Mr. Pilkington: The point is that if the court has sent them to a reformatory prison, these regulations give power to send persons there for the rest of their lives.

The ATTORNEY GENERAL: I do not see that.

Hon. T. Walker: That is quite so.

The ATTORNEY GENERAL: No person can go to a reformatory prison unless he is ordered to go there.

Hon. T. Walker: By the board, from the reformatory to a prison or vice versa.

Mr. Pilkington: I think convicted persons only must be intended. A person not convicted previously should not be sent to a reformatory prison for life.

The ATTORNEY GENERAL: That cannot be. Provision is made for putting ordinary prisoners into a reformatory prison by Order-in-Council, and such order in that case will operate as a remission of the sentence of imprisonment.

Hon. T. Walker: It would be transferring him. It is a technical imprisonment; the reformatory imprisonment not being considered an imprisonment.

The ATTORNEY GENERAL: The example is given to me that where a prisoner is convicted on several charges which constitute one offence, and the sentence is made accumulative, the board may recommend transfer to a reformatory, and the period is governed. The transfer from prison to a reformatory is for the purpose of reform and not for punishment.

Mr. Pilkington: The man who gets into a reformatory prison by the regulations has to get out as best he can.

The ATTORNEY GENERAL: The regulations are made by the Governor-in-Council and submitted to Parliament, and must not be inconsistent with the Act itself.

Mr. Draper: No one ever reads them.

Mr. Pilkington: It is too late then. The harm is done.

The CHAIRMAN: I must warn hon. members that conversations across the Chamber are disorderly, and that members must address the Chair when speaking.

Hon. W. C. ANGWIN: This Bill was before us last session and we ought to be fully acquainted with it. It does not appear, however, that the Attorney General can give the explanations that are asked for. I think progress should be reported in order to give him time to obtain the necessary information.

[The Speaker resumed the Chair.]

Progress reported.

House adjourned at 10 p.m.

Legislative Assembly,

Tuesday, 8th October, 1918.

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

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

BILL—CRIMINAL CODE AMENDMENT.

Report of Committee adopted.

BILL—DISCHARGED SOLDIERS SETTLEMENT.

Message.

Message from the Governor received and read, recommending the Bill.

Second Reading.

The PREMIER (Hon. H. B. Lefroy—Moore) [4.38]: In moving the second reading of this Bill, I would like first to inform the House regarding what has been done up to the present time towards the settlement of our discharged soldiers on the lands of this State. The measure deals with only one question—the settlement of discharged soldiers on our lands. The general question of repatriation, the question of finding suitable employment for discharged soldiers and placing them back on the land which they left, is the duty of the Federal Government. The Federal Government have entirely taken over that duty from the State; and, outside land settlement, the States have nought to do with it. At the same time this State of Western Australia, and I am quite sure all the Australian States, are desirous of doing, even outside the matter of land settlement, everything that they possibly can to assist in the re-establishment of our returned soldiers in comfort and prosperity on the land from which they have gone, and are going, forth to battle. Although the existing land laws of this State are more liberal than those of any other State of the Commonwealth, and although the financial assistance granted to settlers here is on a more generous scale, perhaps, than in any other Australian State, the Government consider that our soldiers are entitled to the fullest possible consideration which the State can give; and this Bill makes provision whereby the soldiers will receive special and valuable concessions. They will receive concessions that are not granted to the ordinary settler; and I think that when I have explained the Bill I shall have satisfied the House that the Government are making at any rate an honest attempt to assist the soldiers returning to our shores who are desirous of settling upon the land; and that the Government are doing so in a manner which will secure to the returned soldier something more than is granted to the ordinary settler. In preparing the Bill the Government have been guided to some considerable extent by the corresponding legislation now in force in New South Wales, Victoria,

and South Australia. It has, however, been found necessary to make substantial alterations in some respects, in order to meet our local conditions. I wish to point out to hon. members what is being done at the present time in the matter of repatriation, because there seems to be in some quarters an impression that the Government are not doing that which they should do in the settlement of returned soldiers upon the lands of Western Australia. To hear some people speak, one would imagine that all our returned soldiers are or will be anxious to go on the land. Practice, however, has shown, and I think practice will continue to show, that only from 10 to 20 per cent. of the soldiers who return from the war will be desirous of taking up work on the land as their future occupation. It is a mistake to imagine that all those soldiers who have come from the country districts will necessarily wish to go back to a country life. Many of them are likely to prefer the excitement of city life, especially after the work in which they have been engaged for so long, in some instances for years. It is idle to imagine that a very large proportion of discharged soldiers will desire to settle on the land. Still, it is the Government's duty to endeavour, by offering generous encouragement, to induce as many as possible of the returned soldiers to settle upon our land and engage in that primary production which is so necessary to the prosperity of the State. To that end it is essential to make country life as attractive as practicable. It is idle, also, to imagine that every man will necessarily make a successful farmer. The man must be not only physically fit, but more especially temperamentally qualified, for the work in which he is to engage. To a large extent work on the land means an isolated life; a man is left to himself a great deal on the land; he has not those social surroundings which are available in a city life; and, I repeat, it is only the man of special temperamental fitness that makes a successful farmer. Many a man who has spent the greater part of his life in the city will make a better farmer than many men who perhaps have spent a great part of their lives in the country. When I speak in this connection of a man, I mean a young man. The young man may possibly have a particular aptitude for country life. He may have had a particular leaning in that direction; and such a young man will, even if he has hitherto led a town life, provided he is temperamentally fitted for the calling, make a better farmer than the young man who, although brought up in the country, has no real taste for country life. Under our existing regulations it is necessary for a returned soldier applicant to obtain a qualification certificate before applying for land or for assistance under the scheme, that is to say he has to go before the board and must satisfy that board that he is physically fit, and he is also to satisfy the board that he has a genuine desire to enter on that kind of life. The board now in existence consists of representatives of the Lands Department, the Agricultural Bank and the Returned Soldiers' Association. That board sits weekly, or more often if necessary, to hear applications and to decide on the qualifications of the applicants. If a soldier applicant proves, to the satisfaction of the board, that he is competent to undertake farming operations, a certificate to that effect is issued. The proposition submitted by the soldier is carefully investigated by the officer in charge of the soldiers' land settlement branch, and if the soldier has no particular area in view, every effort is made to find him a suitable property. I may tell the House that about 750 inquiries have been received up to the present time from soldiers desirous of settling on the land. These include inquiries from a number of men who have made just casual investigations, men who perhaps had no direct intention of taking up land but were just anxious to learn what the proposals were. Many of these applicants for information have not since been heard of. Many of them had absolutely no experience in farming and afterwards sought employment which was more particularly suited for them. Still, I would emphasise the fact that a man need not necessarily require farming experience in order to make a good farmer eventually, but he must get some experience before he can profitably engage in that work. Under the scheme 188 men have been assisted and of that number eight have, with the aid of the Government, been able to take up pastoral holdings. I am pleased to think that we have been able to settle some of these men on pastoral areas because that will prove to be a more profitable occupation. When these men return to us, if they have a genuine desire to help themselves, as they must have if they wish to succeed, I want to see them enter on pursuits which will result profitably to them. A number of men, 12 altogether, have gone in for poultry farming. I do not think that poultry farming is a very profitable occupation by itself. I should say that a poultry farmer, in order to be successful, would necessarily require to have a particular liking for that work. We are not encouraging men in that direction, because I think that all those who take up land should mix their farming, and should, amongst other things, keep some fowls so as to assist their financial position. Everything helps and the farmer who keeps a few fowls, as well as pigs, is likely to be more successful. Moreover, the women of the household can look after that branch of farming. The remainder of the men have been placed on approved farms in the wheat districts. We have had reports from those centres where the men have been settled and they indicate that all are progressing satisfactorily and are satisfied with their prospects. While dealing with this question I would like to give the House some comparative figures showing what has taken place in the Eastern States, because the Government, and more particularly myself, have been subjected to a considerable amount of criticism. I am not one of those who proclaim from the house-tops everything that is being done; at the same time I will be able to satisfy the House that the Government have done considerably more in this direction than they have been given credit for. The latest figures obtainable with regard to the

settlement of discharged soldiers in the other States are as follows:—In New South Wales 26,000 men have returned and have been discharged. Of that number 3,330 applied for land or 12¾ per cent. of the number returned. Of the number who applied 23 per cent. have been settled, or 764. It will thus readily be seen, as we have seen in Western Australia, that a large number of those who do make inquiries for land are not suitable for the work and perhaps, after making inquiries, abandon the idea of taking up land.

Hon. P. Collier: Is there any explanation as to the low percentage? Is it due to the difficulty of finding land or to the unsuitability of the applicants?

The PREMIER: I should say the unsuitability of the applicants. In New South Wales the Government have spent £1,089,000 in purchasing estates for the settlement of these men. In Victoria 19,000 men have returned and have been discharged, and of that number 2,750 or 14½ per cent. have applied for land, while 20 per cent. only of the number who applied have been settled up to the present time, and in that State the Government have spent £548,000 in purchasing land for soldiers. In Queensland the number of men who have returned and have been discharged is 9,451, and of that total 1,837, or 19½ per cent., have applied for land, while 23½ per cent. of the number who applied have been settled on the land. The Queensland Government have not purchased much land, the amount spent there on repurchasing being only £2,679. At the same time hon. members are aware that there is a considerable area of Crown land in Queensland available at the present time. In Victoria there is very little Crown land available, but in New South Wales there may be more. Even so the New South Wales Government, as I have already stated, have spent considerably over a million in repurchasing properties. In South Australia 6,000 men have returned and have been discharged, and 800 of that number, or 13⅓ per cent., have applied for land, while 32½ per rent. of the number who applied have been settled. Even in South Australia, with its huge territory, I doubt whether the Government have very much Crown land within the agricultural rainfall area. But in that State they have spent half a million in repurchasing estates for discharged soldiers. I am told that, although the percentage is so much higher in South Australia than it is in any of the other States, a large number of the men have already gone off the land; many made a start and gave it up. I gather from that that many may have been encouraged to go on the land and subsequently found that the life was not acceptable to them. In Western Australia 6,476 men have returned and have been discharged, and, as I have stated before, 750, or 11-3/5 per cent., of the number who applied have been settled on the land. The percentage is a little lower than that of the other States, but I think that may be accounted for by the fact that in Western Australia many of the men who went to the Front were not from rural districts but from the mining districts, and those who have returned have gone back to the places from which they hailed originally to engage in their old vocations. A great number also enlisted in the timber districts and they, too, I have no doubt, have returned to the timber centres. Those who enlisted in the towns will probably return to the towns and remain there. Although our percentage is a little below that of the Eastern States, the reduction may be accounted for by the facts that I have mentioned. Of the 750 who applied for land 25 per cent. have been settled already, so that really we have a higher percentage of the number of men who have applied than they have in any of the other States except South Australia, while we in Western Australia have not bought one acre of land, except perhaps a small area at Osborne Park for poultry farming purposes. Some few men are settled at Riverton. They were there settled by the wish of the House, and not on the recommendation of the Government. Time will tell whether or not they prove successful. I hope they may be successful. That land was not purchased by the Government, but was given away by the owners of the estate.

Mr. Willcock: What proportion of that 25 per cent. is still on the land?

The PREMIER: Practically all of them have stuck to it. We have been very careful to see that only those fitted for the life go on the land.

Hon. J. Mitchell: In South Australia they have all had to go on training farms.

The PREMIER: It does not seem to have been a great success there, for I hear that a large number of the men have left the land. Because of their physical condition, a majority of our returned soldiers have been found unfit for pioneering work. The men discharged here have been discharged because of their unfitness to return to the Front. The men who come back later will be in the prime of life, and will probably be even more physically fit than when they left the State. If such men have a desire to settle on the land I am certain that very many of them will make excellent farmers. Practically all the men desire to have improved holdings. We cannot improve a holding straight away; still, the majority of the applicants have been placed on improved properties, which the Government have assisted them to buy. Many of them are making a success on those properties, and are likely to be still more successful as time goes on. In order to help place the men on partly improved land the Government have decided to purchase improved estates, and the Lands Purchase Board are now engaged making an inspection of certain estates in the South-West which have been offered to the Government. I am confident that an improved property, if purchased at a reasonable figure, can be more profitably worked than can virgin country, which would have to be cleared and put into working order.

Hon. P. Collier: Who are the members of the Lands Purchase Board?

The PREMIER: We have not been purchasing any properties lately. The late Surveyor General was a member of the board; then there were Mr. W. P. Mitchell, Mr. Cooke, and Mr. John Robinson. I believe that by

means of improved estates men can be suitably placed for dairying in the South-West. The dairying industry in the South-West offers immense possibilities, and the Government feel assured that with this as a basis of operations the prospects of success awaiting the returned soldiers are very bright, and are likely to improve in a way satisfactory, not only to the men themselves, but to the State also. We have an up-to-date butter factory doing good work at Bunbury and another at Busselton. During the last few years the dairying industry has made rapid strides in the South-West. People have now been shown what can be done, and it only requires a further impetus to make dairying in the South-West highly successful. A large number of estates have been offered to the Government for repatriation purposes, but in most cases the prices have been altogether too high. Land will not be repurchased by the Government except at bed-rock rates, and then only when it can be shown that the producing capacity of the land is sufficient to return the settler a living, after allowing for outgoings. It is of no use repurchasing land only to find that the man who takes it on is overloaded by interest and instalments of capital. However, in many instances land can be purchased at a price that will be profitable not only to the man himself, but to the State also. At Yandanooka nine returned soldiers have been allotted blocks, and eight have been settled on an aggregate of 12,433 acres. A number of these men are at present actively engaged in developing their holdings. They have been granted loans totalling £5,400. The balance of the Yandanooka land will be available as soon as certain necessary surveys have been completed and water supplies arranged for. It is estimated that we shall thus satisfactorily settle 40 or 50 men. Unfortunately, Yandanooka is not very well supplied with water, and therefore, before men could be closely settled there it was necessary that we should improve the water supply. Water is not obtainable by boring, but has to be conserved by means of dams and reservoirs. In view of this the Government have put down a number of tanks on the estate. For some time past the Works Department has been engaged in locating dam sites, and contracts have been let for the construction of a number of dams. Before tenders were called, all the sites were carefully bored in order to make sure that the land would hold water. At Yandanooka about 60,000 acres of land is suitable for closer settlement of this sort. Outside of that classification there is a considerable area of sandplain country which is also good grazing country, and it is hoped in time to make that available to those men, so that they will be able to keep sheep on portion of that land during the summer months. At Avondale five blocks have been made available to returned soldiers and it has been arranged to fallow a reasonable area on each holding, so that when the men go into occupation they will find the land ready to put under crop the next year. It is well that we should at last convert that property to the use for which it was originally intended. It is proposed to give preference to those returned soldiers who have come from the Beverley district, provided there is a sufficient number of qualified applicants. In all the country districts I have asked the committees appointed by the Federal Repatriation Department to assist us with their advice in regard to the settlement of men on the land, while at Beverey I am obtaining advice from those in the district as to the most suitable men to put on the Avondale property. The homestead is being retained. Although I think the best training farm or course of training is to work for a farmer, still the Government intend to convert the Avonale homestead into a training farm. The accommodation is there, together with all the necessary buildings, and if men are satisfied to go on a training farm to get the necessary training, they will be able to secure it at Avondale. It is the intention of the Government to make the Brunswick State farm also a training farm for returned soldiers who desire to engage in dairying and similar pursuits. There we hope to be able to show them how to deal with cattle.

Hon. P. Collier: And orchards?

The PREMIER: We will not go into that just now. In addition to experience with cattle, the men will be able to acquire a practical working knowledge of farming methods. I believe that by these means very much good can be done. It is intended to breed young stock at the Brunswick farm for distribution amongst the farmers. Men who go to that farm for training will be afforded a very clear insight into all branches of the work they will have to engage in when they start dairying.

Mr. Maley: Will you make the same provision in regard to the Upper Chapman State farm?

The PREMIER: I have not decided on that yet.

Mr. Duff: What about the Merredin State farm? It would make a real good training school.

The PREMIER: All these things will come later on.

Mr. Duff: But we want it at present.

The PREMIER: If it is necessary to have a training farm at Merredin, no doubt the Government will be able to take it in hand. Let me tell the House a little about the men who have been settled on pastoral leases. I am pleased to think we have been able to do something in that direction. There are eight leases, aggregating 630,568 acres, and the returned soldiers have been granted loans totalling £4,150 for improvements and for the purchase of livestock. Of these pastoral leases one is in the Pilbara district, one in the Murchison district, and another in the Ninghan district, while there are four in the Teano district, between the Gascoyne and the Ashburton, and last, but not least, there is one in the Esperance district. Thus the hon. member who represents that important district will realise that we have not been overlooking Esperance.

Hon. T. Walker: I require some more convincing proof than that.

Hon. P. Collier: I have an interest in an estate down there, and I am prepared to give it to the returned soldiers.

The PREMIER: We find that men can generally obtain stock on long terms, and that they are using the advance which they get from the department for fencing.

Hon. P. Collier: Are they limited to the £500 advance?

The PREMIER: Yes.

Hon. P. Collier: That is not sufficient.

The PREMIER: They get the £500 from the Federal grant, and we advance them money over and above that if they can offer sufficient security. We are doing that at present. The pastoral lease a man gets offers certain security, and we are thus able to advance further money beyond the £500 mentioned to assist him in the development of his property. These eight men have all got on to good pastoral holdings. They are men with experience. It is the intention of the Qualification Board not to encourage men to undertake pastoral work unless they have had some experience. In some instances the old employers of these men are helping them by letting them have stock on easy terms. Most of these men are, I believe, likely to meet with success.

Hon. J. Mitchell: They can get stock easily just now.

The PREMIER: Yes. I now come to the Bill itself. I thought it would be interesting to members to know what the position now is, and what the Government have been doing in regard to the settlement of discharged soldiers on the land. Although the existing land laws of Western Australia are more liberal and more generous than any of those in the Eastern States, as well as the financial assistance that is offered to men who desire to settle on the land, the Government consider that if a returned soldier wishes to engage in this occupation he is entitled to the fullest possible consideration that the State can give him. Provision is made in the Bill whereby they will receive special and really valuable concessions, concessions which have not been granted to others, and which I hope will not only be appreciated by the people themselves but may assist these men in making their work profitable and their homes such as we desire them to be. In preparing the Bill the Government have been guided largely by the legislation which has become law in the Eastern States, such as Victoria, New South Wales and South Australia. It has been necessary, however, to make substantial alterations in the conditions laid down so as to meet the local requirements in Western Australia. In the first instance, I may mention that the Land Act and the Agricultural Land Purchase Act are incorporated with this Bill, which provides more generous conditions and wider assistance than have hitherto been granted. Hon. members in considering the Bill will have to take this incorporation into account.

Hon. P. Collier: Only certain provisions of the Acts you mention will be incorporated, I presume.

The PREMIER: That is so. The interpretation clause defines the meaning of the terms used in the Bill. One of the most important definitions is that of a discharged soldier. The Bill is not called a Repatriation Bill or a Bill for the settlement of returned soldiers, but a Bill for the Settlement of Discharged Soldiers. The definition clause also defines the meaning of a dependant of a deceased soldier. A discharged soldier means any person who being a resident in the Commonwealth or New Zealand enlisted in Australia or in the Old Country. It will also apply to any person who has served during the present war outside the Commonwealth, or to any person who, through no fault of his own, after enlisting was unable to serve abroad and has received an honourable discharge. It will, therefore, apply not only to the men who have actually gone to the war and come back from it, but to men who have enlisted and shown their willingness to go abroad and join the forces and engage in this great war, but who for some physical reason were afterwards found to be unfit for the work. I have thought it only right that these men should be included in the definition, and I think they are included in the definition employed in the Acts in the other States.

Hon. P. Collier: Does New Zealand reciprocate with our people?

The PREMIER: I do not know, but all the Australian States are included. We go further and include British soldiers in the definition, such men as may take up their residence in Australia. A man, who has been discharged in the Old Country and is a British soldier and comes to Western Australia, receives the same treatment as would be accorded to one of our own discharged soldiers.

Hon. W. C. Angwin: That is in accordance with the promise made by Mr. Scaddan some years ago, when Sir Rider Haggard was out here.

The PREMIER: I am glad to find myself following in Mr. Scaddan's footsteps in that direction.

Mr. Rocke: Does this apply to rejects?

The PREMIER: No. I think that the British soldier who has been fighting alongside our own men in France, and in other parts of the world, has been protecting this country just as much as our own men who have gone out have been doing. They have all been fighting for the one cause. Our men went from here to fight for the protection of our liberty and not only of our liberty but that of the people of the British Empire, and, I may add, of the people of the world.

Hon. P. Collier: The same thing applies to the French and the Belgians and others.

The PREMIER: We do not go beyond our own nationality.

Hon. P. Collier: The argument applies to them also.

The PREMIER: They certainly have played their part too. We do not go outside our own nationality, but keep within the bounds of our own race. The British soldier is virtually an Australian soldier and an Australian soldier is a British soldier. Each should have the same advantage. A large number of the men who have enlisted from Australia have

been men who have come out from the Old Country.

Hon. P. Collier: That means that the Bill will not be as generous towards the discharged French soldier who comes to Australia, as our land laws are to the ordinary French emigrant who has never been a soldier.

The PREMIER: Our land laws apply to all such people, but do not apply to Asiatics.

Hon. P. Collier: The ordinary Frenchman can obtain assistance from our Agricultural Bank, but under this Bill the Frenchman who is a discharged soldier cannot do so.

The PREMIER: He can take up land in the ordinary way, but not under this Bill. He would not be a discharged soldier according to the definition.

Mr. Green: Are you extending it to the Japanese, who are our Allies?

The PREMIER: The Bill will apply to any soldier who comes from any of the British possessions.

Hon. J. Mitchell: He has to become resident in Australia.

The PREMIER: Yes. He could not live on the land unless he was a resident here.

Hon. J. Mitchell: He must be here before he can be allowed to take up land.

The PREMIER: Arrangements will be made for land to be taken up on behalf of the men who are returning, either by their parents or other persons. The Bill is made retrospective, and will apply to men who are already here, just as if the Bill had not been passed until after their return. The privileges of the Bill extend to only one dependant of a deceased soldier, and that must be availed of within two years. If the dependant does not apply within that time he or she forfeits the right to obtain any benefit under the Bill.

Mr. Pilkington: I take it these limitations are imposed by the Federal Authorities, and that even if you wished to extend the meaning of the term "discharged soldier" you could not do it.

The Minister for Mines: Not as to the advance made by the Commonwealth.

The PREMIER: That is so.

Mr. Pilkington: We are limited to that extent. We could not make it apply to a French soldier.

The PREMIER: We could not make the £500 advance apply to the French soldier. The Bill does not apply to a man whose discharge was as a result of misconduct, or to the dependants of any man so discharged. I think that is only right, and hon. members will surely not object to that. If a man is discharged from the army there must be a fairly grave charge before such a drastic step is taken. The Bill is under the control of the Minister for Lands, or such other Minister as may be appointed to administer it. It is also administered by a board of four members. It is proposed that the board shall be appointed by the Governor, under the Minister for Lands, and that one member shall be a discharged soldier, and another a person who is not an officer in the public service of the State, but will have some knowledge of land matters. The members outside the public service will receive a fee, but the two members of the board appointed from the public service will receive no fee. It has not been decided yet what the fee shall be. The Bill lays down that the fee shall be such as may be prescribed. The House may desire to include in the Bill the amount of the fee, but I think members might leave that very well to the Government of the day, because we are now only starting on the administration of the measure and perhaps as time goes on it may be necessary to make certain alterations in the Bill. Still the question has been very fully considered and I think it may be well left to the Government to decide what the fee shall be. The duties of the board are laid down in the Bill in Clause 6. They have to inquire into the applications and investigate the qualifications of the men. If there is more than one application for any one block the board has to decide to whom the land shall be allotted. There are the ordinary matters that naturally have to be dealt with by a board of this description. The board have to recommend what assistance shall be granted in dealing with applications, and I would point out to the House that the Agricultural Bank is the financial institution that deals with this matter. I do not want to establish a fresh financial institution and that is the reason for bringing Mr. McLarty from the Agricultural Bank. Mr McLarty knows the working of the Agricultural Bank. He has been Mr. Paterson's understudy for years and I am glad to say that Mr. McLarty has thrown his whole heart and soul into this matter. Not only has he the experience gained at the Agricultural Bank which is so necessary, but he is a West Australian and has a perfect knowledge of the country, and he abounds in that human sympathy which is so necessary in dealing with the men who desire to take up the lands of the country. The board also have the right to delegate their powers of investigation to others who must be approved by the Minister, and the board will act on the report that comes from this body. Western Australia is an enormous country and it is impossible for the board to be here, there, and everywhere. Suppose the board desire to get a report on land in the South-West—a certain number of men wishing to take up land there. The board may delegate their powers to certain persons and get a report from them. The persons will be those in whom they have thorough confidence and the appointment of these persons must be approved by the Minister. They will report to the board and the board will act on their report and investigations.

Hon. P. Collier: The Agricultural Bank will have to carry the liability, and yet the Minister is not given a say as to the advances made. That is vested in the board.

The PREMIER: The bank does not carry the liability up to £500. Up to £500 the money is found by the Federal Government and the board distribute that money. After the £500 which is allotted to each man by the Federal Government, is absorbed, the Agricultural Bank will have to come in and act independently and will say whether a man has sufficient security to enable further advances to be made or not.

Hon. W. C. Angwin: Do you not think it would be better to say "by the State Government," because the Federal Government are giving nothing. They lend the money to the State.

The PREMIER: We are obtaining the money through the Federal Government; it is State money. We have to pay interest on it and the interest is at the rate at which the money is borrowed.

Hon. W. C. Angwin: The Federal Government give nothing and take the lot.

The PREMIER: When land has been specially set apart payment may be allowed to stand over for the first five years both for the land and for the improvements. That is to say, supposing a man selects a block of land that is partially improved not only the value of the land but the value of the improvements as well is allowed to stand over for five years, and the amount is added to the remaining term of the lease. We also provide that rent for pastoral leases may be deferred for five years. This will certainly be a concession, and I think it is something that has not been done in the other States. The first five years of a man's pastoral holding is important and we are relieving him of the rent for that first five years, and the rental for those five years is to be divided amongst the balance of years of the lease which remain. Here is an important feature of the Bill and one which I trust will meet with the approval of members, and it is that the price of land to discharged soldiers, that is Crown land unalienated, shall be one half of that charged to ordinary settlers. We are not giving a great deal, but we desire to deal sympathetically with returned men who wish to settle. We want to help them in every possible way. I felt and the Government felt, that we should give more generous treatment to returned soldiers than to the ordinary settler. We therefore propose to let the discharged soldier have the land at half the price charged to ordinary settlers, that is to say, if land is classified at 15s. an acre, it will be sold to the discharged soldier at 7s. 6d. per acre.

Mr. Maley: Under the old Act, the Land Act of 1898, the price of the land is fixed at 10s. for first class, 6s. 8d. for second class, and 3s. 4d. for third class land.

The PREMIER: If land is classified at 12s. an acre, the returned soldier will get it at 6s., if it is classified at 8s. he will get it at 4s.

Mr. Maley: Under the Land Act of 1898 land is classified at 10s. an acre for first class, 6s. 8d. for second class, and 3s. 4d. for third class.

The PREMIER: We are dealing under the Land Act of 1898. It is the only Land Act we have.

Mr. Maley: The prices are fixed under that Act.

The PREMIER: Yes, but they have been altered from time to time and they are not fixed at present; the price is not fixed now. The price was fixed by the Act of 1898. Directly an amendment of an Act is passed it becomes part of the principal Act and is read with the principal Act as one. Most of our Acts of Parliament provide that the amendment shall be read with the principal Act.

Mr. Harrison: Is provision made as to transfer?

The PREMIER: Yes; a man cannot transfer under this Bill to anyone but a returned soldier. The price will be increased to anyone to whom it is transferred if he is not a discharged soldier. If the land is transferred to anyone who is not a discharged soldier, the person to whom the transfer is made will have the land as a c.p. lease, and he will have to pay full price for the land, the price at which the land was first sold, which is only right.

Mr. Harrison: And the improvements.

The PREMIER: Of course improvements will have to be paid for. This applies to ordinary Crown lands and not to repurchased estates. It cannot be expected that the Government can purchase properties and dispose of the land to returned soldiers at half the price which the Government paid.

Hon. P. Collier: Unless you compulsorily resume at half its value.

[The Deputy Speaker took the Chair.]

The PREMIER: I do not think the hon. member would desire the Government to do that. I am quite certain the hon. member would not desire the Government to do anything of the kind. Under the Bill power is given to prepare land, to clear it, drain it, erect buildings and fence it, and to do many things that are necessary for the settlement of the land by discharged soldiers. Nothing of that kind has been done up to the present. I know in some quarters the Government have been criticised for not having gone into virgin country and cleared large tracts of land and made it ready for the settlement of returned soldiers, but I do not think the time has arrived when we should embark on such work as that. Still the time may come and perhaps not before long, when such may be done.

Hon. J. Mitchell: When it is too late, I am afraid.

The PREMIER: I think not, at any rate I hope not. I have in my mind very much that will be done in that direction. I have had certain surveys made in the South-West and the Government will be able to get on with that before long, so that when soldier settlers desire this land they may be assisted in many ways, in almost every possible way —they may be assisted in clearing, in fencing, in making provision for the supply of water, in draining, in the erection of buildings and even so far as providing furniture for the house and obtaining other household effects. There is power under the Bill to provide all that is necessary to enable a man settling on the land to receive some comfort from it.

Hon. P. Collier: The Agricultural Bank will take all risks excepting the £500.

Hon. J. Mitchell: Some will be under the Agricultural Bank, and some will not.

The PREMIER: Up to the £500 the settlers will be under the £500 scheme and the Agricultural Bank is the channel through

which advances will be made. As members know, the Federal Government are advancing to the State £500 for each settler and the Government will have to pay interest on the money. For the first year the settler will have to pay 3½ per cent., the next year four per cent., and so on, rising each year by one-half per cent. until the rate of interest reaches the price at which money was borrowed, and it will remain at that rate of interest during the term of the lease. Beyond that, money will have to come from the State through the Agricultural Bank and from money set apart for the purpose.

Hon. P. Collier: A man is not limited to the £500.

The PREMIER: No. He gets his £500, which an ordinary settler does not get. We are much more liberal. We allow the discharged soldier to purchase with the £500 many things that the ordinary settler is not allowed to purchase. But when we get beyond the £500, the State has to find the money through the Agricultural Bank. Advances may be stopped, again, if the borrower is not doing his duty, or if he is neglecting his property. Should a man who has taken up a property be found neglecting his duty, then his advances can be stopped; which I think is only right, as the interests of the State have to be protected. A man cannot be allowed to play ducks and drakes with his property—of course, I do not expect there will be many cases of that sort. This measure, like most of the corresponding measures of the Eastern States, provides for the reserving of blocks in townsites for buildings to be erected by voluntary effort. If people desire by voluntary effort to put up in their districts buildings for returned soldiers, land will be reserved for that purpose. Probably a number of people will be found sufficiently patriotic to help in that direction.

Hon. P. Collier: Will that land be given free?

The PREMIER: It will be charged at as low an upset price as possible.

Hon. P. Collier: But if a returned soldier desires to secure one of those blocks and erect a home at his own expense he should be entitled to the land on just the same terms as if the work were done by patriotic civilians.

The PREMIER: Certainly. We provide for that also.

Hon. P. Collier: That provision, of course, can only apply to new townsites?

The PREMIER: Yes, unless in existing townsites there is land available for the purpose. The Bill provides also for group settlements, the setting apart of areas on which discharged soldiers could engage together in farming occupations. A great deal might be done in that way, and under those conditions the soldiers would have improved social surroundings; again, they would have their blacksmith shops, their schools, and so forth, within a reasonable distance. I have an idea now of inaugurating such a scheme in the South-West for a group of 30 or 40 returned soldiers. As hon. members probably know, in France a great deal of agricultural work is done in this way, communally so to speak. The people do not even all live on their holdings, but have houses in the village and go to work every day on their farms. In France, of course, fences are not required.

Hon. P. Collier: The French are very neighbourly.

The PREMIER: Yes. Hon. members are aware that the French are a thrifty and industrious race and we should like to see some French soldiers come to Western Australia. I trust we shall be able to encourage some of them to do so. They make excellent settlers; and I think our own soldiers, who we know have received excellent treatment in France, and who hold the French soldier in the highest esteem, will be only too glad to see a number of their French comrades settle amongst them.

Hon. P. Collier: They could gather round the camp fire of an evening and fight their battles o'er again.

The PREMIER: The parent or relative of a soldier now away may under this measure apply for a certain block of land on the soldier's behalf—say a block that the soldier already knows something about. The parent or relative can start getting the block ready for the soldier, and for this purpose money will be advanced. In the event of the soldier's death, or of his not being able to obtain the necessary certificate within six months of his return, or if he should be found unwilling to settle on the block, it would then revert to the Crown. All the privileges under this measure may also be conferred on a discharged soldier who has already held land, which he has left in somebody else's charge. That, I think, is only a fair thing. The Bill further provides that land may be purchased for a discharged soldier.

Hon. P. Collier: If the soldier already holding a farm were killed, and the farm passed to a parent, would the parent get the benefit of the half price provision, or would the price be increased?

The PREMIER: I think the parent would get the benefit. Dependants receive exactly the same treatment as the discharged soldier himself. As regards the purchase of land for a discharged soldier, if he has a liking for some particular block of land, that block may be purchased for him. We have done a good deal in that way already. Soldiers have been able to acquire certain blocks of land at very reasonable prices, the Land Settlement Board having stepped in and assisted these soldiers to purchase such properties, say, 100 acres, with excellent results. In some instances land owners are glad to let a returned soldier have a certain benefit, selling him land more cheaply than they would sell to an ordinary individual. If a number of people desire to settle a number of returned soldiers on land, the provisions of this measure may be made to apply, the same benefits and assistance being granted as in the case of soldiers settling on Crown Lands.

Hon. J. Mitchell: That is, on leased lands?

The PREMIER: No; not leased lands. A man may have freehold property and may desire to settle soldiers on it. There are such people who desire to help returned soldiers.

Hon. P. Collier: The land owner would have to sell the land to the soldiers?

The PREMIER: Yes. I suppose he would get something out of that. The terms and conditions of settlement would have to be approved by the board. No person would be allowed to exploit returned soldiers. But if someone of a philanthropic turn of mind—and there are people of that kind—desires to undertake this work, the measure will help him to do so. The same provision is included in the corresponding legislation of the Eastern States, and I consider it desirable here. There are certain restrictions, of a salutary character, on the right of transfer. No soldier will be allowed to dispose of his land except under certain conditions, and he will not be able to sub-let to anyone other than a discharged soldier unless it is proved to the satisfaction of the board that there is no discharged soldier willing to acquire the land or capable of working it. We desire that, in the first instance, the land should be made available to another discharged soldier. If another discharged soldier is not available, and if the original holder is unable to continue work on the holding, then he will be able to obtain permission from the Minister, through the board, to dispose of the holding to some person who is not a returned soldier.

Mr. Foley: Does the Bill provide for the establishment of some board of equity other than there is under the Workers' Homes Act?

The PREMIER: The board to be appointed under this Bill will deal with all matters of that sort, and will make recommendations to the Minister, whose approval will be necessary. All cases of that kind will be dealt with on their merits. Different cases will have to be dealt with in different ways.

Mr. Foley: Does the Minister reserve to himself the right to review any case dealt with by the board?

The PREMIER: Yes, certainly.

Mr. Maley: Can you explain whether soldiers can acquire any privately owned land that they may desire to secure.

The PREMIER: The board will have the right to review any request of that kind.

Mr. Maley: Clause 21 deals with the purchase of private land.

The PREMIER: That clause provides that the Minister may, on the recommendation of the board, purchase on behalf of the Crown, any alienated land which a discharged soldier may desire to acquire. Of course it only applies to land which an owner may desire to sell. I have dealt fully with the Bill and explained its provisions. I have informed hon. members what the Government proposals are. The number of men who will be attracted to the land will doubtless largely depend on the conditions offering. I do not know that the men who went out to fight did so in the hope of getting some fee or reward on their return; I do not think that is the spirit that animated them. Ever since the day's when Joshua commanded the Israelites in their battle with the Amalekites, to the present day, it has been regarded as a man's duty that he should protect his country in the hour of need, and that was the spirit which prompted the men from Australia and from all parts of the British Dominions when they went to fight the enemy. They went out prepared to do their duty and it is our turn now to do all that we possibly can to make the conditions of those men who have come back to us as comfortable and as profitable as possible. The soldiers who have gone from our shores to do battle have inherited the fighting spirit from their forefathers, and I do not suppose that there is one amongst us who has not sprung from a race of soldiers. I trust the time may come when wars will for ever be a thing of the past, but to achieve that end we shall have to reach the millenium. Whilst wars do take place, however, it is the duty of every man to go forth and fight for his country in the hour of need. Our men have responded nobly to the call, and they have made a name for themselves on the plains of Flanders, Egypt, Palestine and elsewhere. We in Australia are proud of the achievements of our men, and we wish not only to honour them but to do all that we possibly can for them on their return. I hope the time is not far distant when all our men will be returning. At the various battle fronts we have the enemy, if not beaten, at any rate held to that extent that the allied armies will shortly defeat the tyrant who has been responsible for so much devastation during the past four years. I commend the Bill to the attention of hon. members, and with their assistance I hope to pass it through the House in such a way that we may be able to assist our returned soldiers to engage in pursuits on the land profitably to themselves and at the same time to the country. I move—

That the Bill be now read a second time.

On motion by Hon. P. Collier, debate adjourned.

BILL—PRISONS ACT AMENDMENT.

In Committee.

Resumed from the 3rd October; Mr. Foley in the Chair, the Attorney General in charge of the Bill.

Clause 3—Insertion of new part (Reformatory prisons) in the principal Act:

The ATTORNEY GENERAL: The question arose regarding proposed new Section 64a, subsection 2, reading—

> Subject to the provisions of this Act and the Criminal Code, every person detained in a reformatory prison shall be detained during the Governor's pleasure.

The hon. members who took exception to the wording of the proposed subsection are unfortunately not present. I would draw attention to the provision which follows, namely, proposed new Section 64, subsections 1, 2, 3, and 4. The effect of that clause is that persons who have been given a term of imprisonment, on the recommendation of the Indeterminate Sentences Board, through the Comptroller General, and then through the Minister, and then through the Governor, may be transferred from that prison or gaol to the reformatory side, provided that "no person so transferred shall be detained in the reformatory prison for any period longer than

the residue of his sentence unexpired immediately prior to the making of the Order-in-Council.'' It was said by one or two hon. members that that meant that a man would be detained in a reformatory prison for ever.

Hon. P. Collier: It might happen to be so in a case where a man does not get a fixed sentence.

The ATTORNEY GENERAL: Not even there. The proposed section 64b deals with a man who is sent to gaol. He cannot get any more than his sentence. There are two other cases—the man who is sentenced to imprisonment plus the indeterminate sentence, and the man who is given the indeterminate sentence only. The first proposed section deals with transfers, and there we have ''Subject to the provisions of this Act'' and ''subject to the provisions of the Criminal Code.'' And it is provided that every such person—and there is no other who can get into our gaols—shall be detained in the reformatory during the Governor's pleasure. But we must not forget the leading words ''Subject to the provisions of this Act and subject to the Code.'' In other words, subject to the sentence. And the words ''during the Governor's pleasure'' are meant to decrease and not to increase the sentence.

Sitting suspended from 6.15 to 7.30 p.m.

The ATTORNEY GENERAL: The only other question that hon. members asked was as to the meaning of ''prescribed classes.'' ''Prescribed classes'' refers to classes that are already prescribed under the existing regulations made under the provisions of the Criminal Code and gazetted on the 10th June, 1914. They have not since been altered. They were made under the regime of my friends opposite, and they appear to be very good regulations. Under the head of preventive detention regulations, they are divided into (a) males, skilled labourers, unskilled labourers, artisans; (b) females, skilled, unskilled and proficients. And further, persons subjected to preventive detention shall be graded in first, second, third and fourth grades, and they are dealt with differently according to the grade in which they are placed by the prison authorities. Those are the classes referred to as ''prescribed classes.'' And whatever prison regulations there shall be from time to time prescribing classes, those would be the classes referred to as ''prescribed classes.''

Hon. T. WALKER: In some respects the Attorney General's explanation is enlightening, but it does not clear up all the difficulties. The Minister has given us to understand that ''prescribed classes'' refers only to those mentioned in regulations already passed. But the Bill goes further than those regulations, in fact it entirely ignores them. We are to have a board which in itself will suggest prescribed classes, and we are to have new regulations which will define prescribed classes.

The Attorney General: They may make further classes.

Hon. T. WALKER: But they are to prescribe the classes under those very regulations. If we are to deal with the old regulations, I should say the Bill is continuing a system already in existence and so is not giving us any reform at all. Regulations prescribing classes such as male and female, beginners and old offenders, those with a trade and those without, such regulations would not be of any particular value for the purpose of the Bill. A mere convenient classification to put on the register does not help us in reformatory work, but is of value only to let us know who is who within the gaol.

The Attorney General: I dealt with the other classes the last evening the Bill was before us, classes such as first offenders, sexual cases, etc.

Hon. T. WALKER: It is an explanation of that kind which I desire to have. The classification into offenders of a particular kind, the making of a classification of offences and their relative injury in society, one could understand. That brings us to the very point raised by the member for Perth, namely, that we are giving power to the board to legislate.

The Attorney General: The board has no power to make regulations.

Hon. T. WALKER: But it is to have power to make recommendations in reference to certain classifications. We have only the Attorney General's statement that the board may deal with the classes of offences. We have nothing in the Bill to indicate that, and I submit that the words as they stand have no reference to the regulations under the old laws; because the Bill contemplates the prescribing of classes which are not prescribed now. We have no intimation of what is actually meant by ''prescribed classes.'' No member of the Committee has a knowledge of the meaning; I doubt if the Attorney General knows what it is.

Hon. P. Collier: The board has power to divide them into classes 1, 2, and 3.

The Attorney General: Yes, to classify them into classes, but the classes themselves are prescribed by the regulations.

Hon. T. WALKER: We have the power given to the Governor to make regulations. The regulations will prescribe classes, after which the board will have power to put John Jones into this, that, or the other class. But what those classes are to be is still a mystery. It is a new order of things and we are entitled to some enlightenment on the point.

The ATTORNEY GENERAL: I gave a long explanation on this very subject, but the hon. member was out of the Chamber. Now other hon. members have come in who missed the explanation which I gave a little while ago. The object is to provide that certain persons other than habitual criminals may be sent to a reformatory prison. Under the regulations at present in existence persons subject to preventive detention are divided into males and females, the males into unskilled labourers, skilled labourers, artisans, professional men, clerks and so on, and the females into unskilled, skilled, and proficients, and are detailed into certain trades. Certain rules are also laid down as to what remuneration shall be paid for the work that is done. There is then a division into four grades, the grades being influenced by the capabilities or mental

possibilities of the persons concerned. Under the Bill there will have to be other divisions relating to the offences committed by the prisoners. The offences will be graded into first offences, sexual offences, those who may be classed as deficients or mentally weak, and so on. It is impossible to carry out this reform unless these persons are segregated into their respective classes and in that way kept apart. The object of the reform is to fit each one of these persons for their walk in life after they have left the gaol, in such a way that they may walk uprightly and honestly.

Hon. W. C. Angwin: The difficulty will be to get out.

The ATTORNEY GENERAL: The member for Kanowna seems to think that the board would regulate these classes. The duties of the board are clearly defined, and it is not one of their duties to make regulations. The regulations must be made by the Governor-in-Council. Under the present Prisons Act regulations may be made describing the classes of persons who may be detained.

Hon. T. Walker: That is merely for designation purposes.

Mr. Rocke: There are no classifications now.

The ATTORNEY GENERAL: Here are the regulations, which have been in existence since 1914.

Mr. Rocke: There is no classification in the Fremantle prison.

The ATTORNEY GENERAL: There is a classification of the Fremantle prison.

Mr. Rocke: It is not in operation.

The ATTORNEY GENERAL: I do not know what is done there.

Hon. T. Walker: It is a mere classification of male and female.

The ATTORNEY GENERAL: I admit it is such a classification.

Mr. Rocke: It is not such a classification as the Attorney General is trying to make out.

The ATTORNEY GENERAL: It is the classification which was put forward by the late Labour Government, and my object is to carry it a great deal further.

Mr. Draper: That is not the object of subsection (b) of proposed new Section 64a.

The ATTORNEY GENERAL: The object is quite a different thing, but it refers to the prescribed classes. I have told hon. members what it is proposed shall be the prescribed classes in the future, the object being to ensure if possible that the reform which is sought to be carried out can be best fitted to the individual. The prescribed classes of persons to be sent to a reformatory prison may consist of first offenders, those who have committed sexual offences, or mental deficients, or who may be sent there for other causes.

Mr. Pilkington: Who sends them there?

The ATTORNEY GENERAL: The prison authorities will have the power.

Mr. Draper: Where is the authority to make these regulations under the present Act?

The ATTORNEY GENERAL: The regulations to which I have referred are those which have been made under the authority of the present Act.

Mr. Draper. There is no such authority.

The ATTORNEY GENERAL: The hon. member has only heard half of what I said.

Mr. Draper: I have heard it all.

The ATTORNEY GENERAL: The regulations under the old Prisons Act are in order, and there is complete power given under them. We are seeking now to make further regulations to classify persons according to their minds, their bodies, and the offences they have committed, otherwise there can be no reform. They have to be classified as human beings and individuals, having regard to the whole of their make up, and with the best motive in view, that of putting these people on the path of life again and making them honest citizens. That cannot be brought about by grading them as 1, 2, and 3, or as male and female. If we cannot send mental deficients, for instance, to a particular place and segregate them from others, the whole of the reform will be defeated. In some of our industrial schools I have seen two or three mental deficients in a class of 20 or 30 well balanced boys. That was very wrong. When I saw them I could not help thinking that we ought to separate such people. Not only should this be done with boys and girls, but when people have reached the age of maturity and have become criminals, or have got into our gaols as criminals, the same principles should still apply. I therefore want the power not only to make a regulation to carry that out but to prescribe a place to which the persons can be sent.

Mr. PILKINGTON: The difficulty that exists is a real one. There is a power given in the proposed new Section 64B by which the Governor may transfer a person from a gaol to a reformatory prison. Let me point out the power that the Attorney General asks to be given to the Executive, to make a class of persons, already in gaol, by means of regulations whereby each person in a class may become liable to detention in a reformatory prison.

The Attorney General: No.

Mr. PILKINGTON: Then I ask the Attorney General to explain. Let us take the classes given by the Attorney General, first offenders, sexual offenders, and mental deficients. Let us assume the Act is passed and regulations are made. The regulations provide that the first offenders come within the class that may be detained in prison or a part thereof. What happens to the first offenders? I ask, how that class got into the reformatory prison?

The Attorney General: I said you would find it in proposed new Section 64B, Subsections 1, 2, 3, 4.

Mr. PILKINGTON: It is suggested there should be regulations made whereby the first offenders may become liable to be detained in a reformatory prison.

The Attorney General: That cannot be.

Mr. PILKINGTON: The Bill says so.

The Attorney General: Any convicted person.

Mr. PILKINGTON: I said I assume it is intended to refer to convicted persons and I

Attorney General, the first class, that of first offenders. Once the regulation is made it makes the first offender a person who may be detained in a reformatory prison, and what is the effect of that classification?

The Attorney General: Segregation.

Mr. PILKINGTON: The object of that regulation is in order that a person may be put into that class and may be detained in a reformatory prison. It is of vital importance if a person is to be sentenced to anything of the sort that it should be done under the plain law of the land contained in an Act and done by the court that sentenced the person. What is going to happen? Regulations are to be made by the Executive under which a person may be placed in a reformatory prison. That is wrong.

The ATTORNEY GENERAL: I must repeat what I have already said many times this afternoon.

Mr. Foley: If the Attorney General is going to repeat what he has said many times, then I ask you, Mr. Speaker, to put in force the Standing Order which applies to tedious repetition.

The ATTORNEY GENERAL: I desire to answer the member for Perth.

Mr. Foley: I rise to a point of order. Is the member in order in indulging in tedious repetition?

Hon. T. Walker: The Attorney General cannot be guilty of tedious repetition. He has been asked for an explanation.

The CHAIRMAN: There is no point of order.

The ATTORNEY GENERAL: There seems to be in the minds of members of the public the idea that a man can be given an indeterminate sentence, or be held in a reformatory prison, without an order of the court. It is not so. No person can come under the provisions of the statute unless he is so sentenced by the proper authority. When a person is so sentenced and may be given a term of years and sent to prison, under the statute he may be transferred from the ordinary gaol to a reformatory prison, if it is so desired. Then there is a second class of persons who is given imprisonment and an indeterminate sentence, and the third class man is the man who is given an indeterminate sentence only.

Mr. Pilkington: Is this proposed new Section 64B you are speaking of?

The ATTORNEY GENERAL: Yes. No person so transferred will be detained in a reformatory prison longer than the residue of his original sentence, so that no person can have a longer sentence than that which was originally given him by the court. The object is to move persons about for the good of the persons themselves, to regulate the working of the gaols, and to provide that when a man comes out he gets a fresh chance, also to make the law more elastic than it is. To-day, when a man is sentenced to imprisonment for 10 years, he goes to gaol until he is liberated. Under the proposed new Section 64B, on the proper advice of the board, he may be transferred to a reformatory prison and may be released on parole. Unless these treatment. The words "during the Governor's pleasure" cannot increase the sentence because they are subject to the provisions of the Bill and the Criminal Code and the only persons subject to it are those imprisoned and given an indeterminate sentence—those given an indeterminate sentence plus the sentence. With this provision we have power to let them out, not to increase their sentence, because it is subject to the provisions of the Bill and the Code.

Mr. FOLEY: The Attorney General is striving to get something new in existing legislation, to reform people. The Attorney General proposes to deal with persons who can be sent to prison or who are there, and to place them in certain classes, and segregate certain of those classes, and he has stated that under the Prisons Act certain regulations apply, and under the present Prisons Act we have certain regulations which the Attorney General has read. The regulations which will help to govern the prison under this subclause will be framed. I believe the member for Perth and the member for Kanowna have abandoned their opposition. The proposed subsection had better pass as it reads now, leaving the regulations to be made by the Governor-in-Council. They will be framed by the officers of the department, and considered by the Crown Law Department and by Ministers. Moreover, they will be laid on the Table of the House.

Hon. W. C. Angwin: What good is that?

Mr. FOLEY: The good is that every member who cares to read them may have any regulation to which he objects discussed in this Chamber. We as a Committee should not endeavour to frame the regulations; we would never arrive at finality.

Mr. PILKINGTON: I gather from the Attorney General that his explanation is this: the regulations will merely divide up into classes persons who may then be put into a reformatory prison under proposed section 64A, paragraph (b). If that is so, then the proposed section dealing with regulations does not say so and should be amended. There is no objection to regulations which merely regulate the administration of the clause. But that is not what the proposed section says. There is no need at all for regulations in order to enable a person to be transferred from the gaol to the reformatory prison. The proposed section means that a regulation may be framed under which persons may be detained in a reformatory prison.

The Attorney General: No.

Mr. PILKINGTON: If it does not mean that, it is abominably drafted.

The Attorney General: It is very well drafted.

Mr. PILKINGTON: The proposed section states exactly what I have said.

The Attorney General: All we want is that people who are in reformatory prisons may be divided into classes.

Mr. PILKINGTON: It cannot mean that. It is desired to say that those persons who are subject to be transferred to a reformatory prison may be divided into classes. To

class liable to go to a reformatory prison is another thing.

The Attorney General: Proposed Section 64M, subsection (h), does not say what you say it is intended to mean.

Hon. R. H. Underwood (Honorary Minister): Let the member for Perth move an amendment.

Mr. PILKINGTON: It would be very inconvenient to draft an amendment now.

Hon. R. H. UNDERWOOD (Honorary Minister): Though I have not had a legal training, my 12 years' experience in this Chamber tells me that a member who is dissatisfied with the wording of a Bill owes a duty to propose an amendment stating the words that he does want. The member for Perth apparently desires merely to tell us the thing is wrong, without trying to set it right.

Hon. W. C. ANGWIN: The trouble is that this whole Bill is, so to speak, in one clause. The member for Perth would be wrong in moving an amendment at this stage, as there are other amendments to come before his. The Bill is most inconveniently drafted.

Hon. T. WALKER: I want an explanation of Subsection 3 of proposed Section 64B. I am still not satisfied as regards the power to be given under the regulations.

The Attorney General: Wait until we come to the regulations.

Hon. T. WALKER: But in a sense we are now dealing with them. Here is another difficulty arising out of the drafting of the measure. We are beginning at the wrong end, so to speak. There are portions of proposed Sections 64A and 64B that hang entirely upon the interpretation which will be given to subsequent provisions.

The Attorney General: Quite so. I will explain that.

Hon. T. WALKER: Until those subsequent provisions have been adequately explained, we shall not be able to give an intelligent decision on this matter. We have not yet a definite understanding of what is meant by "prescribed classes."

The Attorney General: I shall not attempt to explain that any further.

Hon. T. WALKER: It shows how the Committee are groping in the dark. We are now passing provisions which depend upon later provisions, whose effect may be entirely altered.

The Attorney General: If such a thing occurs, the Bill can be re-committed. I suggest the Committee go ahead as if these were separate provisions.

Hon. T. WALKER: If the object of the measure is to effect reform, I draw attention to the divided authority which this provision in itself exhibits. I want to show that we have no point of decision. The board is to come to an opinion and the Comptroller must arrive at the same opinion. They necessarily cannot view things from the same standpoint. If the board are to do their duty they must be in touch with the prisoners. The Comptroller is an administrative officer. There must be an agreement between the two and then the board are to be agreed and they are to submit the matter to the Minister who has the power of judgment afterwards, and if he is not pleased with the recommendation, the matter need not go any further. We find there is as much need for classification amongst men in official positions as there is amongst prisoners.

The Attorney General: What do you suggest?

Hon. T. WALKER: I suggest that the Comptroller General should be an administrative officer and should not have the power of judgment.

The Attorney General: The board is his advisory board.

Hon. T. WALKER: It should be a board to study the whole of the facts of the case and the members of it should make themselves individually acquainted with each prisoner's mental, moral and physical characteristics. The Comptroller General cannot be acquainted with all those facts if he attends to his multifarious duties. We may have a Comptroller who is absolutely tainted.

The Attorney General: Such a man will kill the Act.

Hon. T. WALKER: We want an Act that such a person cannot possibly kill.

The Attorney General: The Government would deal with such an individual.

Hon. T. WALKER: But we may have a cold-hearted, callous and indifferent Government.

The Attorney General: The people deserve the class of Government they get.

Hon. T. WALKER: They never deserved this Government; it is one of the catastrophies of the war.

The Attorney General: But this is one of the most democratic and sympathetic Bills in the world.

Hon. T. WALKER: The hon. member knows that the machinery for the expression of that voice is very clumsy, and we cannot depend upon the Ministry of the day taking a broad-minded view which will enable the unfortunates in gaol to get proper treatment. How are we to regulate the respective powers of the Comptroller General and the board? Are we going to make the board a mere inquisitive organisation and report and do no more? Are the board to have no power to carry out what was obviously necessary?

The Attorney General: There are safeguards in the interests of the men themselves.

Hon. T. WALKER: How are we going to make it possible for the Comptroller General to neutralise the power of the board?

The Attorney General: When the Government of the day submit a Bill of this character you may depend their hearts are behind it.

Hon. T. WALKER: I am speaking of what will happen when the Bill is put into operation. We are trying now to get a machine that will work.

The Attorney General: This is a world-wide theory.

Hon. T. WALKER: I want to get it into practice, so that it will go when we get it launched. I want to know what the Attorney General means.

The Colonial Treasurer: Give him a chance to explain.

Hon. T. WALKER: We have had him trying to explain.

The Attorney General: Only on the other matter.

Hon. T. WALKER: I shall give him the chance to explain as the optimistic Treasurer asks.

The Colonial Treasurer: I get sick and tired of you.

Hon. T. WALKER: The hon. member is aways sick and tired; it is his chronic disposition just now. I will not stand these personal interruptions from any hon. member. I am endeavouring to keep to the point and I am asking the Attorney General to fix his attention on that point. Why this divided authority? We have a board and that board apparently have no power other than to make pious recommendations. If the Comptroller General agrees with the recommendations, well and good. If not, he has the power to veto everything that is proposed.

The ATTORNEY GENERAL: The proposed new sections mean this: At the present moment when a man is committed to gaol for ten years with hard labour, he either stays in gaol or is liberated. He may be liberated on the advice of the Attorney General of the day to the Ministry or to the Governor-in-Council. No one comes into touch with the prisoner and the Attorney General merely reads the depositions. That is the law to-day. Either the man remains in gaol or he is liberated.

Mr. Lutey: Or he escapes.

The ATTORNEY GENERAL: Now it is proposed that where a judge has condemned a man to say 10 years imprisonment, the board who are in close touch with the prisoners, and the Comptroller may consult together and they may advise as to whether it is desirable that the person should be transferred instead of being liberated. They may say, "Here is a man we may experiment with; there may be a chance of reforming him; let us transfer him from the gaol to the reformatory prison where we may improve his condition, teach him a particular trade and gradually give him liberty, allowing him to go out, say, on parole." Instead of this being done, as is the case to-day, on the advice of the Attorney General, who cannot be in touch with prisoners, an Indeterminate Sentences Board is formed. This board must consist of broad-minded, sympathetic, sensible people. I have no time for partisans or for faddists. I want the board to consist of those who have reform at heart. The members of the board must consult the Comptroller General of Prisons when they wish to transfer a man; they must pass on their recommendation to the Comptroller, who will pass it on to the Minister, and so in the end it will reach the Governor, who will make an order. The system to-day, as I know it, is this: A petition comes in for a man's liberation. I invariably inquire of the prison authorities as to what has been his conduct, of the doctor as to the state of his health. I ask the Comptroller General what he has to say about it, and I put a similar question to the judge who tried the case. and from Cabinet it goes to the Governor. What is the difference between the two systems? In the one case a man liberated goes out and possibly commits the offence again, whereas under these new provisions we take power to send a man to the reformatory prison. After he has there been given a trial for a period he may be liberated on parole, and if he does not conform to the conditions we have set up for him he is to come back again, and eventually he may even be sent back to gaol. But in no case can he be imprisoned for longer than his original sentence. If we are to give all that power to a board, we might as well do away with our judges; if we are to give all that power to the Comptroller General, we might not get the sympathetically broad views which I expect to get from the board. We must have brakes and precautions on this system. I would not be a party to handing that power, now vested in the Crown, to a board. Moreover, I would not agree to go on with the Bill unless I am given the safeguards that are there. I am not going to be a party to the liberation for experimental purposes of dangerous criminals, but I am willing to be a party to dealing with those men in such a fashion that we may be able to set them up again in life as honest citizens. That is the object of the Bill, but it must be done carefully and with safeguards. I want in the board and in the Comptroller General a spirit of reform. The whole thing is in that; give us that and the experiment will be a success. But, as the member for Kanowna has said, give us a board that recommends clemency and give us a harsh Comptroller who says, "No, let the fellows stay in gaol," and we reach a deadlock. I would not have such a Comptroller.

Hon. P. Collier: Do you know who the Comptroller is?

The ATTORNEY GENERAL: A man of broad-minded sympathies, Mr. F. D. North.

Hon. P. Collier: But you would not dare to shift him!

The ATTORNEY GENERAL: I have no desire to do so. I hope he may live long to fill the office of Comptroller General, because there is no man in Western Australia more thoroughly imbued with the ideas I am expounding. He is the man behind the Bill, and the man who should have the power. The member for Kanowna wishes to take that power from him. So long as we have Mr. North, the Bill will be a success.

Mr. Teesdale: But he may have too much power.

The ATTORNEY GENERAL: He cannot exercise any power at all until the board shall have advised him. I do not wish to see the Comptroller eliminated, any more than I wish to see the board eliminated.

Hon. W. C. Angwin: I prefer the Comptroller to many who are likely to get on the board.

Hon. T. Walker: So should I.

The ATTORNEY GENERAL: I have absolute confidence in the Comptroller.

Mr. Foley: So too with every Minister, irrespective of party, who has had anything to do

The ATTORNEY GENERAL: When we come to proposed new Section 64E the Committee will determine whether we are to have a board. If the Committee wipes out the provision for the board, consequential amendments will be made as a matter of course, and the Comptroller General will continue to advise the Government.

Mr. DRAPER: It seems to me the discussion will be interminable unless we can subdivide Clause 3 into its various parts. I understand that you, Sir, have ruled that the clause must be taken as a whole. I refer you to "May," 12th edition, page 373, where it is laid down that the Committee may divide a clause into two, or decide that the first part of the clause shall be considered as an entire clause. This Clause 3 is very confusing, and I submit that if we divide it into its various parts the procedure will be facilitated. I move—

That Clause 3 be divided into the several parts corresponding with proposed new Sections 64A to 64N, inclusive.

The CHAIRMAN: Is it the intention of the hon. member that the question is to be put upon each of those parts as separate clauses?

Mr. DRAPER: Yes. If I am in order I move that.

The CHAIRMAN: According to the authority quoted, a similar motion was moved in the House of Commons in 1834. I accept the motion.

Mr. FOLEY: Certainly the clause is very confusing as it stands, but I think the position would be met if you, Sir, were to take the marginal notes seriatim and allow the Committee to discuss everything contained in the subject matter of each succeeding marginal note. Members would then get a better grip of the provisions, and the discussion would be confined to a specific subject. That has been done before in Committee.

Motion put and passed.

The CHAIRMAN: Each of the proposed new sections will now be treated as a separate clause of the Bill.

Proposed new Section 64A, as amended, agreed to.

Proposed new Section 64B—Power to transfer persons from gaol to reformatory prison:

Hon. T. WALKER: I wish to make some comments upon the utterances of the Attorney General on the points I have brought before the Committee. His was a most unfair method of controversy, and not conducive to the enlightenment of the Committee. The Attorney General completely misrepresented the motives and purposes of those who are criticising this Bill for the purpose of getting the best possible measure. He inferred that I had proposed to eliminate the Comptroller General of Prisons.

The Attorney General: I thought you said so.

Hon. T. WALKER: I said nothing of the kind.

The Attorney General: I am sorry. I thought you said the board's recommendation should be absolute. That would mean the wiping out of the Comptroller General.

Hon. T. WALKER: I said the board should be given power, and that there should be some machinery to prevent a deadlock. I was asking what machinery there should be for getting an agreement which is necessary before the matter reaches the Minister. Then the Attorney General, most unfairly, I thought, seemed to be slinging off at someone.

The Attorney General: I had no such idea.

Hon. T. WALKER: When the Attorney General says, "I shall never be a party to letting prisoners loose without sufficient inquiry, for the purpose of experiment" what does he mean? Does the hon. member know of any Attorney General in this State who has, for the purpose of experiment and without sufficient inquiry, ever released a prisoner?

The Attorney General: I made no such suggestion.

Hon. T. WALKER: The inference was that the present Attorney General would never do that for the purpose of experiment.

Mr. Nairn: Why do you think it was meant for you?

Hon. T. WALKER: I do not know that it was.

Mr. Nairn: They why worry about it?

Hon. T. WALKER: Because that is one of the methods too often used to belittle by indefiniteness those who are opposed to the Attorney General.

The Attorney General: I have paid great compliments to you over this Bill.

Hon. T. WALKER: I can take both censure and compliment, but I do not want the public to be misguided in respect to the apportionment of praise or blame to either the present Minister or his predecessors.

The Minister for Works: Do you not think this clause will help the Attorney General?

Hon. T. WALKER: No. There is a good deal more to be considered than that which is expressed in this matter. At present the prerogative of mercy which cannot be defined, is supposed to belong to the King or his representative in the State, but this entirely eliminates that prerogative. I am not altogether sorry that it does, because I believe in justice based upon absolute facts. There are those who will be sent to gaol for five or ten years who will not come within the operations of this. The clause, however, is well intended.

The MINISTER FOR WORKS: If the hon. member is satisfied that the clause is well intended, surely any defect in it can be remedied by amendment. So far as I can see it means that, if a person is sentenced to imprisonment, it shall be the duty of certain individuals to say whether he shall be sent to an ordinary prison or to a reformatory where he can have proper influences brought to bear upon him. If there is a fault in the clause it may be that it lacks some provision by which the board can appeal to the Minister for his views in connection with a matter, if there is any disagreement with the Comptroller General. In such a case an amendment would remedy that defect. The clause seems to me to be well considered.

Hon. W. C. ANGWIN: This clause only deals with the transfer of a prisoner to a reformatory prison, if there is one, and has nothing to do with the liberation of a prisoner.

The Attorney General: It gives one a third course.

Hon. W. C. ANGWIN: The Attorney General has the same power under this clause as he has under the Prisons Act. There is this defect in it. The Comptroller General has to consult the board before a person can be transferred to a reformatory prison. Furthermore, there can only be a disagreement, so far as the Comptroller General and the board are concerned, on the part of the board itself. Personally I would rather trust the Comptroller General and the Minister than a board as well.

Mr. Teesdale: That leaves the matter to two people.

Hon. W. C. ANGWIN: They are quite sufficient. I would rather trust two persons than five. The board will be guided almost entirely by the position as placed before it by the Comptroller General, who in turn acts on the advice of the Superintendent of Gaols. In my opinion it would be better to do away with the board altogether, and leave it to the Comptroller General to report straight to the Minister. This method would be more simple and make it easier to carry out reformatory principles. I should therefore like to move an amendment to strike out in paragraph (1) the words "It shall be the duty of the Comptroller General to consult with the Indeterminate Sentences Board."

The Attorney General: Why not do that when we reach proposed new Section 64c?

Hon. W. C. ANGWIN: Very well.

Proposed new section put and passed.

Proposed new Section 64C—Power to retransfer such person to gaol:

Hon. W. C. ANGWIN: Under this provision the board will have power to recommit from the reformatory prison to gaol. Does it mean that a man sentenced to five years' imprisonment, and who has spent two years in prison and two years in the reformatory prison, and has been for eleven months on probation, and then gets drunk and kicks up a row during the last month, will be liable to be sent back by the board, without trial, to serve three years again, although he has already served that period all but one month?

The Attorney General: That is the meaning, carried to extremes.

Hon. W. C. ANGWIN: The provision would be carried to extremes.

The ATTORNEY GENERAL: I confess that at first I thought this was a provision which should not be in the Bill; but after talking the matter over with the officials concerned I came to the conclusion that it would be wise to have this power, for the reason that a bad character transferred from the prison to the reformatory might indulge in reform merely for the sake of evading prison discipline, and then in the last month of his term indulge in conduct injurious to the reformatory character of the prison. Such a man must be sent back to the place whence he came, not to serve for one month, which is all that remains of his sentence, because a man in a reformatory prison is really not in prison at all seeing that he will have great liberties there. I discussed this provision with the member for Kanowna, and suggested to him a farm settlement in the South-West, on which several young fellows are doing splendidly, and when one of them is guilty of such conduct as upsets the whole place, I want power to send that young fellow back to prison to serve his original sentence. A detention cell on the farm was suggested to me; but I would not admit that for a moment, because the existence of a detention cell means a prison factor on the reformatory farm. Since I read certain Eastern States reports on this subject to the Committee, I have received another one dealing with this very point. The Victorian Indeterminate Sentences Board, in their report dated 19th September, 1916, state—

> There is no more important provision in the amending Act than that which clothes the board with power to permit a person detained in a reformatory prison to leave such prison temporarily, in order to test the genuineness of his reform. It has been our complaint hitherto that we had no means of testing the value of good resolutions expressed, or of alleged reformation except by giving the prisoner his release on probation, when no conditions could be legally imposed other than the obligation to report once in three months to the police, and to abstain from crime and companionship with criminal associates. Now, a prisoner may be permitted by the board to leave a reformatory prison temporarily for such time and subject to such conditions as the board may determine, and he may, during such leave, on an order in writing, signed by any two members of the board, be arrested without warrant and returned to the prison. Up till 30th June last we had paroled under this provision 21 inmates of the Castlemaine Reformatory, and six of the Pentridge Reformatory, total 27, for periods varying from six weeks to three months. In one instance only was the trust betrayed, and that in the case of a Pentridge man, who decamped to another State, where he got into trouble, and who will be liable to arrest and return to the reformatory should he again enter this State. Of those paroled from Castlemaine, 12 were subsequently granted release on probation and nine remained on parole on the 30th June. Of the six from Pentridge, one was given his release on probation, and five, including the one referred to above, were still on parole on that date.

As regards the man who cleared out, surely there should be power to say to him not merely that he should do the month still remaining of his sentence, but that the time he had spent in the reformatory prison should not count as part of his term.

Hon. P. COLLIER: The Victorian report read by the Attorney General hardly touches the point. There may be some argument for returning to prison a person to serve the remainder of his sentence who had been enjoy-

ing his liberty, if he broke any condition of his liberty—in such a case the period during which he was at liberty should not count as part of his term. But this proposed section applies also to the person who has not had his liberty, but has been in a reformatory prison. If he should happen to have spent three or four years in the reformatory prison and then is guilty of a breach of the regulations or misconduct, he has to go back to prison and serve the whole of his sentence there. That is not just. No board or any other body should have the power to lengthen a man's sentence, a sentence fixed by the court which tried him.

The Attorney General: The words you wish deleted are "in the reformatory prison or."

Hon. P. COLLIER: I certainly want those words out. I question even whether a man on probation should be brought back to prison to serve his sentence de novo. The man may merely have got too much liquor, and thus been guilty of some such offence as drunkenness. The proposed section should give discretionary power to the Governor in Council. I certainly desire the amendment suggested by the Attorney General.

Hon. T. WALKER: The man released on probation is the one who, more than others, will require special treatment. If he is incapable of being benefited by temporary release or by reformatory treatment, there is something radically wrong with him. We then have a case which cannot be cured by the ordinary simple methods and therefore there must be special treatment. It will be a return to the old vindictiveness to send that man back to gaol, and to deprive him of the benefit he received from temporary liberty on parole or temporary benefits he may have received in the reformatory prison.

The Attorney General: Suppose we add the words "unless so stated in the Order-in-Council," as suggested by the leader of the Opposition.

Hon. P. Collier: I want that to apply to the man on probation.

Hon. T. WALKER: In no case should the sentence exceed the term of the original sentence.

Hon. P. COLLIER: What I have in mind might be met by striking out the words "in the reformatory prison or after release therefrom" and adding to the end of the proposed subsection "unless so stated in the Order-in-Council." That would mean that a person being in a reformatory prison could not have his sentence increased by regulation; it would mean that a person who had spent a portion of his sentence on probation, if he broke the regulations would be sent back to prison and then, if the Order-in-Council provided, he may have to serve the whole of the sentence or he may be given credit for that portion he served.

The Attorney General: I will accept that amendment.

Hon. P. COLLIER: I move an amendment—

That in proposed Subsection 3 the words "in the reformatory prison or after release therefrom" be struck out, and "unless so stated in the Order-in-Council" be added to the end of the subclause.

Amendment put and passed; the proposed new section, as amended, agreed to.

Proposed New Subsection 64E—Indeterminate Sentences Board:

Hon. T. WALKER: I think we might report progress at this stage.

The ATTORNEY GENERAL: I want to get on with the Bill; it was here last session and it has been before hon. members throughout this session, and I am endeavouring in that spirit of reasonableness which the member for Kanowna calls sweet, to meet any amendment that may be suggested. So far as this proposed new section is concerned, it is a question of a board or no board. I want a board that is reasonably minded.

[Hon. P. Collier called attention to the state of the House; bells rung and a quorum formed.]

Hon. P. COLLIER: I expressed the opinion earlier that this was really the crux of the Bill. Whether the measure is going to be of value or not will depend to a great extent upon the manner in which the board will carry out their duties. If the Attorney General could give us some idea of the personnel of the proposed board, it might help us, because we find in the succeeding clauses that it is proposed to confer great powers on the board. I am afraid that very often persons succeed in getting themselves appointed to semi-Government boards merely because they are of a class of fussy philanthropists, so-called social reformers.

The Attorney General: I am opposed to those people.

Hon. P. COLLIER: A board composed of such persons would be of no avail. As a matter of fact, if the board are going to do their work properly, they will have to devote quite half their time to their duties, will have to make themselves acquainted with each individual prisoner, and with at least the more recent part of his personal history. For my part I have an open mind on the question of the board at all. I am inclined to think that, perhaps, a board composed of the right class of persons would be an improvement upon the single authority of the Comptroller General. Is it to be an honorary board?

Mr. Nairn: Do you think it should be an honorary board?

Hon. P. COLLIER: No. From honorary boards, as a rule, we get only honorary services. Moreover the Government would have more authority over a paid board than over an honorary body.

The ATTORNEY GENERAL: I am heartily in accord with the views of the leader of the Opposition. If we cannot get a board of the right character I would sooner be without a board. I am asked what men should go on the board. This has not yet been determined, but I certainly think that we should have on the board at least one man who has made a very close study of the subject, and that we should have also a medical man who, to some extent at least, has made a study of the subject. The third man should have some similar experience, but in my view need not be a professional man. I am quite seized

of the importance of this board, as is also the Comptroller General, with whom I have talked it over again and again. If the board is to be composed of mere faddists, it will be of no use at all. I want on the board persons who will enter into this business heart and soul.

Mr. Nairn: Would you limit the time of their appointment?

The ATTORNEY GENERAL: It is provided that they may be removed at any time. It is very difficult to state the particular class one has in mind for the personnel of the board, but I know just whom I want, and in this my views are not far removed from those of the leader of the Opposition and of the member for Kanowna, and I know that the Comptroller General shares my views in this regard. The Government are bringing forward this measure as a serious attempt at reform, and so hon. members may be sure that every care will be taken in the appointment of the board. I agree that it may be found necessary to pay the members of the board. When first the Bill was drafted it was contemplated that the board should be honorary, but it has since been borne in on me that we may not be able to get just the people we want, unless we pay them. We shall be investing them with great power and must trust them to exercise that power properly. All this is a step, not into the dark, but forward into the light. Even if we fail it can only make for good, because it will set so many people thinking as to how best these prisoners can be reformed. I have said that we require one medical officer on the board. A medical man would be indispensible to the Comptroller, in advising him as to the bodily and mental condition of a particular prisoner.

Hon. W. C. Angwin: You already have a medical man there to advise.

The ATTORNEY GENERAL: But he advises without the responsibility. If he were a member of the board he would have to watch the prisoner to be reformed, would have to enter into the life of that man to a far greater extent than does the gaol doctor. I want hon. members to give this proposal a trial. It has been working in Victoria for the last five years.

Hon. T. Walker: Is it there an honorary board?

The ATTORNEY GENERAL: I cannot say from memory. The section of the Victorian Act dealing with the question is 531 (2). The report which I have read to-night was signed by the three members of the Victorian board.

Hon. W. C. ANGWIN: If we are to give a trial to this system of reformatory prisons, the advice should come from those persons in daily contact with the prisoners—I mean the various officials, who know exactly the temperament and the physical and mental conditions of the prisoner whom it is proposed to transfer to the reformatory prison. There is no necessity for an independent board. It is much safer to leave it with those who come into daily contact with the prisoner. The board will have to be guided largely by the advice tendered them by the officials. That being so, I hope the Committee will strike out this proposed new subsection, and give the present system a trial with a reformatory prison, when we get one. There is no necessity for the board. If we do not get the right men on the board we shall be in a worse position than if we had no board at all.

Hon. T. WALKER: I agree that unless we can get a board of a very excellent quality in all respects it is likely to constitute a grave danger. An inefficient board is only likely to interfere with the discipline of the gaol. The members of such a board should have a knowledge of their subject, and should have zeal enough to make an intimate study of the characteristics of each prisoner. We cannot get that without having men who are properly qualified and without paying them for the time they devote t othe work. The duties cannot be carried out by a monthly visit, and a little chat over the matter, but the board must make a real study of each case and closely observe the persons who are brought under their notice. Furthermore, members of the board would have to be intimately associated with gaol work.

The Attorney General: And in daily contact with it.

Hon. T. WALKER: They should also be free from interference on that part of the superintendent of the gaol. The bulk of the prisoners will be those who are mental deficients, who will require to be specially studied in order that they may be adequately treated. The board would, therefore, be of no use unless it consisted of persons who have a sympathy with humanity, patience with the prisoners, and a knowledge of the subject. Failing that, I would rather see the board dispensed with and the matters left to the officials, the responsibility being placed upon the Minister and those administering the Act to see that the work is properly carried out.

The Attorney General: You will be practically making the three head officials the advisers in this matter.

Hon. T. WALKER: They can be got at if they do wrong, and can be controlled by the Comptroller General and the Minister.

The Attorney General: What objection would there be to putting one or two senior officials on the board?

Hon. T. WALKER: That would be giving them a dual position.

The Attorney General: But if you have to take their advice already?

Hon. T. WALKER: If we have to take their advice now, they would, if members of the board, still be doing work they should be doing now.

The ATTORNEY GENERAL: I see from the Victorian Crimes Act of 1915 that these proposed new Sections relating to the formation of the board, the number, the quorum and the duties of the board, are practically word for word as they are here. The report which I read to hon. members is signed by Mr. Samuel Mauger and two gentlemen. The re-

port does not say whether these are prison officials or not.

Hon. P. Collier: They are not. Mr. Mauger is the ex-Postmaster General.

Hon. W. C. Angwin: He is a hatter.

The ATTORNEY GENERAL: I agree with the remarks of the member for Kanowna. It is quite possible we may find in our gaol officials men who are competent to become members of the board. At least one, if not two, members of the board should be outsiders who have made a study of the subject.

[Mr. Foley took the Chair.]

Hon. P. Collier: Will you undertake to say that you will not put Mr. Lovekin on?

The ATTORNEY GENERAL: I give this assurance, that no man would be put on the board with the Government's approval who had not made a study of the subject. It would be a crime to do that. Many persons criticise the Superintendent of Gaols, but I do not think there is any man more desirous of putting prison reform into practise than he is.

Hon. P. Collier: I think he is kindly disposed.

The ATTORNEY GENERAL: Dr. Williams has been associated with the gaols for many years, and if he has not learned by this time a good deal of the life of our prisoners, and the class of reform that is necessary, he should not occupy the position he does to-day. I do not say it is contemplated to appoint these individuals on the board, for the Government have not in mind as yet any persons for that purpose. It is quite possible to suggest numbers of persons whose services would be of the utmost value in this capacity. The Committee must trust the Government.

Hon. W. C. Angwin: We are ready to trust the Government but not the board.

The ATTORNEY GENERAL: Cabinet would be largely guided by the recommendation of the Comptroller General. Unless the Comptroller could work with the board, and the members of the board have the same ideals that he has, there would be such disagreements that the board would be useless. I think the Committee might well leave the control of the board to the Government, but to say that it does not think they can find a competent board will not be giving the Government an opportunity of making an effort to do so.

Hon. W. C. Angwin: You have good officers; why do you want a board?

The ATTORNEY GENERAL: We might put such officers on the board.

Hon. W. C. Angwin: There is no necessity to do that.

The ATTORNEY GENERAL: They have certain powers to-day, but the power so far as the Government are concerned is vested solely in the Comptroller General. It is the Comptroller who says that this power is too great, and that he wants a board of men who will help him in the way that help is given by a similar board in Victoria. After the board has been working for 12 months it will be easy to alter the state of affairs if necessary. I beseech members to let the Government carry out the scheme of reform in the way they want to, and as it is intended.

Mr. JONES: How would the Attorney General take the suggestion that one member of the board must have spent a term inside some gaol? I make the suggestion seriously because I believe the Government would not appoint someone who had been in gaol for a felony; but there are honourable men who have spent some time within the walls of a gaol, and in consequence would have a better and firmer touch of what is happening inside. It is impossible for a layman to judge. We can go around and see a prison spick and span, and say it is not a bad life inside. I make this suggestion without levity. The majority go to gaol not for anti-social crime but from force of circumstances. The man appointed would be one who had been inside for a political offence. Members should cast their minds amongst the men who have risen to eminence in Australia, who have spent some time in gaol. My suggestion is not impracticable. If the lay member was a man who had had that experience it would be of great benefit to the board and to humanity in coming to the decisions that the board must come to.

Mr. ROCKE: I move an amendment—

That the following proviso be added to the proposed Subsection 2:—"Provided that no person who is engaged upon the administrative or disciplinary staff of any prison establishment in the State shall be eligible for appointment to sit upon any Indeterminate Sentence Board."

That would cut out the old gaol system and the old methods. It has been shown throughout the debate that if the Bill is to be effective it must be dissociated with prison rule as we know it. The member for Kanowna made reference to certain men engaged in the prison whom we know, and said they should not be appointed because of their ideas, and the Attorney General agreed with him.

The ATTORNEY GENERAL: I must oppose the amendment. Although I said in discussing the matter it would not be a wise thing to have a member of the gaol staff on the board that must be taken with some exceptions. There are two men who have been mentioned to-night who are known to the member for Kanowna, whose opinions would be very valuable. I do not know if the name of Dr. Williams has been thought of; he has been many years connected with the gaol. If I were to be consulted on the appointment, and no doubt I shall be, I should have a complete examination of the views of any gentleman before I agreed to his appointment. But I think no medical man should go on the board. To say that a man should not go on the board because he is connected with the gaol, is bad. I have no one in my mind, but there may be a gaol official who may be an admirable man for a position on the board.

Mr. Rocke: He would be recommending his own work then.

The ATTORNEY GENERAL: Not necessarily. If that is so, how is it we find an ex-Attorney General and the present Attorney General, who are connected with the administration of the law, both advocating this reform?

Mr. Rocke: I advocate it also.

The ATTORNEY GENERAL: But the hon. member is not connected with the administration of the law. There may be in the Gaols Department just the man we are looking for, who has studied this reform. I cannot say, but the first thing I should do would be to make inquiries. But one of the old-fashioned men who thinks of punishing people and who would keep men cracking stones, I have no time for. I would not spoil my measure by the appointment of such a person. Members must trust the Government. If I am to be limited in that way I say again we may as well tear up the Bill.

Hon. T. WALKER: If we are not going to have a board, that is if we vote this provision out, what has the Attorney General to say then? We could rely on the present superintendent.

Mr. Jones: Then God help us!

Hon. T. WALKER: I would not say that. I know Superintendent Hann; he has made a study of prison reform, and has made an honest attempt to carry out reform on principle. If we had a board he should not be on it because he must be the efficient officer of the board, and he must not be in a dual capacity.

The Attorney General: The officials of the gaol would not be under the board.

Hon. T. WALKER: That is true, but they would be the power for the source of recommendation. It would be for them to exercise their judgment and make their recommendations. It would be an anomaly for the man who has to carry out the regulations to be the man to make the recommendations concerning them. He would be invaluable to report, but he must be the witness and not the judge. He must give all the evidence in his possession, but he must not be in the dual capacity of recommending what he himself has reported on. His reports must be submitted to the judgment of independent observation.

The Attorney General: That is no reason why a man should not be taken from the administrative staff and placed on the board.

Hon. T. WALKER: That is if you are going to have a paid board; it is quite another question. Then we should have to get another superintendent and perhaps we could not get a man to fill his place. The board should be independent of all the administrative officers, and should be able to survey the administrative officers. Unless I were sure of the composition of an effective board, I would rather do without a board at all.

The Attorney General: I would sooner go on with the officials than have a useless board.

Mr. NAIRN: I intend to move later that the proposed Subsection 2, which provides for the appointment of members of the board for an indefinite period, should limit the appointment to three years.

Amendment put and a division taken with the following result—

Ayes	14
Noes	22
Majority against ..	8

AYES.

Mr. Angwin	Mr. Rocke
Mr. Chesson	Mr. Teesdale
Mr. Collier	Mr. Troy
Mr. Green	Mr. Walker
Mr. Holman	Mr. Willcock
Mr Jones	Mr. O'Loghlen
Mr. Lutey	*(Teller.)*
Mr. Mullany	

NOES.

Mr. Brown	Mr. Nairn
Mr. Draper	Mr. Pickering
Mr. Duff	Mr. Pilkington
Mr. Gardiner	Mr. H. Robinson
Mr. George	Mr. R. T. Robinson
Mr. Harrison	Mr. Thomson
Mr. Hickmott	Mr. Underwood
Mr. Hudson	Mr. Veryard
Mr. Lefroy	Mr. Willmott
Mr. Maley	Mr. Hardwick
Mr. Mitchell	*(Teller.)*
Mr. Money	

Amendment thus negatived.

Mr. NAIRN: I move a further amendment—

That the following be added to proposed Subsection 2: "and shall hold office for a period of three years, and shall be eligible for re-appointment."

A board largely honorary, and appointed at will, and not for any definite period, will labour under the disability of every board similarly constituted. It is extremely difficult to remove a person from such a board, even although there may be some valid, though not very obvious, reason for the removal. Failure to re-appoint would achieve the object in a harmonious manner. Very often members of honorary boards who should be removed are not removed on account of the number of years they have sat. The definite period of appointment allows of every member of the board being judged on his merits.

Hon. P. COLLIER: The principle embodied in the amendment is an excellent one, because, after all, a Government may not wish to remove a person who has shown himself not suitable for the work. On the periodical expiry of appointment, such a person can be dropped. I think the period is too long; one year would be sufficient.

Mr. Nairn: That would hardly give them time to make their influence felt.

Hon. P. COLLIER: The board could always be re-appointed. Similar boards are always appointed for one year, and the Government then have the opportunity of ascertaining the fitness of the people for the positions. I move an amendment on the amendment—

That the word "three" be struck out, and "one" inserted in lieu.

Hon. T. WALKER: I agree that there should not be an indefinite appointment, but I do not think that one year will permit of a fair trial being given to anyone. If we are going to have a board which will do its work as it should be done, one year will be inadequate. In one year nothing can be done in the way of reform, and to have a constant change of policy and in the personnel of the board would be deleterious. It must be con-

tinuous work to be of any value. Of course, in the first instance we must make sure of those whom we appoint so that they may have a chance of doing their work.

Mr. PICKERING: I support the amendment moved by the member for Swan, although I agree with the member for Kanowna that it is quite impossible for a board to acquire within 12 months sufficient knowledge which will be of any value. There is the alternative of having a board appointed for a certain term by which the members would retire each year. That might be considered, but I prefer the amendment moved by the member for Swan.

Hon. P. COLLIER: The members for Kanowna and Sussex have assumed that we are going to get a perfect board, and having got it we should not provide machinery whereby they can be removed. It is wrong to assume that the members of this board, showing themselves diligent in the discharge of their duties, will be removed at the expiration of the first year of office. On the other hand, we are justified in assuming the possibility of the first 12 months disclosing the fact that men have been appointed to that board who are not capable of devoting that attention to the work which was expected of them. In such an event I do not think any Government would go so far as to humiliate a person by deliberately removing him from the board, and more particularly would they not do it if the board were an honorary one, and I am assuming that it will be an honorary one. The one year period will afford the Government the opportunity of correcting mistakes.

Mr. MONEY: The proposition before the Committee is to limit to three years, the period for which the board is to be appointed. Another proposal was to limit it to one year. I cannot see why, if any member of the board is not suitable, he should be kept there for three years or for one year. There is in the Bill a provision that if a member of the board is not suitable he may be removed, but it has been suggested that that provision will not be acted upon. At a later stage, if necessary, I will move an amendment providing for the immediate removal of any member who should be removed.

The ATTORNEY GENERAL: Proposed Subsection 2 provides for the appointment of a board for an indefinite period, and proposed Subsection 4 provides for the termination of the appointment at any reasonable time. I do not object to the amendment moved by the member for Swan, because it gives power to reconsider an appointment without furnishing reasons or causing offence. The amendment moved by the member for Boulder, who suggests that the board should be appointed for one year, is open to the objection that when we have a provision for annual appointments some people want to make appointments every year. When we get a good board I want to see it kept there. Of the two proposals I favour that of the member for Swan, but we must keep the provision for getting rid of a member of the board if necessary.

Mr. PICKERING: All the arguments are in favour of the board having a life of three years. The tendency of these boards is to use political influence. By fixing the period at three years we avoid altering the personnel of the board too frequently. The provision in proposed Subclause 4 covers any necessity for removal.

Amendment (Hon. P. Collier's) put and negatived.

Amendment put and passed.

Hon. P. COLLIER: Under proposed Subsection 6 the board will report to the Minister. I think it would be better if the board reported to Parliament. Parliament ought to have the information set out in paragraphs (a), (b), and (c), and it should be included in the annual report of the Gaols Department and submitted to Parliament.

The Attorney General: I think they lay it on the Table of the House in the other States. Probably there is some such provision here.

Hon. P. COLLIER: I think not. I move a further amendment—

That the words, "And shall be laid on the Table of the House" be added.

Amendment put and passed.

Proposed new Section 64E put and a division taken with the following result:—

Ayes	21
Noes	12
Majority for	9

AYES.

Mr. Brown	Mr. Mullany
Mr. Draper	Mr. Nairn
Mr. Gardiner	Mr. Pickering
Mr. George	Mr. Pilkington
Mr. Harrison	Mr. R. T. Robinson
Mr. Hickmott	Mr. Teesdale
Mr. Hudson	Mr. Thomson
Mr. Lefroy	Mr. Underwood
Mr. Maley	Mr. Willmott
Mr. Mitchell	Mr. Hardwick
Mr. Money	(*Teller.*)

NOES.

Mr. Angwin	Mr. Rocke
Mr. Chesson	Mr. Troy
Mr. Collier	Mr. Walker
Mr. Green	Mr. Willcock
Mr. Holman	Mr. O'Loghlen
Mr Jones	(*Teller.*)
Mr. Lutey	

Proposed new section thus agreed to.

The CHAIRMAN: I wish to draw the attention of the Committee to the amendment which has just been moved by the member for Boulder. The principle will not be altered in the least if the present vague wording is amended in the direction I propose. The amendment was for the inclusion of the words "And shall be laid upon the Table of the House." I take it that the wish of the hon. member was that the report should be laid before Parliament as a whole. If it is the wish of the hon. member, I would alter the amendment to read, "and shall be laid upon the Table of both Houses of Parliament."

Hon. P. Collier: I am quite agreeable to that.

Mr. Pilkington: Surely the phraseology is not quite correct, as one reads the amendment with the Bill itself.

The Premier: Would it not be better to use the words that are generally made use of in Bills on this question?

The CHAIRMAN: That could be done in another place.

[The Speaker resumed the Chair.]

Progress reported.

ADJOURNMENT—ROYAL AGRICULTURAL SHOW.

The PREMIER (Hon. H. B. Lefroy—Moore) [11.7]: I move—

That the House at its rising adjourn until 4.30 p.m. on Thursday next.

I move this in accordance with the practice which has existed in the Legislative Assembly for years past of adjourning over Show Day. I am as anxious as other hon. members that we should get through the business of the session, but as it has been the practice to adjourn for this purpose I think it is only right that I should submit this motion.

Question put and passed.

House adjourned at 11.8 p.m.

Legislative Assembly,

Thursday, 10th October, 1918.

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

STANDING ORDER 386a, TO REVIEW.

Mr. SPEAKER: Hon. members will recollect that on the 13th March last the House carried the following resolution:—

That in view of the different interpretations placed on Standing Order No. 386a, the Standing Orders Committee be requested to review the said Standing Order, and, if necessary, recommend an amendment of the same to the House.

I now present the report of the Standing Orders Committee, and direct the Clerk to read it.

Report read, and on motion by the Premier, ordered "That the report be printed and its consideration made an Order of the Day for the next sitting."

[For "Questions on Notice" see "Votes and Proceedings."]

LEAVE OF ABSENCE.

On motion by Mr. MALEY, leave of absence for two weeks granted to the member for York (Mr. Griffiths) on the ground of urgent private business.

BILL—CRIMINAL CODE AMENDMENT.

Read a third time, and transmitted to the Legisative Council.

BILL—PRISONS ACT AMENDMENT.

In Committee.

Resumed from the previous sitting; Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

[Clause 3—Insertion of new Part (VIA—Reformatory Prisons) in the principal Act, partly considered, the proposed new sections being taken separately.]

Proposed new Section 64F—Persons detained to be required to work:

Mr. JONES: Will the Attorney General explain the provision regarding any prisoner being required to work outside the prison? That course seems to me dangerous.

The ATTORNEY GENERAL: I would agree with the hon. member if it was intended that prisoners should be allowed outside to perform general work. However, nothing of the kind is intended. Prisoners will necessarily be out of their gaol or reformatory prison on Rottnest Island, for example, when doing plantation work, or working on the salt lakes. Again, there would be re-afforestation camps and farm settlements. Out-door work will necessitate prisoners' absence from the place of confinement; and the clause is intended to apply only to work of that description.

Hon. W. C. ANGWIN: If that is all that is intended, should not this very wide clause be limited correspondingly? The intention seems to be merely that prisoners shall be allowed to work in forests or in farming settlements and similar places.

The Attorney General: If you can suggest an amendment I shall be prepared to consider it.

Hon. W. C. ANGWIN: If the clause passes as printed, prisoners may be compulsorily taken from a reformatory prison and placed anywhere to work. They go to their work in custody and carry out the duties required of them. Suppose there happened to be a labour trouble.

The Attorney General: There is a similar section in the existing Prisons Act.

Hon. W. C. ANGWIN: In my opinion this is an entirely different matter.

The Attorney General: It is only like a gaol regulation put into the measure.

Hon. W. C. ANGWIN: A prisoner may be sent out to private employment.

The Attorney General: That is not intended.

Hon. W. C. ANGWIN: But it can be done under this proposed subsection, and if the man is in custody all the time he is there, he dare not say a word.