.

Hon. T. WALKER: But you are making it more impossible by Bills of this kind.

The Attorney General: The question is whether those people should be segregated in gaols or set free.

Hon. T. WALKER: The young degenerates undoubtedly ought to be segregated and brought under such treatment as would tend to cure their malady, to rebuild the tissues which are necessary to give them moral command of themselves.

The Attorney General: Some can be built up, but many cannot.

Hon. T. WALKER: Then they should be perpetually segregated, but not to herd with other criminals.

The Attorney General: I agree there, also.

Hon. T. WALKER: The Bill deals with the other criminals, puts the offenders amongst the other criminals, increases the time during which they are to herd with the other criminals, and so helps to accentuate the evil. The moral degenerates in the gaols are confirmed by their contact in gaol, by the experience they meet with in gaol. I have no intention of wearying the House by long quotations from this work entitled "Penological and Preventive Principles" by William Tallack, a standard authority. The author here speaks of abnormal cases. He says—

> There are some exceptional cases of extremely brutal and morally insane offenders—

We do not punish intellectual insanity in the same way as we punish what we call crime. Intellectual insanity receives pity in its treatment. Yet that part of the brain which deals with our conduct and motives and emotions is just as much a physical part of our being as the faculty which we call intellect. These things we leave out of our consideration entirely. In this book Tallack continues—

> for whom a more prompt cumulation of sentences to seven, 10, or 12 years detention may be necessary. For there are, in every country individuals who are so utterly bereft of either the will or the power to control their violent passions, that practically they are as dangerous to the community as madmen. Such persons may indeed be regarded as morally mad—a species of insanity more dangerous to mankind than various forms of mental alienation which the laws regard as qualifying for an asylum. A very observant French author, Dr. Prosper Despines, has collected, chiefly from the experiences of the French criminal courts and prisons, a long array of illustrations showing that the perpetrators of the most atrocious and cruel crimes are in general specially characterised by an absence of remorse and by a cold insensibility both in regard to the sufferings of others and to their own depravity. They seem to be past feeling as to the moral sense. Exhortation, persuasion, threats, kindness, severity, each and all appear to have little or no effect upon them. They are almost out of the reach of either ordinary or special influences. And hence, for the safety of the public, there seems to be only one effectual means of dealing with them, namely, to place them under very prolonged restraint, not so much with a hope of altering their condition as of simply keeping them out of the way of inflicting grave injuries upon the community.

The Attorney General: That is the remedy proposed to you?

Hon. T. WALKER: No, you propose to increase their sentences.

The Attorney General: Yes, to keep them out of the way.

Hon. T. WALKER: That is only one phase of the subject. They are abnormal, and must be dealt with accordingly. That is the point which the Bill does not provide for. It is the essential point; the fact is they are an abnormal class and must be dealt with accordingly. They must not be treated in the way other offenders are treated, for they are themselves abnormal and require special treatment.

The Attorney General: Hence the reformatory prison.

Hon. T. WALKER: Your reformatory prison would not apply to a number of these cases. You require a different treatment altogether, you require a moral asylum.

The Attorney General: We cannot get those institutions to-day.

Hon. T. WALKER: Well, do not increase the evils of the old ones. Not only do the old institutions not better the moral conditions, not only are they not reformatory, but they increase the depravity of those incarcerated within their walls. That is the point I want hon. members to recognise. The bulk of our gaols reek with vice, and we substitute only another form of vice for the one for which, presumably, we are punishing the prisoner. We are preparing for those men to be ultimately let loose with this physical disease of depravity ingrained into their very bones. That is the course we are taking by a measure of this description. The Rev. J. Clay, whose remarks have been quoted in this work by William Tallack, observed in a letter to a nobleman in reference to the discovery of the existence of unnatural crime, then extensively prevalent in a large British convict prison, as follows—

> The evidence now laid before your Lordship could only be given by convicts. The higher the rank of the official, the more ignorant he is kept of the true nature and extent of such evils as these papers describe. As the inquiry descends—beginning with the governor and ending with the "guard"—it is met, in the first instance, by the conscientious disavowal of all knowledge of the abuses charged; and, in the last, by interested endeavours to conceal the real and appalling truth.

It discloses a state of things not uncommon in every gaol throughout the civilised world. There are in those places moral diseases not even known to the governors of the prison. Even the warders are not fully acquainted with those diseases, but they exist and are nurtured there to their fullest and most revolting extent. We have had the testimony of men like Parnell in regard to the gaols of Ireland, and we have had similar testimony in regard to other gaols. All those testimonies are unanimous in their condemnation of the treatment of prisoners as to the fostering, unknown to the authorities, of the most disgusting of human vices. What are you going to do with those you send in there suffering from sexual abnormality? Can you cure them? Certainly not in prisons. And from the time they come out again they will be pestilential spreaders of moral diseases. This is the kind of legislation which is going to be perpetuated for all time in the Bill that is now before us.

If, according to the Attorney General, an attempt is to be made to do this by creating a new institution, I want to know how, if the Government have the money and erect the institution, we are going to get the officers to apply this reformatory method of treating alleged or real criminals. If we have the means of applying this treatment, how are we to get the qualified men to take over this work? In my opinion the men are more important than the buildings, but where are we to get them?

The Attorney General: You have to get your statutory authority first.

Hon. T. WALKER: You have to look out for them beforehand.

The Attorney General: Would you get the men first and erect the institution afterwards?

Hon. T. WALKER: I would get some men, at least, who knew something about it, even if I had to use the old buildings.

The Attorney General: I want the statutory authority first.

Hon. T. WALKER: The Attorney General already has the necessary statutory authority in connection with gaols that are now in existence. He has the authority to get his best men for this special work. The thing is to know what is wanted of the men the Attorney General already has. I submit that this it not known in the Crown Law Department.

The Attorney General: The Crown Law Department does not administer the gaols.

Hon. T. WALKER: In the Crown Law Department there is no conception of what is required. The Crown Law Department does administer gaols to a certain extent. It defines who is a criminal. The department is the mill through which citizens are plunged to go into the bag, if I may say so, of obscurity known as the gaol. It is necessary to pass through that machinery first. There must be a change of attitude in regard to the adjudgment of what is called a crime in the criminal branch of the Crown Law Department before we can go a step further. That is the first reform. As we have it at present almost every man who is accused is adjudged a criminal, and he is lucky if he gets off. He has to get off by fighting terrifically. He has to get off by sweeping aside all the innuendoes, assumptions and assertions of guilt that are made to try and secure a conviction.

The Attorney General: There is never any striving after convictions.

Hon. T. WALKER: The hon. member knows different.

Hon. P. Collier: That is so, from the policeman up to the Crown Prosecutor.

Hon. T. WALKER: That is a fact. The police absolutely hunt people.

Hon. P. Collier: They live for it.

Hon. T. WALKER: They want to secure a conviction as if it were a crown that they were to place upon their heads.

Hon. P. Collier: The police are led to believe by the authorities that convictions lead to promotion.

Hon. T. WALKER: Undoubtedly that is so.

Mr. Jones: And they frame them up for their lives.

Hon. T. WALKER: First of all there is the police evidence which suppresses every fact that tells in favour of the accused.

Mr. Teesdale: That is a sweeping charge to make.

Hon. T. WALKER: I most sincerely regret the necessity for making it, but we see evidence of this right through the Commonwealth.

The Attorney General: Would you do away with the police also?

Hon. T. WALKER: No, but I would make promotion depend on the success of the police in preventing crime, and not in hunting suspected criminals.

The Attorney General: I am sure there is no promotion given to men to hunt crime.

Hon. T. WALKER: A policeman is led to believe that he will get recognition from his successes, not in hunting crimes, but in driving the crime home upon the quarry. That is the same as capturing it. That is their object, to secure convictions.

Mr. Teesdale: Irrespective of guilt?

Hon. T. WALKER: Not entirely that.

Hon. P. Collier: Very often.

Hon. T. WALKER: If the police get hold of a man, against whom they think there is any reason to believe a prima facie case can be made out, they will then suppress everything that tends to bolster up his innocence, and will do their utmost to obtain uniformity in evidence and will so shape the evidence as to give the alleged offender as little chance as possible of escape. That is the art the prosecutor thinks he has to employ. I have seen our own newspapers make sport of the Crown prosecutor because——

Hon. P. Collier: He failed to get a conviction.

Hon. T. WALKER: There had not been sufficient convictions.

Hon. P. Collier: One was removed for that.

The Attorney General: I thought you said the Crown Prosecutor did not adopt that attitude.

Hon. T. WALKER: Not the present Crown Prosecutor; I am not speaking of him. This is done unconsciously. It is the psychological state of his being. He cannot avoid it. It has grown upon him.

The Attorney General: Would you put him into one of your institutions?

Hon. T. WALKER: It might be better for him mentally to do so. Everyone who gets into that condition of mind sees a crime in everything, and does so from perfectly honest motives. I have seen it so again and again. He cannot help himself.

Hon. P. Collier: He is in the atmosphere. We are all affected by our surroundings.

Hon. T. WALKER: Yes. That is one of the products of the present method.

The Attorney General: The present Crown Prosecutor is one of the most honourable and judicial officers we possess.

Hon. T. WALKER: Undoubtedly.

Hon. P. Collier: We are all creatures of our environments to some extent.

The Attorney General: I concede the environment of the member for Kanowna.

Hon. T. WALKER: What is the meaning of that? What does the Attorney General desire to convey?

Mr. Lutey: Your humanitarian environment.

Hon. T. WALKER: This does not belong alone to the present Crown Prosecutor. It belongs to most of those who spend their time in that class of work. It belongs to the police. Of course they deem it their duty, as they say, to sheet crime home. They say they are doing humanity a service, and honestly believe it. They are not looking at the facts behind, but merely at the evidence given to them for the purpose of securing a conviction. They do not go out of their way to enable a man to present the opposite side of the case. They deem it their duty to put the blackest side to the jury or the court, and to place the whole of the onus on the accused of being able to sweep aside the allegations made against him, and to give a substantive class of evidence that will demonstrate his innocence. That is where the reform should begin. We must not have that attitude. In Queensland they have recognised this principle that I am talking about, the possibility of the Crown Prosecutor getting into the habit of mind in which he sees only what is black against the man accused. There they have appointed a Crown defender, whose duty it is to put the other side of the case, and it is as much the duty of the Crown Law officers to do that as it is to do the other. This is not done here. Instead of that we have Bills of this kind, which play into the hands of that very spirit.

The Attorney General: We frequently do find counsel for prisoners.

Hon. T. WALKER: Only on capital charges.

Hon. P. Collier: That is all.

Hon. T. WALKER: And then only after application.

Hon. P. Collier: And they pick a junior for that.

Mr. O'Loghlen: A fledgling.

Hon. T. WALKER: It is only in special instances that this is done. Surely the Attorney General will not put that forward as evidence of great humanity. A man stands arraigned upon the threshold of Eternity, his feet, as it were, placed upon the trap that is to launch him out of life, and yet the Attorney General points to it as an act of mercy that he furnishes a man on the spur of the moment at a ridiculous fee to put up some kind of a defence against the case set up by the Crown.

Mr. O'Loghlen: Very often an inferior pleader.

Hon. T. WALKER: That is put forward as a proof of the humanity of the Crown Law Department. It is almost impossible to get good men to deal with these matters. The same author that I have quoted says—

> It is not easy to meet with warders competent to discipline and handle large bodies of prisoners. It has been found in the experience of most countries that discharged soldiers possess this particular qualification in a degree superior to ordinary civilians. But then, on the other hand, the previous lives of soldiers with their too frequently loose views of morality, and their by no means rare indulgence in swearing and intemperance, render them less suitable than selected civilians to exert the necessary good influences required in a prison. When old soldiers are employed in prison administration they should constitute a minority of the staff. Civilian commonsense should be largely called into requisition in the management of criminals. The very discipline also which is needful to manage large bodies of associated prisoners is, in some respects, counteractive of reformatory influences. It was remarked by Captain Maconochie, "in the management of our gaols we at present attach too much importance to mere submission and obedience. We make the discipline in them military, overlooking a distinction, to which too much importance cannot be attached, between the objects of military and of improved penal discipline. The ultimate purpose of military discipline is to train men to act together, but that of penal discipline is to prepare them advantageously to separate. The objects being thus opposite, the processes should equally differ." But neither Captain Maconochie nor anyone else could, with safety, dispense with an approximately military discipline, or with the necessity of attaching special importance to "mere submission and obedience," so long as the prisoners were congregated in masses.

Sitting suspended from 1.15 to 2.30 p.m.

Hon. T. WALKER: I was endeavouring, when the luncheon hour was called, to show that the suggested reforms all began at the wrong end. We are doing ourselves a gross injustice to perpetuate evils of past legislation and past custom in matters of such vital importance to the well-being of humanity and future generations. The zeal that may be expended upon this patchwork of old laws if expended at looking at the real sources of crime, and endeavouring to remove the causes, would be of some benefit, and a person engaged in work of that kind would receive the gratitude of humanity. I do not want to impress any of the peculiarity of views that I hold, in fact I claim no orginality whatever for the views that I have put forward up to the present. I claim that they are simply the result of the investigations that are going on actively, earnestly, zealously, in all parts of the world, and authority after authority might be quoted—I do not wish to inflict long quotations on the Assembly—but authorities in every nation might be quoted to show the unwisdom and reactionary character of the legislation we are now asked to deal with. I shall, however, venture to draw the attention of the House to a work that is known, I think, to every hon. member here as an authority. The work I am intending to quote from is called "Heredity and Society," by William Cecil Dampier Whetham, M.A., F.R.S., Fellow and Tutor of Trinity College, Cambridge, and Catherine Durning Whetham, his wife. The weight of the first name must surely show it is not a product of the faddist, or mere adventurer in reform, but from a qualified man, a person whose testimony on the subject with which he deals may be accepted without scruple.

I am only going to quote in so far as to show that this Bill absolutely forgets the very essential of dealing with criminality, the basis of what is called crime. On page 25 of this work the author says—

> Turning to the other side of the picture, we are met by terrible instances of families in which physical unsoundness, mental defect and criminal propensities are inherited from generation to generation in unfailing succession. The classical instance is the family to which the pseudonym of "Jukes" has been given by their historian. The pedigree contains some 830 known individuals, all descended from five sisters born about 1760. A large proportion of these individuals have been in prison, some of them for serious crimes. Frequently, the women have consorted with criminals of other stocks. Many of the race have been paupers, supported wholly or partly by the community. The total direct loss to their country caused by this one family has been estimated at about £260,000, while the indirect loss is probably much greater. The study of criminal types has of late years become a branch of penal jurisprudence, and owes much of its success to the labours and stimulus of the Italian criminologist, Cesare Lombroso. The modern school of criminology has made a careful investigation of criminals of various types, and has shown that they exhibit numerous anomalies in facial structure, in skeletal peculiarities, in nervous conditions which denote a close relationship between certain types of habitual criminals and the savage, and lead to the conclusion that criminal tendencies are often due to a reversion towards a primitive and lower type of humanity. Occasionally they exhibit structural abnormalities, especially in the brain, characteristic, not only of primitive savages, but of still lower types, as far back as carnivora. These born criminals, known to come, wherever their ancestry can be traced, out of families already overburdened with a history of crime, are believed to constitute about one-third of the mass of offenders—

I would like the Attorney General to take note that one-third of those are tainted in this way from birth and heredity. The author goes on to say—

> about one-third of the mass of offenders—as far as Italian statistics are concerned. They form the most important part of the offenders, for their crimes are usually of a peculiarly monstrous character, and they reappear before the public notice almost as soon as they are set at liberty. Heredity, according to Lombroso, is the principal organic cause of criminal tendencies; direct heredity from criminal parentage; indirect heredity from a generically degenerate family, showing also frequent cases of insanity, deafness, syphilis, epilepsy and alcoholism among its members. Almost all forms of chronic constitutional disease, especially those of a nervous character, may give rise to criminality in the descendants.

Just one paragraph more and I shall quote no further—

> Of the second class of criminals, those drawn from degenerate families, not necessarily with a previous history of violent crime, who form another third of the population of the police courts and prisons, it is probably true to say that many of them are at times morally insane. They have physical and mental characteristics in common with both the born criminal and the epileptic; but, unlike the born criminal, they frequently exhibit remorse for their crimes, and between their outbreaks are amenable to the influence of a good environment. It is an open question how far their criminal actions are committed during some suspension or alteration of the intellectual and moral faculties, in which case they can hardly be said to be responsible for their doings, although they are none the less dangerous to the community.

Now is it not patent that any attempt to reform our criminal law must take cognisance of facts like that, not laid down theoretically, not the mere floating gossip of the hour, but based on calm research, in long sustained observation, in the collection of enumerable statistics. Is it not necessary for us as legislators to become familiar with these facts, in order that we may shape our laws to fall in with the course of nature? There was a time when even the lunatic was treated either as a sacred personage, divinely inspired, a man to be respected and worshipped by the multitudes, or in later days as one possessed of a demon, driven by the devil into madness and punished with the worst kind of torture. It is not long ago, scarcely beyond the period of our own grandfathers, when lunatics were flogged cruelly, immersed in cold douches and treated with the most direful of isolation and cruel penalties. It is within almost the memory of the living when lunatics were punished in the same way as we would punish some of these sexual lunatics that can so far act the brute as to injure and violate an innocent child. It is not for us men of the present times, men who are aware of what science is doing for us and of what has been learnt by experiments already made, it is not for us to go back. It is our duty to advance; and I am contending that we are by this Bill deliberately going back to the times of an eye for an eye, of punishment out of vindictiveness to those who are moral derelicts from heredity and environment, who ought not to be permitted, it is true, the opportunity to do the wrong which shocks us, but who ought not to be in the custody of the gaoler, the gaoler whose instruction it is to keep in submission and incarceration, and only in submission and incarceration, those coming within his grasp. I wish you to call to mind, Mr. Speaker, from your early reading, the story that Marcus Clarke told us of the very country in which we live: how in those early days it was deemed a necessity to have the triangle for every convict occasionally, as a sort of means towards keeping his fellows in order. You, Sir, have read that inspiring and instructive story of Marcus Clarke. You know what took place in the sister State of Tasmania. I myself have seen there the relics of the old methods—the rings in the walls, and

the chains still dangling. Nay, I have seen them in Sydney, in the old prison places there, and the marks of the heavy iron rings to which the great chains were attached. And, Mr. Speaker, later than that, I venture to think, you yourself have known it, and even seen it, when a man supposed to be dangerous was compelled to pass his life, to live through the day and groan through the night, with huge iron chains attached to his legs. Was there less crime in those days? There was more, infinitely more. Was there less crime in England when we had the old Newgate prison, and those dungeons in which people lived lives of filth and disease, without one ray of light to lift them out of their squalid surroundings? No. Is France worse since the Bastille fell? She regenerated with the destruction of the old types of oppression and cruelty and torture. And so it is with us. I did expect that when we are dealing with this subject in these modern days, at this period of our history, that if we touched the law at all, we would touch it at bedrock, and would shape our criminal law in accordance with that knowledge which is now becoming the common possession of mankind. But that knowledge is entirely ignored and forgotten in this Bill. We are surely not now living like they did centuries ago; when punishment was looked upon as a deterrent, crime only prevented by increase of sentences. It is not reform to call a crime that which was hitherto only a misdemeanour. Whatever shows itself in the form of cruelty to another, be he ever so fallen or degraded, shows a want of purification and of cleansing in the person who inflicts the punishment. By the severity of our treatment of those who are criminals from heredity or disease, or any other cause, we create a feeling of resentment against society itself. The true basis of a social organisation is the working in common of all the members of that society, the harmony, the unity, the common purpose, with which they mutually assist each other for the good of all. That is the ideal state of society. Whatever in the form of government puts deep into the hearts of men the sense of resentment, the feeling that a wrong has been committed against them, not only effects a nervous change and a deterioration of tissue and a lowering of health, but brings that antipathy, that spirit of revenge, and that anti-social feeling, which cause some people to believe that they are carrying out their destiny and fulfilling their own lives by warring against the rest of society. Discontent is in itself a form of disease, of social disease. It springs from the want of health of the social organisation. Send your men in ever-increasing numbers even to the cells at Fremantle or of any other of your gaols, and as fast as they come out into the community they are polluting, discontented, warring elements. They create the atmosphere in which crime can generate, in which it is possible for these offences that have been described, to be punished. And more particularly does that apply to all these sexual offences. These sexual offences are due to want of health, of fully developed, completely equipped individual organisations. When the blood is vitiated, or when the nutriment is deverred to each individual controlling portion of the human system, that portion of our anatomy which becomes itself a passion to us, acts without will and without mental control, becomes a commanding element in the man's career, and sometimes becomes so intense as to obscure and control every other motive. It is a passion that is irrestible owing to disorganisation or imperfection of the nervous system. No thought taken of that in these schemes of reform! When we recognise that that thing is possible, and not only possible, but alas! attainable—a demonstrated fact already—we must look to other cures for the healing of society than the cure now submitted by the Attorney General. We must march with the times. We must make our laws the reflex of the knowledge of the community. What science has taught us we must crystallise into rules of conduct; and, if we do that, we cannot possibly support the measure introduced by the Attorney General. What I fear is speaking on such a subject to a House such as this. Certainly, there is no inspiration in this House.

Hon. P. Collier: No. Where are the day time workers?

Hon. T. WALKER: I fear I cannot in the circumstances do justice to a subject of this importance. I realise that in dealing with a subject like the present we are entering into the very temple, so to speak, where the mysteries of life are the deities. Nothing touches so vitally the welfare of the human race. In measures such as this we are building not only for our time, but for the future; we are either assisting to remove those causes of degeneracy, the fruitful cause of criminal acts, or helping to spread and to create the conditions in which degeneracy can flourish. It is a big problem, this building up of human society; and in considering it we must consider every unit of human society as part of the body corporate, inter-related with every other phase, inter-related with all other divisions and subdivisions of this great organisation. We must bear in mind that the great bulk of humanity are not of that standard, of that average excellence of metal, which would enable anything like perfection to be predicated of them. In Nature there is a tremendous amount of waste. I would refer hon. members to what the author I have quoted says on page 183 of his work. It points to this, that the conditions of human life in modern times are such that the vast hive of human creatures have a terrific struggle to get the bare necessities of existence, and that in that stupendous struggle a tremendous amount of starvation, of mal-nutrition, and of non-nutrition takes place; and that there is consequently, on that very account, an enormous amount of enfeeblement, physical, intellectual, and moral. The author proposes that those who are born with these imperfections should be segregated from the rest of mankind. If I may use his own words—

> As long as we believe that a man may be improved by social pressure or deterred by individual punishment, it is right to allow these agencies to proceed, provided that pressure does not lead to suffocation

> nor punishment to disablement. Where there is neither chance of improvement nor hope of correction, we must devise other methods of treatment. The segregation of the feeble-minded in farm colonies, the detention, not necessarily under penal conditions, of the hopeless criminal, the lunatic, and the unemployable, are among the obvious ways in which we can prevent the further degradation of the race, and arrest the increase in the volume of suffering without cruelty to any individual, restricting only in directions where the moral sense has fallen below the level of humanity, and is akin to that of the brute beasts, who have no understanding.

In that we see the lines reform ought to take, not to go back to the times of the leg irons, the cat-of-nine tails, the triangle and the whip. He recognises there are causes which produce even the most degenerate of our fellow being, but the more degenerate a person may be, the more there is room for pity. The lunatic is repulsive to us but we treat him with kindly consideration. Akin to the lunatic is the criminal. He is often a lunatic, and in nine cases out of 10 the bulk of the men who pass through the hands of the authorities and get into gaol are mentally deficient, morally mad. They, too, need treatment. Let us do it worthily of humanity, and let the treatment be worthy of the times we live in and worthy of those who claim to read the lessons of the hour, to legislate not for a moment's glory, not to go back into the dark and cruel nightmare of an obsolete savagery, but to so shape our laws that those who live under them may build up their lives and shape their destiny healthily and happily.

Mr. PICKERING (Sussex) [3.5 p.m.]: I have listened with the utmost attention to the speech of the member for Kanowna, a speech which will commend itself to every hon. member. He soared to heights of eloquence in his pleading, he appealed to our sense of pity and compassion for the perpetrator, but not once did he refer to the victim.

Hon. T. Walker: That is not so.

Mr. PICKERING: Yes, the hon. member did once refer to the victim and then as a seducer. Whilst it is well to propound theories for the regeneration of the perpetrator, it is well also that the law abiding citizens should consider the position of the victim.

Hon. T. Walker: I have in every way stated that those people should be protected.

Mr. PICKERING: The whole of the debate so far has centred upon the one clause in the Bill dealing with this question. We have heard a great deal about our boasted civilisation, but let us see what civilisation has done for us to-day. Let us turn our eyes to the Germans and to the Russians. What has been the result of civilisation in those countries? Has it not been depravity and brutality in the extreme? When one advocates virtue, one should surely apply it to every phase of life. I have a recollection that at a recent conference the retention of arms was advocated. For what purpose? Was it for the purpose of purity or devastation or crime? We have heard that crime is due greatly to disease. I am prepared to admit that, but I contend it is also due to other causes, and some of those causes are quite apart from disease. One or two cases have come before the Western Australian public in recent years which might be quoted. There was the case of the man Bennett who had extended to him full consideration. He was released and left this State. What was the ultimate result of that release? We all know too well. There was another case recently at Kellerberrin where a native dragged a woman from her horse into the bush and attempted to commit an offence. Fortunately, the woman was strong enough to resist him and she escaped. When the man was brought up for trial he was sentenced to 10 or 14 years imprisonment and in the course of the proceedings it was proved that two previous convictions had been recorded against him for offences of a like nature. What are we to do with a man of that description? Immediately he is released he becomes a menace. I was at Collie recently, and had the privilege of going through the Salvation Army Home. My attention was directed there to several girls who had been under the care of this institution for some years. One must admit that the Salvation Army are doing noble work in connection with the regeneration of criminals, yet these girls seize the first opportunity of breaking away and reverting to their former life. A great deal has been said about the question of hereditary environment, but it is so big a question that I do not purpose dealing with it. It has been the subject of contention for a considerable time and the solution is not yet. The necessity for control has been urged. If we allowed criminals to go uncontrolled, the result would be that their virulence would be increased. The object of the Bill is to lengthen the term of imprisonment. While I am ready to concede that if it were possible to obtain it we should have some other form of treatment that would be more on the lines advocated by the member for Kanowna, but seeing that it is impossible to adopt that system of treatment on a large scale, it becomes necessary that some other treatment should be brought into force in the interim. By lengthening the term of imprisonment we lengthen the period of the immunity of the prospective victim, and that is the underlying desire of the Attorney General. It is on that ground principally that I shall accord him my support. Some reflection has been made on the capacity of our judges to exercise an impartial view on these questions. I have yet to learn that there is anything in the form of bias displayed by our judges, that there is anything which prevents a broadening of their views on matters of this description. I have yet to learn that it brutalises them.

Hon. P. Collier: No one made such charges against them.

Mr. PICKERING: The hon. member was pre-disposed to put the worst construction on those cases.

Hon. P. Collier: Nothing of the kind.

Mr. PICKERING: So far as statistics are concerned, they can be made to prove anything, and they are of no value in an argument of this description. As the Attorney General stated in reply to the member for Kanowna, it is most difficult to obtain convictions

in connection with these offences. It does not follow that a man though acquitted is innocent, and it is to be hoped that there always will be a difficulty in convicting these people, but it is not proved a fact that because a conviction is not obtained it was not a justifiable case. The member for Kanowna in reading a quotation from a certain work said that there was an absence of remorse on the part of the perpetrators.

Hon. P. Collier: He said that applied to the born criminal.

Mr. PICKERING: We have not now, nor are we likely to have for some time to come, a place where these people can be kept, but in the meantime we have to think of the danger to the community. We must safeguard our people by the utmost possible endeavour. There was also a reference made to the consequences which followed on the incarceration of prisoners in gaol and bringing them into contact with criminals. It was pointed out that often unspeakable offences resulted. Might not these same offences happen wherever the prisoners are incarcerated, and might not the laxity of control be an additional inducement for the perpetration of these offences? I am inclined to think that might be so. A great deal has also been said about the police, and that crime should be allowed to run rampant. Is it the desire of the Opposition that we should encourage crime? That certainly seems to be their attitude. They condemned the police because they were giving effect to the duties they were engaged on. The police are there to protect law abiding citizens.

Hon. P. Collier: I desire to draw attention to the state of the House. I think we ought to have this important announcement made to a quorum.

[Bells rung and a quorum formed.]

Mr. PICKERING: Are we to blind ourselves to the existence of crime; are we to delude ourselves into the belief that crime is not rampant; are we to encourage it by the laxity of the administration of our laws? I am not one for hunting down criminals, but I say that we have engaged in the service of this State a police force, we should certainly assist them to do their duty in the best interests of the citizens. I am in accord with the member for Kanowna when he said we should have an advocate for the defence of criminals. That is a point that should commend itself to the consideration of the Government. At the same time it must be essential that if we want to maintain order, crime should be suppressed as far as possible. Another point stressed by the member for Kanowna was the difficulty in obtaining guardians for these people. In fact the whole trend of the hon. member's speech was a mass of difficulties which seemed to be in the way of giving effect to the principles which he enunciated. There is no doubt it would involve an immense outlay to provide the accommodation required for those houses of treatment, and we are confronted again with the difficulty of getting suitable guardians. I find in the "Encyclopaedia Brittanica" a statement by Dr. Nicholson, of Broadmoor, as follows:—

> If the criminal is such by predestination, heredity, or accidental flaws or anomalies in brain or physical structure, he is such for good and all; no cure is possible, all the plans and processes for his betterment, education, moral training and disciplinary treatment are nugatory and vain.

If they are vain, what are we going to do in regard to this particular question? The only possible solution for the time being, until we are able to give effect to the policy enunciated by the member for Kanowna, is by incarcerating these pople for a longer period, in order to keep them away from harm as long as possible. It is the most we can hope to do at present. I want it distinctly understood that for as long as I am a member of this Chamber I shall stand for the victim in preference to the criminal. Many of the criminals glory in their crime. But what of the victims? Who can say what is to become of those victims of vice, such as I have illustrated? Their character and their reputations are gone for ever, together with those of their families, and so, as I have said, as long as I remain a member of the House I will be an advocate for the protection of innocent people.

Hon. P. COLLIER (Boulder) [3.17 p.m.]: I entirely endorse the views and sentiments expressed in the eloquent and informative speech of the member for Kanowna (Hon. T. Walker). I regret that the value of that speech, apparently, has been entirely lost on the member for Sussex (Mr. Pickering), if we are to judge by the remarks of that hon. member. First of all the member for Sussex said that the Opposition stands for the encouragement of crime. I could not have conceived it possible for any reasonable being who had listened to the speech of the member for Kanowna to have drawn from that speech the conclusion which the member for Sussex seems to have drawn, namely, that the Opposition stand for the encouragement of crime. The member for Sussex says that he stands for the victims of outrages, and in that capacity he declares that he would flog and imprison the offenders. But the hon. member did not attempt to show how his attitude would benefit the victims of the offences. As a matter of fact, the instance which he cited demonstrates that his principle in this regard is wholly ineffective. He related the instance of the outrage at Kellerberrin, in which an aboriginal attempted to commit an offence, for which he was sentenced to a long term of imprisonment. The hon. member remarked that it was discovered at the trial that the offender had previously served a term of imprisonment for a similar offence. What does that prove? If it proves anything at all it proves that imprisonment or punishment of the kind the hon. member stands for had been an utter failure. It proves that the punishment of the offender did not assist the victim of the second outrage. What satisfaction is it to the victim of the second outrage to know that the offender had already served a term of imprisonment for a similar offence? Yet that is the kind of punishment which the hon. member would go on perpetu-

ating. From beginning to end, the speech of the member for Kanowna was nothing but a plea for the victims. He outlined the course of treatment which he believed would be most beneficial and effective in reforming those abnormal individuals who commit such offences. If he could show, as I think he did show, that the course of treatment which he advocated would be more effective and beneficial in the direction that it might be possible to turn people out of the reformatory institutions with a lessened tendency to commit crimes in future, that in itself is pleading for the potential victims of those abnormal individuals. However, the member for Sussex entirely missed the point and argument of the member for Kanwona. I regret that the Attorney General did not give the House some reasons for the drastic amendments insofar as they relate to punishment for sexual offences.

The Attorney General: I did.

Hon. P. COLLIER: The Minister certainly gave a very clear exposition of the amendments which it was sought to make in the Criminal Code, but I do not think he advanced any reasons, backed up by authority, as to why any of those drastic amendments should be made.

The Attorney General: I was reserving that for the Committee stage.

Hon. P. COLLIER: Perhaps we may be able to discuss it with more latitude at the Committee stage, but at the same time it would have been helpful to us on the second reading. I know that many of the amendments represent the accumulation of years of experience of our Crown Law authorities or those engaged in the administration of justice, and in that respect I agree with my colleague, without making any charge of bias—here again the member for Sussex seemed to have been possessed of a perfect genius for misunderstanding the member for Kanowna—without any charge of bias against judges, Crown prosecutors, or police, the contention advanced by the member for Kanowna was that, living from day to day and year to year almost entirely surrounded by an atmosphere of crime and offences, the judgment of even the best of us would become more or less unconsciously biased. Probably there is not a living individual who is not possessed of unconscious bias in some form or other in regard to some particular subject. For instance, the member for Guildford would be unconsciously biased on questions affecting the employees of the Railway Department, while I would be unconsciously biased on questions affecting the employment of men in the mining industry. So, too, the man engaged in the administration of law, living and moving in a police atmosphere, is unconsciously biased in the direction of securing convictions. So it is of no use for the member for Sussex to ask, would we leave crime go unpunished. Nobody asks that crime should go unpunished. All that the member for Kanowna pleaded for was that the utmost opportunity for defence and for reform be given to those persons who will be affected by the passage of the Bill. No doubt some of the amendments are the result of representations made to the Attorney General and his predecessor,

The Attorney General: Some of them made by yourself.

Hon. P. COLLIER: Certainly I was responsible for the deputation which interviewed the Minister, but I only arranged that in my capacity as member, and I did not necessarily endorse all the requests there made.

The Attorney General: I presume you would not introduce a deputation to make requests which you did not agree with.

Hon. P. COLLIER: That is a most extraordinary statement for the Minister to make. Surely it is the duty of hon. members to introduce deputations to Ministers, no matter what the requests may be. All I did was to arrange the interview for the ladies composing the deputation. Incidentally I may say the ladies afterwards informed me that it had been a very pleasant interview. It only serves to show, as the member for Kanowna would say, the necessity for dealing with matters of this kind entirely apart from sentiment and emotionalism. After all, there is a section of the community, mostly composed of well intentioned ladies imbued with the reforming spirit, who are continually urging amendments to our laws in this and other respects. But I venture to say that most of those good ladies have given but very little study to the deeper aspect of the question.

The Attorney General: I think some of them have given a great deal of study to it.

Hon. P. COLLIER: I am afraid that they look at the question from the point of view of the member for Sussex, that they keep steadily in mind all the time the victim of the offence. The lady who has continually on her lips the exhortation, "Think of the victim," is influenced almost entirely by a spirit of revenge.

The Minister for Works: No.

Hon. P. COLLIER: There is no other way of putting it. When they think of the victim there boils up in them a feeling of revenge; that is to say, they are intent upon securing increased punishment for the offender. That might be all very well, and could probably be justified to a great extent. If the extremely severe punishment of one offender was likely to have a deterrent effect upon another possible offender, and thereby save the possible victim, it might be justified.

The Minister for Works: Do you not think it is justified?

Hon. P. COLLIER: I am certain it is not. The Minister for Works may think so with his superficial view of the question, but anyone who will give the necessary time to research, and devote an impartial study to the subject, and will examine all the statistics dealing with the matter, and give due weight to the men and women who have made a life long study of criminology, will know well that it is not a deterrent. Even to a superficial observer that should be apparent. During the last century, when there were I believe something over 100 offences provided for in the Criminal Code of Great Britain which were subject to death penalty, did these penalties have any deterrent effect upon those concerned? Just so far as we have moved along the path of reform in decreasing the severity of the punishment for criminal offences, so have the crimes themselves decreased. That is a positive fact, ascer-

tainable by anyone who cares to investigate the matter for himself. Men were sent to the scaffold for simple offences during the early part of last century, for stealing a comparatively small and valueless thing.

Hon. T. Walker: For stealing two shillings.

Hon. P. COLLIER: Did the punishment have a deterrent effect? We know that it had not, and that it has not to-day. Any man who says that this form of punishment for sexual offences has a deterrent effect has never examined the subject. We know perfectly well that in the surroundings and under the conditions under which these offences are committed, the man who has entirely lost control of himself, and is swayed by passion, does not give a moment's thought to the punishment that may be meted out to him afterwards. As a matter of fact quite the contrary is the case. As the hon. member has said, they are moral lunatics. I say at once, with the member for Sussex, that they should not be allowed to roam about at large to prey upon society. No one would contend that for a moment.

Mr. Pickering: I did not do so.

Hon. P. COLLIER: Of course not. The only question is as to the best method of treatment. I believe the Attorney General is going on right lines in regard to the provisions he has in the Bill for reformatory prisons.

The Attorney General: It is a beginning.

Hon. P. COLLIER: Yes, and it is on entirely right lines. It is not the Attorney General's fault, but we know there is no possible chance of our establishing any of these reformatory prisons within the near future.

The Attorney General: Oh yes, we can.

Hon. P. COLLIER: No, because of the cost.

The Attorney General: It can be done at Fremantle at once with very little cost.

Hon. P. COLLIER: In the Fremantle prison?

The Attorney General: Yes, a department can be separated away.

Hon. P. COLLIER: It is not possible to do that.

The Attorney General: I am told it is.

Hon. P. COLLIER: I understand there is not the area requisite. No kind of reformative treatment can be effected where men are herded together in a comparatively small space and surrounded by high walls. The essence of reformative treatment consists of out-of-door treatment. If we had our reformatory prisons in the Darling Ranges, for instance, where there are large open spaces, where there is all the environment necessary for their benefit, with God's blue sky above, and the trees and the hills around, there would be an elevating influence even upon the criminal. It is in such a place that the general atmosphere and surroundings would tend, at any rate, to have an improving and elevating influence upon such people. It is idle to think that anything in the nature of reform will be effected by setting aside a portion of the already small space occupied by the Fremantle gaol.

The Attorney General: We are taking power to deal with that.

Hon. P. COLLIER: It is only those who are, comparatively speaking, not bad who will be sent out into the open. The majority of those doing indeterminate sentences will be men who, of necessity, will have to be confined to a prison. For that reason I say it is impossible to make a beginning, or accomplish anything, so long as the effort is confined to the Fremantle gaol.

The Attorney General: It will not be confined to that.

Hon. P. COLLIER: I have been arguing upon the answer given by the Attorney General.

The Attorney General: I said that was ready now. The Prisons Act specifies a number of places.

Hon. P. COLLIER: I know the Attorney General is taking ample power, and in that I am with him. I am not complaining about the power he is endeavouring to take for this purpose. I only say he will not be able to give effect to it by reason of the cost involved. He will, therefore, be obliged to confine his efforts to what is possible in a small way in the Fremantle prison, or some other institution of the kind. With regard to the punishment for offences, in many cases it is proposed to double this, and in some cases to increase the term of imprisonment that may be awarded from three years to 14 years. It is not necessary to so greatly increase the penalty in order that effect might be given to the indeterminate sentences. Even if the sentence was only one of six months there is still provision for further detention afterwards. A person need not be released until the authorities believe that he has again reached that normal state, in which it is safe to allow him to roam at large. All those clauses which provide heavy increases in the penalty are due entirely to the spirit described by my colleague, which is backed up and endorsed by the member for Sussex, the spirit of vindictiveness and revenge. It is not due to any reforming spirit such as should be shown by a Bill of this character.

Mr. Pickering: Backed up by me, but not in a spirit of vindictiveness.

Hon. P. COLLIER: I say it is an unconscious vindictiveness, and revenge. "Let us flog him and kick him, and send him to the scaffold."

The Minister for Works: Hear, hear!

Hon. P. COLLIER: The Minister for Works says "Hear, hear." No doubt he would flog such criminals.

The Minister for Works: I would go further. I would cut them.

Hon. P. COLLIER: What was the effect of that kind of punishment in former times? It merely degraded and brutalised these people. The man who fell once and was subjected to punishment of this kind was lost to society and the world forever afterwards.

The Minister for Works: It would not matter one bit if he were lost to the world.

Hon. P. COLLIER: No doubt the Minister for Works would kill them and crucify them.

The Minister for Works: I would crucify every man of that description.

Hon. P. COLLIER: That is entirely the spirit which animated the men who used to flog the unfortunate lunatic. This is the same spirit which animated our ancestors, who used to tie to a wheel some poor old woman of 50

or 60 years of age, who was described as a witch and as being possessed of demons. The Minister is now back in the fourteenth, fifteenth, and sixteenth centuries.

Mr. Troy: He is back in the first century.

Hon. P. COLLIER: These are the dark centuries, in many respects darker than the first, when society was more cruel to these unfortunate persons even than it was in later times. In the centuries that I have mentioned, thousands of poor unfortunate women, mostly aged, were submitted to indescribable torture in order to compel them to confess that they were bewitched and possessed of demons. This is the spirit which was responsible for that kind of punishment, and which still animates the breast of the Minister for Works.

The Minister for Works: You are quite out of it.

Hon. P. COLLIER: I thought we had left that kind of thing entirely behind us. I did not think that there were types living to-day which would carry us back to those dark centuries I have mentioned.

The Minister for Works: You would not punish anyone.

Hon. P. COLLIER: I would not punish even the hon. member.

Hon. T. Walker: Put him in a hospital, a mental ward; he needs it.

The Minister for Works: I cannot understand your advocating this sort of thing.

Hon. P. COLLIER: I know that. It would be waste of time to attempt to convince the Minister for Works, as the idea is firmly fixed in his mind that there is only one kind of treatment for people of this class.

The Minister for Works: Exactly.

Hon. P. COLLIER: All the facts and arguments which may be advanced, even by the member for Kanowna, would fall like water on a duck's back upon the hon. member.

The Minister for Works: Why not have some sympathy for the victims?

Hon. T. Walker: They are all victims, and you are one.

Hon. P. COLLIER: Yes, the Minister for Works is a victim of heredity.

Hon. T. Walker: Of psychological aberration.

Hon. P. COLLIER: I commend to the Minister and others not only the works from which the member for Kanowna has quoted, but also the works of Havelock Ellis on "The Psychology of Sex."

The Minister for Works: Yes.

Hon. P. COLLIER: If the Minister would devote some time to works of that description his point of view would be entirely altered.

The Minister for Works: I would burn the authors and burn their books with them, if I could.

Hon. P. COLLIER: In the past, witches were burnt. What a survival from the middle ages is the Minister for Works! He would like to see the authors of these books burnt. Fortunately, the world in general has moved past those days, which will never return, although they may be said to survive in our atavistic Minister for Works. I shall not support the Bill; I shall oppose it. Some provisions of it I approve, but the clauses dealing with what are described as sexual offences I am utterly opposed to, and I shall do my best to have them either deleted or modified in Committee; and I hope hon. members will assist in that direction. It is a matter for regret that a Bill of such importance, a Bill which reaches right down to the old Adam, and away beyond Adam even, which touches our very fundamental being as it were, should be debated throughout the whole day before practically empty benches. It is not possible for members who will not listen to the discussion of such an important question as this, to give a vote other than one which is directed by prejudice or by bias, or which is unconsidered. There is wide room for difference of opinion on a matter of this kind. Upon the issues we are discussing under this Bill, some of the greatest criminologists and psychologists differ in many respects; and therefore it is not in any way derogatory to us that members of this House should hold varying opinions. I hope we shall be able to discuss the measure and thrash it out in an amicable way, and that the debate will be informative at least to the men who take part in it, if not to the general outside public. I do contend, however, that the effort to increase the penalties ought to receive the most careful consideration of members, and I trust they will bring impartial minds to bear on it in Committee; in which case, I am satisfied, the House will not concede the increased punishments provided by this Bill.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [3.49]: The member for Kanowna (Hon. T. Walker) and the leader of the Opposition have given the House a great deal of information, but whether they have done much good I do not know. The member for Boulder (Mr. Collier) referred to two or three books. I know the books to which the hon. member referred, and I consider them the filthiest scum that anyone has ever had the impudence to impose upon the world. They simply pander to prurient tastes, and defend offenders against women and children.

Mr. Foley: You do not apply that to the books of Havelock Ellis, do you?

The MINISTER FOR WORKS: Yes, I do. Those books are the filthiest I have ever seen printed. No one with any notion outside the muck of a filthy hog-stye would ever mention them in this House.

Mr. SPEAKER: Order!

Hon. P Collier: What is that the Minister is saying?

Mr. SPEAKER: The Minister for Works must not accuse hon. members as he has done. I think he should withdraw that remark.

The MINISTER FOR WORKS: I will qualify it.

Hon. P. Collier: No. Withdraw.

Mr. SPEAKER: Order!

Hon. P. Collier: It is only an old scoundrel like the Minister for Works that would make such a suggestion. I ask for an apology.

Mr. SPEAKER: Order! The hon. member will resume his seat.

Hon. P. Collier: The Minister for Works is a vindictive old scoundrel.

Mr. SPEAKER: The Minister for Works must withdraw.

The MINISTER FOR WORKS: All right. I withdraw.

Hon. P. Collier: Apologise!

Mr. SPEAKER: The member for Boulder must withdraw the word "scoundrel." The Minister for Works has withdrawn his words, and I ask the member for Boulder to withdraw.

Mr. Troy: I submit that the words of the Minister for Works should be apologised for. He said, "A mind like a hog." I submit that no words of that character have ever been allowed in this House without the member who had used them making a public apology. I submit to you, Mr. Speaker, that if a withdrawal is all that is necessary——

Mr. SPEAKER: Order! What is the hon. member's point of order?

Mr. Troy: That the language used by the Minister for Works is such as necessitates an apology to this House and to the member to whom the language was addressed. I hold, Sir, that if you allow it to pass by with a mere withdrawal, that is setting a very bad precedent indeed.

Mr. SPEAKER: Immediately the statement was made, I asked for it to be withdrawn, even before attention was called to it at all. In the circumstances I think the withdrawal is sufficient.

Mr. Troy: All right. Give us some water.

Mr. SPEAKER: Order!

Hon. T. Walker: I personally feel the remark as a slur.

Mr. SPEAKER: If the hon. member takes it that way——

Hon. P. Collier: I referred to Havelock Ellis's "Psychology of Sex." The Minister for Works, referring to that particular book, said that the man who would quote from a book like that must have the mind of a hog. That applied directly to myself, who quoted from that book.

Mr. SPEAKER: Order! I thought it was a general statement.

Hon. P. Collier: No. The Minister for Works applied it directly to myslef.

Mr. SPEAKER: If the member for Boulder takes it directly to himself I certainly ask the Minister for Works to apologise.

The MINISTER FOR WORKS: Right, Sir, I apologise. I will not ask the leader of the Opposition to apologise for calling me a dirty old scoundrel, because I take that as absolute evidence of his condition of mind.

Hon. P. Collier: Mr. Speaker, I must ask that the Minister for Works be required to withdraw another statement. He is not going to take charge of this House, the bully.

The MINISTER FOR WORKS: You call me what you did, and I will say that to you a thousand times.

Mr. SPEAKER: Order! What is the hon. member's point of order?

Hon. P. Collier: The Minister for Works said that he would not ask me to withdraw my statement because he took it as an evidence of the sort of mind that I possess. That is offensive, and I ask that it be withdrawn.

The MINISTER FOR WORKS: I cannot withdraw the hon. member's statement.

Mr. SPEAKER: The member for Boulder has taken exception to a remark, and I ask the Minister for Works to withdraw it.

The MINISTER FOR WORKS: Right, Sir, I withdraw.

Mr. Troy: That is disrespectful to the Chair.

The MINISTER FOR WORKS: May I vary my words, and say that there are plenty of people outside this Chamber who will use arguments similar to those which have been used in this Chamber by the hon. gentleman who caused me to make withdrawals. As I cannot express my opinion regarding hon. gentlemen of this Chamber, my remarks can apply to those people outside with all the force that it is possible to give them. I am not going to stand in this Chamber and hear persons who have committed irreparable wrongs on young girls and the youth of this State held up as persons to whom this House should extend commiseration. I say we shall not be doing our duty by those young girls who have been violated and the women who have been outraged in this State, unless we take every measure we possibly can to protect them against these men, whether they are called sexual maniacs or anything else. If there is let loose in our streets a wild beast that rends our people, what do we do? Not preach goody-goody sermons to the wild beast, not read books to it about sociology or whatever the thing is called. We do with that wild beast what we consider should be done with these human beasts—put it where it ought to be. If a tiger escapes from the Zoo, then, if he is worth anything, we put him back into his cage and keep him there. Now, what right have we to do that? The tiger simply seeks to obey his natural instincts. And we have no more right to restrain that tiger, according to some of the arguments which have been used——

Hon. T. Walker: Nonsense!

The MINISTER FOR WORKS: Than we have to restrain the man who violates a young girl and ruins her for life, body and mind and soul.

Hon. T. Walker: That is a direct misrepresentation.

The MINISTER FOR WORKS: During the last few years the women of this State have shown unmistakably that they are determined to take a hand in the ordering of those things which appertain to their sex. They have taken in hand questions of temperance, and questions touching the protection of their children; and we should be less than men unless we are prepared to lend what assistance we can to the efforts of our women. There was that case referred to by the member for Sussex (Mr. Pickering); there was the Midland Junction case; there was the case of the man, I do not recall his name at the moment, who was handed over to the Salvation Army to be reformed. When we bear in mind what happened in those cases have we a right to throw what is called camouflage over that sort of thing?

Hon. T. Walker: Now, what did happen?

The MINISTER FOR WORKS: Have we a right to endeavour in any shape or form to mask the enormity of these offences? If we admit that for even a single moment, away go all our moral restraints and the rules and laws which govern our present stage of civilisation.

Hon. T. Walker: What did Jesus do in the case of the woman taken in adultery?

The MINISTER FOR WORKS: I do not know what Jesus would have done to the hon. member interjecting.

Member: That is blasphemy.

The MINISTER FOR WORKS: He would have pitied the hon. member, perhaps. However, there has been only one Jesus, and we are dealing with this matter——

Hon. T. Walker: You are His antithesis.

The MINISTER FOR WORKS: Not as Christ-like men; we are dealing with it as we find human nature to-day.

Hon. T. Walker: Human nature in its most miserable and most degraded form.

The MINISTER FOR WORKS: The hon. member can say anything he likes. I have noticed that the hon. member says tremendous things about his opponents, but that if there is the slightest attempt to bring him down to bedrock one gets the spectacle of the member for Murray-Wellington being called upon to withdraw words, concerning which, in deference to you, Mr. Speaker, I need say no more.

Hon. T. Walker: Better not.

The MINISTER FOR WORKS: I have not read all the clauses of the Bill. In Committee I shall do my best to deal with them according to the way in which I think every decent man ought to deal with them. I have not the slightest doubt that my friends opposite will deal with them also as honestly and as decently as they may be able to do. But I am satisfied that we shall cross swords. The indications given here to-day of the great control of temper possessed by hon. members opposite, and of the lack of control of temper on my part, must lead to the crossing of swords. But if there is one single attempt to minimise the penalties for these crimes, thus diminishing and cutting away the protection to our young children, then I shall be prepared to do my part, perhaps even at the expense of incurring your displeasure, Mr. Speaker, which I certainly would not like to incur, and certainly at the risk of incurring the contempt of hon. members opposite.

Hon. P. Collier: A great speech!

The MINISTER FOR WORKS: The last speaker referred to various crimes formerly punished with death and other penalties. I do not think he knows very much about it, except from what he has read. That applies, of course, to things which must be beyond the ken of the hon. gentleman's immediate forebears. He can form no personal idea as to what the real facts were. But if he wants people to believe that at the present day there is anyone who would like to see the old penalties brought into force again, he is making a mistake. My father was old enough to tell me of the days' when a man who stole 39s. 11d. went to gaol, whereas a man who stole 40s. was hanged; when a man who stole a sheep was hanged; when a man who forged the name of another person, whether for money or merely to a letter, was hanged. But those days are gone.

Hon. T. Walker: In those days there were people who defended those things.

The MINISTER FOR WORKS: We have got to a period now when sexual offences against women and young children—though not so bad just at present as they were a few years ago—are very bad indeed. I am satisfied that hon. members opposite are no less in earnest than I am in trying to put these people on one side, though we differ as to the means. There is absolutely no cure; it is like a recurring disease, and if we have something which is a danger to society, are we going to be such poltroons, that because the only remedy seems to be a drastic one, we are afraid to put it into force? If we had in this Chamber a man with homicidal tendencies, we would have to suffer him until the chance came along to put him out. If we have amongst us men who cannot restrain themselves, we must put them under restraint and if we cannot do that, we should put them out of the world altogether. There are means by which we can make such people innocuous. I have already twice in this House stated that if the Government will find me a room, an operating table, and an assistant, they need have no further trouble on the matter, and I will find my own tools for the job, nor would I use anæsthetics in such cases.

Mr. Jones: That would be useless.

The MINISTER FOR WORKS: The hon. member speaks of it as being useless; he perhaps refers to himself.

Mr. Jones: On a point of order I demand that that remark be withdrawn.

The MINISTER FOR WORKS: I withdraw. It is all very well for politicians to palter with it. I am not allowed to say that there are people who seek publicity and a certain sort of popularity among certain classes in connection with these things; I may believe it, but I must not say it.

Hon. T. Walker: Has anyone hinted it?

The MINISTER FOR WORKS: In this matter we cannot afford to fool with it. Laws dealing with it have been passed at a time when people had instances before them, and when they knew what they were talking about, but now when the horribleness of the incident is no longer so keen, an attempt will be made to blunt the sensibility even more until it will be of no use. I hope the women's societies will make their influence felt, and that hon. members will see that while we do not want to be unjust we must protect those who by their age and otherwise are not able to protect themselves. It is all very well for people to try and put this off as a small matter, but I hold that the defilement of a young child's body merits death just as much as taking the life of a person. I cannot find words to enable me to express what I feel on this subject, but I hope that the House in its calm judgment will see that there is no tinkering and no pandering with the necessary precautions required to protect our young girls and women.

Mr. FOLEY (Mt. Leonora) [4.5 p.m.] I intend to support the second reading of the Bill. I listened with interest to the remarks of the Attorney General when he introduced the Bill and also to the remarks of other hon. members who have offered criticism. Much

of that criticism will be helpful to the Government. Of course, like other measures, I reserve to myself the right to vote in Committee against any clause which in my judgment I think will be particularly harmful to those whom this Bill is going to affect. I have read a work by Havelock Ellis, which to my mind is one which every hon. member in this Chamber should read. I think, too, that it should be read by all those ladies who went to see the Attorney General on this question. If more works of this description were read, there would be less need for measures of the kind we are endeavouring to pass. Every one of us has different opinions on this question, but every member of this Chamber and every right thinking man in this State believes that if a crime is committed upon a little girl, the first instinct of the father or the nearest male relative to the child is to end the life of the individual who committed the crime. There is to be considered, however, the force or power behind the mind, or lack of mind, of the individual who committed the offence. I believe that much of the sexual perversion is brought about, as other speakers have said, by the existence of an unhealthy mind, and if we can cure that mind, those who criticise this measure would be just as keen on effecting that cure as the Attorney General. The Bill aims at increasing the length of sentences. Most of us read a little while ago the pamphlet which was put in hon. members' letter boxes. I do not think it is the question of the length of sentences that is going to affect the position, because in that little pamphlet we read of sexual crimes in America. The pamphlet dealt with the depravity of the Germans in America. It was shown in one instance where a horrible outrage had been committed on a child under 10 years of age by a man whose age was 26. That man was sentenced to three months' imprisonment. No one will admit that in that case the punishment was adequate for such an offence. If there is something that we can do in this State, even though it has not been done anywhere else, we should not hesitate to do it, and I would suggest that when an individual commits such an offence for the first time, a scientific study should be made of that individual's mind. It could be determined whether the mind was unhealthy, and if that were found to be the case, an attempt could be made to cure it. If the authorities found that it was not possible to cure the mind, the individual should be absolutely isolated, and in that way society would be completely protected. Most of us remember when we stood for election in 1911 a pamphlet was sent out by a woman's organisation asking us whether we were in favour of certain punishment being inflicted for certain sexual offences. I refused to supply an answer and in doing so I was equally earnest as any of the women who asked me to sign the statement in the interests of our younger womanhood of the State. When the Bill is in Committee we shall be able to reason this matter out on proper lines without heat or passion, and if we succeed we shall make Western Australia a better State than it is at the present time. I believe on this question, like many others, women are unconsciously biassed, and I would sooner take the opinion of the average man than I would that of nine-tenths of the women on these questions. I do not say this deprecatingly. I am induced to express the opinion by the fact that women are led by emotion and men by judgment. We do not want sentiment or emotion; we want judgment, and if we are imbued with the one idea the result will be a good amendment of the Criminal Code as it affects sexual crimes.

The ATTORNEY GENERAL (Hon. R. T. Robinson—Canning—in reply) [4.13 p.m.]: When the legislature of the State in a serious and determined manner sets itself out to make the laws of the country, hon. members must set an example by using logical argument. Heated discussion on the clauses of a Bill cannot tend to bring about that class of legislation we are anxious to see. There is no reason in the world why the member for Kanowna and I should squabble because we do not agree.

Hon. P. Collier: Especially on a Bill of this class.

The ATTORNEY GENERAL: Especially on a Bill of this class. He has not squabbled with me, nor I with him, but I will take delight in arguing him about it in a calm way. Because we want a statute that will be a credit to the country, and we cannot make a statute of credit to anybody if scenes such as we have had this afternoon are to be continued. I listened with very great pleasure and some profit to the eloquent address by the member for Kanowna. Probably no man in Western Australia has devoted more study to the subject than has the hon. member, and therefore I always listen with respect to what he says on this subject. I also agree with most of the quotations which he gave from works of reference, but not in all cases do I agree with his conclusions. The Bill is aimed at the very measure of reform which the member for Kanowna has in mind; but no two reformers will agree precisely in methods any more than any two letter writers on a given subject will write the same letter, although they may arrive at the same result. Honesty of purpose has to be taken into consideration. By these two Bills, the Criminal Code Amendment and the Prison Act Amendment, I am endeavouring to bring into operation something other than merely casting a man in gaol for an offence. I am endeavouring to start in this country that which others have talked about, I am endeavouring to start a measure of social reform by which, when we have our reformatories going, we shall be able to segregate those persons mentally deficient or morally insane from others who might be classed as ordinary criminals. There are some persons who do not come into any of these categories, who may have committed an offence by what I might almost term misadventure, who having committed that first offence would never commit another, and in

respect of whom the judge, when sentencing the prisoner, has in his heart the feeling "I do not want to send that man to herd with criminals." But we have no other place in Western Australia to which to send such a person, and the object of these two Bills is to found a place or places where such persons as our judges think should not herd with ordinary criminals may be placed. I do not know that all the hon. members who have spoken on the subject noticed the exact wording of a provision in the Prisons Act Amendment Bill. it reads as follows:—

> The Governor may by proclamation set apart any prison or part thereof——

The member for Kanowna, and I am afraid the leader of the Opposition also, thought that I stopped there in the reading. It continues—

> or other suitable place to be a reformatory prison for the reception and detention of persons sentenced to be detained in or ordered to be transferred to a reformatory prison.

Hon. P. Collier: My point was that for financial reasons you will not be able to go outside these gaols for some time to come.

The ATTORNEY GENERAL: Not very far, but there are places where, by common consent now, many persons are sent for reform, places which might be so proclaimed as suitable places for the reception of prisoners of the class we are speaking about.

Hon. P. Collier: At present the provision is mostly for children.

The ATTORNEY GENERAL: Yes, but there are places I have in mind where those of older years may also be sent. Moreover, as the leader of the Opposition has pointed out, a class of work may be given to those prisoners which will bring a fresh interest into their lives and make their bodies more healthy, which in turn will invoke the sound mind. I refer to open-air work. In addition to that, the Bill aims at teaching many of the prisoners a trade or vocation. There is an old saying about people with idle hands falling into mischief. It is very true. There are too many men and, for that matter, women, too, in this country who have been brought up without a definite trade or calling. Many of those who find their way into our gaols are in that category. One of the first things in the way of reform to be done for those individuals is to give them a training, to teach them a trade. Many a man who has gone into Fremantle gaol has been taught to read and write, and taught a trade, even in the gaol training.

Hon. P. Collier: And in many cases that trade has been the saving of him in after life.

The ATTORNEY GENERAL: That is so, but if I can place him in surroundings a little happier than those at the Fremantle gaol and yet have him segregated from society, and have him taught a trade and give him healthy reading, surely the measure I am introducing is one of the first measures of reform and one which I should expect to be welcomed by every hon. member.

Hon. P. Collier: We all welcome it.

The ATTORNEY GENERAL: The chivalrous leader of the Opposition, yes, but the member for Kanowna, no. He can find no virtue in my action. According to him I am on the wrong path. He did nothing but ridicule me and my efforts to place a stamp on the legislation of the country in the march of social reform. I have been ridiculed because I have given some heed to the women of the country.

Hon. P. Collier: Oh, no.

The ATTORNEY GENERAL: I tell hon. members that the time has come when they have to recognise the women of the State. Women have an equal voice with the rest of us, and many of my friends opposite argue for equal pay and equal opportunity for women. I have done my share of it by listening to what the intelligent women of the country have to say on this matter of social reform, to which they have given so much of their lives and their thought. I pay great attention to what the women have to say. It is not the women from one section of the community that have appeared in deputations before me, but women from all sections, representing all shades of political organisation, and on this subject they all speak with one voice. There is no difference of opinion among them. Nor is there any difference of opinion among thinking men. But to say that we shall not punish, to say that we shall not segregate, to say that we shall have more regard for the welfare of the criminal than for his victim, to let ourselves be run away with by maudlin sentiment —I hope the hon. members who compose the Legislature will not be guilty of any such thing. I am appealing to their manhood. The only sentences that are sought to be increased are in connection with sexual crimes. When I have to tell you, Sir, that for the crime of rape the sentence is life—it used to be death—that attempted rape is 14 years, but that unlawful carnal knowledge of a girl under 16, which is exactly the same thing as rape, is in Western Australia punishable by only two years imprisonment, I say that we lag behind all the nations of the world in this respect. I do not know any place where a crime of that sort has the inadequate punishment, which we mete out in this State, of two years for the defilement of a girl under that age. We give a man a life sentence if the girl happens to be seventeen. I do not understand why the Legislature of the State has allowed that stigma be remain on it all these years. It has been left for the judges throughout Australia to refer to the increase in these offences.

Hon. P. Collier: I do not think the Minister is quite right when he says that unlawful carnal knowledge of a girl under 16 is the same as rape. It may be altogether different. It may be with consent.

The ATTORNEY GENERAL: It is with or without consent.

Hon. P. Collier: But with consent it is not the same as rape.

The ATTORNEY GENERAL: The maximum sentence is two years.

Hon. P. Collier: But as a crime it may be quite different from rape.

The ATTORNEY GENERAL: The consent is of no avail. I do not say that the two offences are necessarily similar, but they may be similar. When we remember that if the

girl is between the ages of 13 and 16 the maximum sentence is two years, and if the child is under 13 we add only another year, I say I could forgive the man who killed another who had defiled his daughter. Any jury of this country would forgive him.

The Minister for Works interjected.

Hon. P. Collier: You have had your say; you keep quiet.

The ATTORNEY GENERAL: And although I am not one who believes that we are going to cure crime by long sentences, yet this is the only method we have of removing those individuals from society at large. If a man commits a crime of that sort and if I can only put him away for two years, after which he comes out to do it again, then I say we are doing a wrong to the country.

Hon. P. Collier: You have the indeterminate sentence.

The ATTORNEY GENERAL: But when dealing with the indeterminate sentence it must be remembered that so long as we have on the statute-book an offence the commission of which justifies, in the opinion of the Legislature, a sentence of two years, the judges have to be bound by that as a maximum for that offence. The maximum for offences of a sexual nature is very small in Western Australia. I do not wish to discuss that any further now. When in Committee, as we come to offence after offence, we can go into details and fix the punishment. I hope we shall fix that which is just and proper, setting ourselves the example of sound, logical legislation. Generally speaking, I cannot help saying that I think the punishment in the cases I have reviewed is utterly inadequate in this country. The member for Kanowna said that by increasing the punishment we would be merely perpetuating the evil conditions. I say unhesitatingly no. We want to separate the man from his fellow men. The man who is sent to gaol to-day, can scarcely be said to be undergoing punishment. It cannot be called punishment in comparison with the punishment meted out in our gaols in former days. A man in gaol to-day leads a strenuous, firm, regular life. He is well fed, well clothed, warm. He gets medical attention and plenty of exercise, and as a rule when a man emerges from a prison of to-day he is better physically than when he went in. As against all that we come to our indeterminate sentence. The member for Kanowna did not do me the justice to refer to this at all. It is a measure of reform. That is what we have been wanting for a long time. For a man to be called an habitual criminal under the present law he has to be guilty of so many offences. He has to prove by his crime that he is an habitual criminal. There is very little chance of reforming a man who has become an habitual criminal. I have, therefore, introduced a clause into the Bill under which, if in the opinion of the judge who tries the man, possibly for the first time, that, from his age, environment, antecedents, and the circumstances of the case surrounding the facts, this man is likely to become an habitual criminal, he may sentence him as one right away.

Hon. P. Collier: That is giving great power to a judge.

The ATTORNEY GENERAL: True. While it is giving great power to a judge, it is the only chance we have of reforming such a man.

Hon. P. Collier: In many cases.

The ATTORNEY GENERAL: Judges may make mistakes as well as legislators. We are all human. In the generality of cases a judge is not the exclusive person pointed out to us by the member for Kanowna. He probably has not so much experience of judges as others of us, who know that the judges of the country are the broadest minded and most versatile men we possess, having a sense of fairness and justice which to other members of the community is sometimes denied.

Hon. P. Collier: Some of them.

The ATTORNEY GENERAL: There is nothing that passes in the world that does not come under their observation. They are really better judges of facts, such as we have outlined, than even many hon. members in this Chamber. The member for Kanowna went out of his way to deliver an attack upon the police force of the country. He said they did nothing but endeavour to secure convictions. I am sorry to say that in a slighter degree the leader of the Opposition somewhat supported him.

Hon. P. Collier: I am going to endeavour to prove that later on when we come to the Estimates. This is a warning.

The ATTORNEY GENERAL: I want to tell the House, and the people of this country that, so far as my opinion goes, we have as honourable and as upright a body of men in the police force as any State and we might well be proud of them. It occurred to me to-day that there were some Police files on the Table of the House, and that I might look through them at random to see if I could find anything that would throw some light on the conduct of the force. A file had been specially called for by a member of the Opposition to show, possibly, what crime hunters our police are. Here is the file which I laid on the Table of the House yesterday in connection with the Jeffery case. In that case the police laid a charge against an individual, and it was heard at the police court, and the individual was committed for trial at the criminal sessions. After giving his evidence in the police court the detective came to the conclusion that he might have made a mistake in his measurement, and he so informed his superior officer. There was no necessity for him to have done so, but he did this. His superior officer passed the information along, and so it came to the Crown Law Department for investigation.

Mr. Willcock: He did not say that until he was asked.

The ATTORNEY GENERAL: He did. It was done voluntarily. That was the reason why the Crown Law Department filed what is known as a nolle prosequi, and the case did not proceed further. That is not in

accord with the statement made by some hon. members.

Hon. P. Collier: The file as a whole is not a credit to the police.

The ATTORNEY GENERAL: I picked this up at random. Let me read the minute of the Commissioner of Police on the subject, which shows the way in which the police are instructed to act. I think the public will be glad to know that the police acted in this very straightforward manner. In his minute to the Colonial Secretary the Commissioner of Police says—

> The facts of this case are fully reported in the accompanying papers. Probationary detective Cowie's error was brought to my notice by Inspector Mann, almost immediately after the police court hearing, and I instructed the Crown Law officers at once with a view to a nolle prosequi being entered, it being the bounden duty of the police to give the benefit of a doubt to an accused person, no matter how strong a prima facie case may be. Detective Cowie acted in a perfectly straightforward manner. He admitted his error at once, made no attempt to shield himself, and it would be a sorry day for the administration of justice if a subordinate officer were punished for so doing, for most assuredly such a course would encourage untruthfulness and deceit. I cannot do better than quote from an address to police constables on their duties by the late Lord Brampton, better known as Sir Henry Hawkins, one of His Majesty's judges. It reads as follows:—"Resolve, then, on every occasion to tell the plain, unbiassed, unvarnished truth in all things, even though it may for a moment expose you to censure or mortification, or defeat the object or expectations of those by whom you are called as a witness. Depend upon it, such censure or mortification will be nothing as compared to the character you will earn for yourself as a truthful, reliable man, whose word can always be implicitly depended upon, and the very mortification you endure will be a useful warning to you to avoid in future the error you have candidly confessed." This advice is impressed upon members of the force from the day they enter the service, and I submit that while the police follow such advice no fault can be found with their veracity. Mistakes will happen in all departments, no matter how highly organised they may be. Policemen are only human, and neither their position in life, nor the remuneration they receive for the services they render to the State, is a guarantee that they should be men of extraordinary ability.

It is only fair to the police force of the country that that which I have read should be made public. I rather think that the member for Kanowna imagines he is the only person who takes cognizance of that which is going on in the world in the matter of research, regarding the treatment of criminals. Most people nowadays are familiar with the modern authorities, and most people who hold responsible positions are always willing to avail themselves of modern research. There is no establishment we have in Western Australia that is more amenable than the prisons establishment to improvement in its regime, as it may be pointed out. There is nothing new in the remark of the hon. member that we should segregate those who are mentally deficient. I have urged that from the first day that I entered the political arena and others have done likewise. I, therefore, object to the member for Kanowna arrogating to himself the right to say that he is the only social reformer in the country. If by the eloquent address he gave to the House he can stimulate hon. members into a study of the social conditions of those, who may be called submerged, then he will have done good work. The Colonial Secretary, who is the Minister in charge of prisons, like myself, would be glad to see the day—and have the money—when we could establish segregated farms in the country for these people, under the blue skies, and surrounded by the green trees and the growing crops, referred to by the member for Boulder, where persons who are mentally deficient, or are morally insane, may be treated humanely for their own benefit and certainly for the benefit of the rest of the community.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Progress reported.

House adjourned at 4.42 p.m.

Legislative Council,

Tuesday, 24th September, 1918.

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

ADDRESS-IN-REPLY — PRESENTATION.

The PRESIDENT: I have presented the address of hon. members of this Chamber to His Excellency the Governor, and he has been pleased to send the following reply:—

> Mr. President and hon. members of the Legislative Council,—In the name and on behalf of His Most Gracious Majesty the King, I thank you for your Address. (Signed) William Ellison-Macartney, Governor.

[For "Papers Presented" see "Minutes of Proceedings."]