

Legislative Assembly,

Thursday, 12th January, 1922.

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

QUESTION—RAILWAYS, FREIGHT ON FRUIT.

Mr. PICKERING asked the Minister for Railways: 1, Is it a fact that the Commissioner of Railways sent representatives to a recent conference of fruitgrowers held in Perth with a view to affording assistance to that industry? 2, Is it a fact that the form of assistance given by the Commissioner is an increase in freight on fruit of approximately 50 to 60 per cent. 3, Does he consider such increase is likely to assist the fruitgrowers in the prosecution of their industry? 4, If not, will he consider the reduction of such freights?

The MINISTER FOR RAILWAYS replied: 1, Representatives were sent to a conference in order to afford information regarding transit and freight charges. 2, No. Freight has not been increased, except that the minimum charge on small lots has been raised from 9d. per consignment to 1s. Zone rates per case, as follows, were offered at the conference with the object of facilitating the retail sale of fruit in agricultural and goldfields districts:—up to 300 miles, 1s.; 300 to 400 miles, 1s. 3d.; over 400 miles, 1s. 6d. These are slightly lower than the ordinary rate book charges, but their object more particularly was to simplify the calculation of price per case delivered at destination. They were not accepted. 3 and 4, The matter will receive further consideration.

QUESTION—AGRICULTURE, LIGHT LANDS.

Mr. JOHNSTON asked the Premier: 1, Have the Government considered the following resolution which was carried unanimously

at the light lands conference which was held in Perth on 24th February, 1921, namely:— "That the Government be asked to review their policy with regard to farmers on light lands, and to extend to them more sympathetic treatment, particularly in regard to rent and liabilities incurred whilst farming, and that immediate relief be given to necessitous cases"? 2, What action has been taken to carry this resolution into effect? 3, What further relief is it intended to afford to settlers farming light lands, as desired by the above resolution?

The PREMIER replied: 1, Yes. 2, That each case be dealt with on its merits. 3, Answered by No. 2.

BILL—ROAD CLOSURE.

Order Discharged.

On motion by the Premier, the Order of the Day for the second reading of the Road Closure Bill was discharged.

MOTION—PUBLIC SERVICE HOUSING.

To inquire by Select Committee.

Order of the Day read for the resumption from the 10th January, of the debate on the following motion by Mr. MacCallum Smith—

That a select committee be appointed to consider the housing of the Public Service Departments in one central building.

Question put and negatived.

MOTION—METROPOLITAN TRAMWAY EXTENSIONS.

To inquire by Select Committee.

Debate resumed from the 10th January, on the following motion by Mr. Clydesdale—

That a select committee be appointed to inquire into and report on the necessary tramway extensions in the metropolitan area.

Mr. MANN (Perth) [4.34]: It is impossible to get a vacant house in the metropolitan district. In the more thickly populated portions of the city there are often upwards of three families living in one house. This is because of the high rents charged and of the inability of people to secure vacant houses. The cost of land along the present tramway routes is so high that it is almost impossible to buy a block in order to erect a dwelling upon it. In many instances, land is held for business sites and people cannot afford to purchase the blocks for residential purposes. I have been requested by various persons in my electorate to endeavour to relieve the position. It is desirable that there should be extensions of the tramway services to districts where it is possible for people who cannot pay high prices for the land along

the present routes, to procure blocks at a reasonable price. I support the motion with that object in view.

Mr. RICHARDSON (Subiaco) [4.37]: I support the motion. It was understood by the metropolitan members that tramway extensions were to be proceeded with at an early date. I was surprised that the Government had not expedited this work. Until quite recently I understood that the first tramway extension would be to Como. I did not bother about that because I was under the impression that the next extension to be carried out would be to Claremont. That is what we were led to believe from the position as put before us by the Minister for Mines. I do not blame that Minister because the extensions have not been carried out as I believe the explanation is that the money was not released by the Treasurer. The Minister is fully seized with the necessity for the proposed extensions. The select committee, if appointed, will not throw much light on the matter, except in one direction. Certain local authorities have indicated that they will indemnify the Government if they make the extensions. The select committee will probably be able to get direct evidence from those local bodies who say they are prepared to assist the Government to that extent. Those local authorities may be able to find the actual cash, as, I understand, the South Perth people were prepared to put up the funds in order to build the extension to Como.

The Minister for Mines: Don't you put too much faith in that!

Mr. RICHARDSON: I am not.

Mr. Clydesdale: I never said that.

Mr. RICHARDSON: I mention this aspect because it has been bruited abroad that some municipalities and road boards are prepared to find the necessary cash. I want to find out who they are and the appointment of a select committee will assist in that direction.

Mr. Clydesdale: It has never been said that any local body would put up the capital to build the line.

Mr. RICHARDSON: I do not think any local governing body will attempt to give any such guarantee, but these are the statements the select committee will be able to investigate and see how far the people are prepared to assist the Government.

Mr. CLYDESDALE (Canning—in reply) [4.41]: As every member who has spoken is favourable to the appointment of a select committee, it leaves nothing for me to add. The Minister for Railways, however, suggested that the local bodies should meet and prepare a concrete scheme. Local committees have met so often that they are tired of doing so. Nothing will be gained by meeting again. My contention is that if those local bodies who are prepared to contribute towards the interest and sinking fund, are able to put a proposal before the Govern-

ment, the appointment of the select committee will assist in arriving at something definite.

Question put and a division taken with the following result:—

Ayes	..	..	..	..	28
Noes	..	..	..	..	9

Majority for 19

AYES.

Mr. Angelo	Mr. O'Loghlen
Mr. Angwin	Mr. Pickering
Mr. Boyland	Mr. Plesse
Mr. Carter	Mr. Richardson
Mr. Chesson	Mr. Sampson
Mr. Clydesdale	Mr. J. H. Smith
Mr. Collier	Mr. Stubbs
Mr. Davies	Mr. Teesdale
Mr. Denton	Mr. J. Thomson
Mr. Lambert	Mr. Underwood
Mr. Lutey	Mr. Walker
Mr. C. C. Maley	Mr. Willson
Mr. Mann	Mr. Corboy
Mr. Marshall	(Teller.)
Mr. Munsie	

NOES.

Mr. Broun	Sir James Mitchell
Mr. George	Mr. Scaddan
Mr. Harrison	Mr. Troy
Mr. Johnston	Mr. Mullany
Mr. H. K. Maley	(Teller.)

Question thus passed.

Ballot taken.

Mr. SPEAKER: As there has been even voting for the fourth place between the member for Williams-Narrogin (Mr. Johnston) and the member for Claremont (Mr. J. Thomson), it is incumbent on me to give a casting vote. Such a situation has not arisen for many years, and I cannot quote a precedent at the moment, but I give my casting vote in favour of the member for Claremont. The select committee will consist of Messrs. Angwin, Davies, Lambert, J. Thomson, and the mover.

On motion by Mr. Clydesdale, resolved: That the select committee have power to call for persons and papers, to sit on days over which the House stands adjourned, and to report on the 18th January.

Sitting suspended from 5.5 to 7.30 p.m.

BILL—LAND AND INCOME TAX ASSESSMENT AMENDMENT.

Returned from the Council with amendments.

Council's amendments.

Schedule of seven amendments made by the Council in the Bill now considered.

In Committee.

Mr. Stubbs in the Chair; the Premier in charge of the Bill.

No. 1.—Clause 3, strike out this clause:

The MINISTER FOR MINES: The Bill when it left this House provided in Clause 3 that Section 10 of the principal Act should be amended by omitting the proviso to Subsection 2, which prescribed that improvements on one parcel of land could be held to cover two or more parcels of land, the property of the same owner. Another place wishes to strike that clause out. I move—

That the amendment be not agreed to.

Mr. PICKERING: I will support the Council's amendment. When the Bill was in this House this party were prepared to accept a limitation of the distance between the parcels of land but, that proposal having been negatived by this Committee, we have nothing to do but fall back on the main principle.

Question put and a division taken with the following result:—

Ayes	..	..	..	..	20
Noes	..	..	..	..	8
Majority for	..	..	..	..	12

AYES.

Mr. Angwin	Sir James Mitchell
Mr. Boyland	Mr. Mullaney
Mr. Brown	Mr. Munale
Mr. Chesson	Mr. Richardson
Mr. Clydesdale	Mr. Scaddan
Mr. Collier	Mr. J. M. Smith
Mr. Davies	Mr. J. Thomson
Mr. George	Mr. Wilson
Mr. Heron	Mr. Corboy
Mr. Lutey	(Teller.)
Mr. Mann	

NOES.

Mr. Angelo	Mr. Piesse
Mr. Denton	Mr. J. H. Smith
Mr. Harrison	Mr. Sampson
Mr. Johnston	(Teller.)
Mr. Pickering	

Question thus passed; the Council's amendment not agreed to.

No. 1a, Clause 5—Strike out "further" in line 1 and strike out "paragraph" and insert "subsection":

The MINISTER FOR MINES: I move—

That the amendment be agreed to.

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

No. 2.—Clause 6—Strike out the clause and insert the following—"Section 19 of the principal Act is amended by—(a.) Adding to subsection 10 the following words:—'Or any pension paid to the widow, relatives, or dependents of a deceased soldier or sailor killed during the war, or who has died from injuries received, or sickness contracted, during the war, or any pensioner under the Invalid and Old Age Pensions Act, 1908.' (b.) By adding new subsections as follows:—11. The income of any society or association not carried on

for the purpose of profit or gain to the individual members thereof established for the purpose of promoting the development of the agricultural, pastoral, horticultural, viticultural, stock raising, manufacturing, or industrial resources of Western Australia. 12. The income of any society or association of a public character established for the promotion of scientific research. (c.) By striking out the words 'subsections (1) to (6) hereof,' in the first line of the last paragraph, and inserting in lieu thereof the words 'this section.'"

The MINISTER FOR MINES: Clause 6 provided an amendment to Section 19 of the principal Act. It was the exemption clause. The Council virtually retains it, but adds a couple of subclauses. The first of these will exempt societies, such as agricultural societies, not carried on for the purposes of profits or gain to the individual members thereof.

Hon. P. Collier: I thought they were already exempted.

The MINISTER FOR MINES: So did I. If they are not, they ought to be exempted. Under the Council's amendment exemption will be granted also to societies for the promotion of scientific research. The amendment also provides that while the associations or societies shall be exempt, the employees of those associations or societies shall not be exempt from income tax. I move—

That the amendment be agreed to.

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

No. 3. Clause 7 of the Bill: Strike out, and insert the following:—"Section 30 of the principal Act is omitted and the following inserted in lieu thereof:—30. From the taxable amount so ascertained as aforesaid, every taxpayer shall be entitled to deductions in respect of the annual amount of—(1) Losses, outgoings, interest on mortgages and loans, and expenses actually incurred in Western Australia by the taxpayer in the production or protection (where such cannot be insured against) of his income: that is, income which is not exempt from income tax under section nineteen of this Act. (2) (a) Net trading property or business losses incurred in one or more years during the five years preceding the year of assessment. (b) Net losses arising over a like period from the loss of stock in trade, crops, and livestock due to droughts or other circumstances or conditions over which the taxpayer had no control or was unable to protect or insure against; Provided that no losses in respect to fixed capital assets shall be allowed as a deduction under this section. (3) Sums expended by the taxpayer for repairs of premises let or intended to be let to tenants. (4) Sums expended by a taxpayer for repairs to his dwelling house whether such dwelling house is fully purchased or in the course of purchase; provided that this deduction shall not apply when the taxable income exceeds £250. (5) (a) Every premium or sum paid by the taxpayer on the insurance of his own life, or that of his wife or children, or

for a deferred annuity, or other like provision for the wife or children. (b) Every premium paid (not exceeding £50) in respect of any fidelity guarantee or bond, which such employer is required to provide for the exercise of his profession, trade, employment, or vocation. (c) Medical expenses (not exceeding £50) incurred by a taxpayer on behalf of himself or those dependent upon him: Provided that this subsection shall not apply where the taxable income exceeds £250. (d) Reasonable travelling expenses incurred in producing or protecting the assessable income. (6.) Sums expended for repairs of premises occupied for business purposes, and for the repair or alteration of machinery, implements, utensils, and articles employed by the taxpayer for the purposes of his business. (7.) Such sum as the Commissioner may think just and reasonable as representing the diminished value (i.e., for the purpose for which they were intended in a going concern), by reason of wear and tear, during the year, of any machinery, implements, utensils, and articles used by the taxpayer for the purposes of his business: Provided that, where in any business income is set apart by the taxpayer by way of a fund to cover the depreciation of such machinery, implements, utensils, and articles, the amount so set apart for the year immediately preceding the year of assessment shall, subject to the approval of the Commissioner, be the sum to be deducted for depreciation: Provided that in no case shall any allowance be made for the depreciation of buildings. (8.) Notwithstanding the limitation in Subsection (1) hereof, the Commissioner shall, in cases in which it may seem to him just, allow losses, outgoings, and expenses, even if incurred beyond the State. (9) Where a taxpayer employs his sons or daughters over the age of sixteen years in his trade or occupation, such sum may be deducted for their services as may be prescribed by any Arbitration award or as to the Commissioner may seem reasonable. (10) Where a taxpayer, either alone or with other persons, carries on or is interested as a partner in more than one business, and makes a profit in one or more of such businesses and a loss on another or others, such taxpayer shall be entitled to deduct the sum of the losses from that of the profits. (11) A sum representing forty pounds for each child under the age of sixteen years at the beginning of the financial year in which the income is received, and residing with and dependent upon the taxpayer. (12) The cost actually incurred during the year by a taxpayer for labour and materials employed in development work, as prescribed, in a mine, when the business of a taxpayer is that of mining. (13) All rates and taxes, including State and Federal land taxes and Federal income tax, actually paid in Western Australia in respect of land situate in or income derived in Western Australia by the taxpayer during the year in which the income was received, but not including any State income tax paid under this Act. (14) Any payment to the board or the trustees of any charitable

institution, incorporated or otherwise, or of a public park or reserve, or of a university or public school, or of a library, art gallery, museum, or other institution for public education, recreation or enjoyment, subsidised by the Government: Provided that such payment is applied solely to such charitable or other public purpose. (15) The annual sum necessary to recoup the expenditure on improvements under covenant with the lessor on and by a lessee who has no tenant rights in the improvements. The deduction under this paragraph shall be ascertained by dividing the amount expended on the improvements by the lessee by the number of years in the unexpired period of the lease at the date the improvements were effected. For the purpose of this and the preceding section the word "business" shall be taken to include any profession, trade, employment or vocation, and the earning of income from other sources including investments.

The MINISTER FOR MINES: The Council's amendment seeks to strike out Clause 7 of the Bill which provided a number of amendments to Section 30 of the principal Act. The amendment meant altering a word here and altering a word there, with the result that it was difficult to follow. The amendment now proposed by the Council sets out the complete clause with the amendments suggested to the Bill, in addition to those proposed by the Council. Thus, members have the clause as it would appear finally in the Bill if agreed to. The Council have made only a few alterations, the principal one being in Subclause 2, which, as it left the Council, read as follows:—

Net trading, prospecting or business losses incurred in one or more years during the five years preceding the year of assessment.

The effect of that amendment will be that if a man makes a profit of £1,000 this year, but has made a loss of £1,000 in one or any year during the five years preceding the year of assessment, he shall be able to set the loss against the profit and thus pay no income tax. The Council also suggests the abolition of the averaging clause. It seems to me that the Council's proposal may be dangerous and impracticable. It would be preferable to permit the taxpayer to average his income rather than permit him to deduct losses running back for a period of five years prior to the year of assessment.

Mr. Angelo: His business will not continue if he has losses for five years.

The MINISTER FOR MINES: Some businesses have to continue for more than five years at a loss, because they cannot be disposed of. I am afraid the Council have gone too far with this suggestion. An individual could make profits for four years and yet go back to the fifth year, when he made a loss, and deduct that from his income this year and perhaps pay no income tax.

Hon. P. Collier: Although during those four years he may make big profits.

Mr. Angelo: He could only make the deduction once.

The MINISTER FOR MINES: Yes, but he could get out of the business altogether next year.

Mr. Harrison: That would be equitable.

The MINISTER FOR MINES: I do not know about that. What about the wages and salaried men? I move a modification to the Council's amendment—

That in Subclause 2 Paragraph (a) the words "in any year during the five years" be struck out and "in the year immediately" be inserted in lieu.

Hon. W. C. ANGWIN: When this matter was before us previously, we disagreed with the proposal, because it did not include everyone. Later on the Committee carried by a large majority, a new clause applying to everyone. I would prefer to see the reference to net trading, prospecting, or business losses deleted and confine it to net losses. Then it would apply to everyone.

The Minister for Mines: You would not make that apply to more than one year, would you?

Hon. W. C. ANGWIN: I am not dealing with that aspect for the moment. I cannot see why a person who is out of employment owing to sickness or shortage of work for several months in the year, should not be able to make a deduction as against his wages for the next year, just as a business man is to be permitted to do.

The Minister for Works: How could you arrange that seeing that wages are variable?

Hon. W. C. ANGWIN: They vary very little.

The Minister for Works: You would not say that if a carpenter is out of employment, he would not take work as a casual labourer.

Hon. W. C. ANGWIN: A man would take work at whatever he could turn his hand to. Many men are out of employment now. Their wages for the year may only amount to £100; next year they may amount to £250. A man will have to pay his full tax on £250 without being allowed to set off his losses in wages for the previous year.

The Minister for Mines: Where are his losses for the previous year?

Hon. W. C. ANGWIN: He cannot make up the wages he lost through unemployment.

The Minister for Mines: How could you say what that would amount to?

Hon. W. C. ANGWIN: The Commissioner could say from the taxation assessments. How are you going to arrive at the basis of any loss, because he does not work the full number of days in the year?

The Minister for Mines: The only way to do it is if his income falls, the difference may be allowed in a subsequent assessment.

Hon. W. C. ANGWIN: In the income tax return every person has to sign a declaration. Surely a workman's signature is as good as that of the business man. The business man

has an opportunity sometimes by an increase in trade of making up his loss, the workman has no such opportunity. He has to pay off back debts very often. I should like to know whether I would be in order in moving to strike out the words "trading, prospecting or business."

The CHAIRMAN: It will be necessary for the Minister to temporarily withdraw his modification.

The Minister for Mines: I will do so.

Modification by leave withdrawn.

Hon. W. C. ANGWIN: This clause is really embodied in Clause 29 of the Bill. Now it has been altered to such an extent that it will only apply to certain persons. I move a modification—

That the words "trading, prospecting or business" be struck out.

The MINISTER FOR MINES: I agree with the principle as outlined by the hon. member that all taxpayers should be put on the same basis. You cannot get absolute equality in the imposition of income tax. If you did you would have to go into the question of the calling of each individual. There is a vast difference between income derived by an individual, and income derived by a person engaged in a business. If a carpenter in receipt of £1 a day works 320 days in the year he earns £320. If in the next year he worked for only 120 days his income would fall to £120. In the following year he could deduct his loss, but as a matter of fact he has not made an actual loss in the same sense as the man engaged in business. If a business man makes a loss he does not take anything out of his business, he puts something into it, and in the following year you allow him to take out what he had to put in in the previous year to make up his loss. But if he takes it out as fees as a director or as salary as a manager, it is income. The two cases, therefore, are not parallel. The Council's amendments do not meet what the Council desire, and I think it will be better to adhere to the proposal previously put up by the Assembly of the three years' average.

Sitting suspended from 8.10 to 8.30 p.m.

The MINISTER FOR MINES: I hope the amendment of the member for North-East Fremantle will not be carried, because it will only make confusion worse confounded. The better course would be to omit the proposed subsection altogether for the present, so that we may first ascertain what effect it would have on the finances. I candidly admit that I fail to see how the proposal would operate.

Mr. PICKERING: While I agree that it is difficult to make provision on the lines suggested by the member for North-East Fremantle, I do not at all favour the deletion suggested by the Minister for Mines. Averaging one's income on the past three years, one might find oneself paying on an excessive income.

Hon. W. C. Angwin: The averaging could start from this year. There need be no going back.

Mr. PICKERING: That is not what the amendment says.

Hon. W. C. Angwin: But we can amend it so that it will say that.

Mr. PICKERING: I am not prepared to agree that the allowance for losses should be cut out. In the North-West there have been droughts extending over as much as three years. Thus the position of a pastoralist might be very serious in respect of this legislation. I fail to see how the amendment of the member for North-East Fremantle can be given effect to; otherwise I would support it. The system of book-keeping which that amendment would involve would be highly expensive.

The Minister for Works: And very intricate.

Mr. PICKERING: I support the retention of the clause as it comes to us from the Council.

Mr. ANGELO: I hope the Council's amendment will be agreed to. I would remind the Minister for Mines and the Committee that a precedent has already been established by the Federal Taxation Department.

The CHAIRMAN: It would be better if the discussion were restricted to the deletion of certain words, proposed by the member for North-East Fremantle.

Mr. JOHNSTON: I hope the Council's amendment will be retained, subject to the amendment moved by the member for North-East Fremantle, who put up a very good argument for applying the Council's amendment to all sections of the community, and not merely to the trade and business interests, which receive so much consideration.

The Minister for Mines: That is only so much wind.

Mr. JOHNSTON: The Minister spoke of the Council's amendment as being in lieu of the clause providing for the averaging system. That clause went through here in the early morning, when we were very tired; and it went through in such a form that its effect would be most injurious, particularly to the farming interests. The farmers had two years of high prices; and, if they were now to pay on the average of three years, they would be paying on an income very much higher than that actually received by them. That is the point.

The Minister for Mines: No. The point is, how will the amendment of the member for North-East Fremantle apply?

Mr. JOHNSTON: I am given to understand that the select committee of the Upper House who brought forward this amendment ascertained beforehand that it would be workable.

The Minister for Mines: Not subject to the amendment of the member for North-East Fremantle.

Mr. JOHNSTON: The Minister says, "Let us throw out this amendment of the Council entirely."

Mr. HARRISON: I disagree with the member for North-East Fremantle. It will be impossible to carry his proposal into effect. There are any number of salary earners and no accounts or books are kept to verify their earnings. They already have exemption to a certain amount.

Hon. W. C. ANGWIN: Employers have to keep books.

Mr. Harrison: Many men go from employer to employer.

Hon. W. C. ANGWIN: The Taxation Department require employers to supply lists of their employees and of the income earned by them. The employees have to submit their returns and the two can be checked. The same applies to wages. The only way to put a check on a business man is to make an audit of his books. I do not object to the Council's proposal, but all taxpayers should be served alike. If any difficulty presents itself, it can be remedied next year.

The MINISTER FOR MINES: It is useless for the hon. member to argue that a check can be kept on wages and salaries as on a business trading account. The trading account must be submitted every year, irrespective of whether there is a profit or a loss. If a salary earner's income falls below the exemption, he does not put in a return.

Mr. Chesson: But the employer puts in a return.

The MINISTER FOR MINES: Yes, showing that Jim Jones worked for a certain period and earned so much. If the department had to compare Jim Jones's return with the lists supplied by all the employers for whom he worked, an army of clerks would be required. The employers' list is merely used for a check and not to arrive at the amount which Jones has earned during the year.

Mr. Chesson: But Jim Jones would be employed at a certain factory or works.

The MINISTER FOR MINES: If he remained with the one employer for the full year, the department would be able to get at him. If a trader's account shows a loss, the trader has earned less than nil and has to draw from some other source to make up the loss. If a wage earner receives only £10 for the year, he has earned something. That illustrates the difference between the two cases. There is absolutely no parallel between the respective losses. Even if the amendment of the member for North-East Fremantle were passed, no court would permit a man to say that, because his salary fell below £1 a day for 320 days in the year, he had sustained a loss. There must be a limit somewhere, and that limit is provided by the words "trading, prospecting or business" in connection with which returns must be made. If a business man last

year had an income of £5,000 and this year an income of only £2,000, would we accept his statement that he had sustained a loss of £3,000? That is what the member for North-East Fremantle is arguing. A pastoralist in a good season makes perhaps £10,000 and next year only £5,000; would he be allowed to deduct the £5,000 as a loss because his income was so much less than in the previous year? There can only be a loss when the income falls below zero.

Mr. Heron: How are you going to find out whether a prospector makes a loss?

The MINISTER FOR MINES: I do not know.

Mr. Heron: You are going to pass it over.

The MINISTER FOR MINES: I do not wish to call attention to a provision which may prove beneficial, but which, on the face of it, appears to be impracticable. If the amendment is passed, it will not affect salary and wages earners. The only way we can provide for them is by giving a reasonable exemption.

Hon. W. C. ANGWIN: A man in business allows himself so much a year as salary. He has no personal loss. I want the same consideration for the worker. The profits on a business are calculated after all due charges have been made. If a man is able to work only six months in the year, he suffers a dead loss and should be entitled next year to relief equal to the loss sustained, just as other people are.

Mr. TROY: This amendment proposes to grant the consideration which I sought to give when the Bill was previously under consideration, except that I suggested three years and this provides a limitation of five years. My amendment, however, was turned down. The member for North-East Fremantle desires to have struck out the words "trading, prospecting or business" in order that the deduction shall apply to all.

The Minister for Mines: It cannot apply in the way the member for North-East Fremantle desires.

Mr. TROY: I understand from his arguments that he considers the wages men ought to deduct their losses.

The Minister for Mines: What losses?

Mr. Lutey: Anything under a living wage.

Mr. TROY: The Bill only provides that the taxpayer shall deduct from his income his taxable losses, but the wages man has no legitimate taxable losses under the Bill. These other people have. The prospector has to incur certain expense in producing his income, but the wages man has to incur none. The prospector and others similarly situated should be able to deduct from their incomes the losses they have incurred in earning them.

Hon. W. C. Angwin: If this Bill becomes law the deductions will be made next year out of the taxpayers' earnings.

Mr. TROY: I do not see why the hon. member should be allowed to confuse the issue. I intend to vote for this principle, which is one that I have often fought for.

Modification put and a division taken with the following result:—

Ayes	10
Noes	17

Majority against	..	7
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AYES.

Mr. Angwin	Mr. Johnston
Mr. Chesson	Mr. Lutey
Mr. Collier	Mr. Munsie
Mr. Corboy	Mr. J. H. Smith
Mr. Heron	Mr. O'Loghlin

(Teller.)

NOES.

Mr. Angelo	Mr. Pickering
Mr. Boyland	Mr. Plesse
Mr. Broun	Mr. Sampson
Mr. Davies	Mr. Scaddan
Mr. Denton	Mr. Teesdale
Mr. George	Mr. Troy
Mr. Harrison	Mr. Underwood
Mr. Mann	Mr. Mullany
Mr. Marshall	

(Teller.)

Modification thus negatived.

The MINISTER FOR MINES: The Committee might consider the desirability of reducing the five years to three or one. I do not like the three years' provision, because it leaves it open to traders to take advantage of one bad year to make a sudden reduction in their incomes when they have had a good year and are in a position to pay the tax. To test the feeling of the Committee I move a modification—

That the words "one or more years" be struck out."

If that is agreed to I shall then move a further amendment to insert the words "the year immediately preceding."

Mr. ANGELO: I would be prepared to accept the amendment if, in lieu of the words struck out, a provision was made for three years. The Federal Taxation Commissioner has ruled that losses on station properties during the previous five years can be allowed by way of deductions against the wartime profits tax. I take it this would also apply to any other business that is subject to the influence of the weather. If only one year was allowed not much relief would be afforded to the pastoralist. At the conclusion of a drought it will take him some time to replace his breeding stock to enable him to continue operations. If three years are allowed he will have some opportunity of building up again. He should, therefore, be allowed to deduct his losses over at least three years. Recently some portion of the North-West suffered from a severe drought, and in one case I know of 100,000 sheep dropped to 20,000 sheep. The pastoralist has been netting 3s. 6d. each for full-grown sheep, whereas the department debits him with 7s. 6d. for every lamb dropped. The man whose flocks have been reduced from 100,000 to 20,000 has no inducement to build up again since he is charged on his paper pro-

fits. I know two or three pastoralists who have actually taken steps to prevent their flocks being built up again until such time as the system of taxation is altered. I hope the Committee will agree to the Council's amendment.

Mr. PICKERING: It is possible that a serious loss might be sustained in one year which cannot be counteracted by next year's income. Therefore, I think the Council's amendment is right.

Mr. TROY: I do not think the Minister likes the amendment. He regards it from the point of view of a member of a Government wanting money.

Hon. W. C. Angwin: Not unlike your own view. You want to get work out of the workers for nothing.

Mr. TROY: Nonsense! I have just as much concern for the worker as has the hon. member. I am willing to support the three-year proposal.

The Minister for Mines: I ask leave to withdraw my modification.

Modification by leave withdrawn.

The MINISTER FOR MINES: I move a modification—

That in line 2 of paragraph (a) of proposed Subsection 2 "five" be struck out and "three" inserted in lieu.

Modification put and passed.

Hon. W. C. ANGWIN: I move a modification—

That the proviso to paragraph (b) of proposed Subsection 2 be struck out.

Many workers are struggling to pay for their homes, and in some instances their net income might be £250.

Modification put and passed.

Mr. PICKERING: I move a modification—

That the proviso to paragraph (c) of proposed Subsection 4 be struck out.

The MINISTER FOR MINES: Members are always anxious to find means of calling upon the Government to spend money, or alternatively refrain from collecting it. This is a concession not previously granted, and now we are asked to still further whittle away our income tax. A man with a taxable income of £250 ought to be able to pay his medical expenses.

Mr. Troy: I think the amount might be raised to £400.

The MINISTER FOR MINES: Then the public will suggest that we only want to exempt ourselves.

Mr. ANGELO: A little while ago in my electorate a man earning £260 or £300 had to send for a doctor and that trip cost him £160. How is that man going to get on when his income is only £260 or £300? Will he be allowed a reduction for the medical expenses incurred?

Members: No.

Mr. ANGELO: This is working harshly on the pioneer. If the Minister will make the amount £400 it will be all right.

The MINISTER FOR MINES: If the House scrapped all legislation and made me dictator I would deal with each individual case as it arose. While the hon. member draws the long bow about someone in the back country, he wants us to amend the Act to enable someone down here who perhaps only spends about £5 in a similar way to get exemption. The hon. member should go right through the Act and provide for differential exemption. Where does the hon. member imagine that the Treasurer is going to get his money from?

Mr. TROY: I know of dozens of cases like the one quoted by the member for Gascoyne. During the influenza epidemic it was found necessary on the Murchison to send considerable distances for medical aid; often over 100 miles. It is not an unusual occurrence in the outback places for medical men to have to travel hundreds of miles by ear, and naturally they are compelled to charge a big fee. The whole system of taxation needs revision and special consideration should be given to those in the back country.

Mr. DAVIES: We have already agreed that the taxpayer may deduct from his income the cost of repairs he may effect to his dwelling house, but he is not allowed to deduct anything for medical expenses. Unless we put the medical expenses on the same plane as repairs to a house, we shall hold ourselves up to ridicule. If it is right to grant the exemption in one case, it is right to grant it in the other.

Mr. MUNSIE: I do not agree with the view of the hon. member. Whilst I do agree that the amount should be higher, at the same time I am going to place everyone on the same footing.

Mr. JOHNSTON: In Perth a man can get a doctor for his wife in the middle of the night for two guineas, but people in the country are not so fortunately situated and they have to pay as much as £50 for a similar service. We allow £50 a year deduction for life insurance and, therefore, we might do the same in connection with medical expenses. The rate of tax is being increased on the wealthy man all the time, and I would rather grant this relief to him than refuse it to the poor farmer in the back blocks.

Mr. PICKERING: In my electorate there are people living as far as 50 miles from a doctor, and the fee they have to pay for a medical visit is from 10 guineas to 15 guineas. If the doctor is detained for any length of time, the fee is considerably more. The deduction should be a general one.

Mr. TROY: If the proviso is struck out, can another proviso be moved in its place? I do not think so.

The CHAIRMAN: Not in the same words.

Mr. Pickering: I want to see the proviso struck out altogether.

Mr. TROY: In that case I am not in favour of the hon. member's amendment.

Mr. MUNSIE: Before I vote, I want to know what the proviso is? I have no proviso before me.

The CHAIRMAN: To make the matter clear, I mention that the Council's amendment which I have before me reads—

Medical expenses incurred by a taxpayer on behalf of himself or those dependent upon him: Provided that this deduction shall not apply where the taxable income exceeds £250.

Mr. JOHNSTON: I did not understand that the words "not exceeding £50" after the words "medical expenses" had been struck out. I understood from you, Sir, that you would draw attention to any departure from the printed matter before members. I shall be glad if the member for Sussex will withdraw his modification, so that I may move the reinsertion of the words "not exceeding £50."

Mr. PICKERING: Understanding that I can subsequently move my modification again, I ask leave for the present to withdraw it.

Modification by leave withdrawn.

Mr. JOHNSTON: I now move a modification—

That in paragraphs (c) of proposed Subsection 5, after the words "medical expenses," there be inserted "not exceeding £50."

The MINISTER FOR MINES: I hope the Committee will not agree to the modification of the member for Williams-Narrogin. That hon. member just now was urging consideration for men in the back blocks, who, he said, were often put to huge expenditure for medical visits. Now the hon. member seeks to limit the back-blocks farmer in the same way as the city dweller. Hon. members are not thinking seriously of what they are doing.

Amendment put and negatived.

Mr. PICKERING: I now again move my modification—

That in paragraph (c) of proposed Subsection 5 the following words be struck out: "Provided that this subsection shall not apply where the taxable income exceeds £250."

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

Ayes	..	..	..	11
Noes	..	..	..	17
Majority against				.. 6

AYES.

Mr. Angelo	Mr. Pickering
Mr. Denton	Mr. Sampson
Mr. Harrison	Mr. J. H. Smith
Mr. Heron	Mr. Troy
Mr. Johnston	Mr. Chesson
Mr. Marshall	(Teller.)

NOES.

Mr. Angwin	Mr. Mann
Mr. Boyland	Mr. Munsie
Mr. Broun	Mr. O'Loghlin
Mr. Clydesdale	Mr. Scaddan
Mr. Collier	Mr. Teesdale
Mr. Corboy	Mr. Underwood
Mr. Davies	Mr. Wilson
Mr. George	Mr. Mullany
Mr. Lutey	(Teller.)

Modification thus negatived.

Mr. ANGELO: Can I move an amendment to insert after £250 the words "after allowing for medical expenses incurred"? A man may have an income of £360, and may find himself compelled to pay a medical practitioner a fee of as much as £160. The insertion of the words I suggest would not affect the principle just adopted by the Committee, that no one with an income above £250 net per annum should be allowed to deduct medical expenses. In the case I refer to, the deduction of the £160 medical expenses would bring the man's income below the maximum of £250 fixed by this clause.

The MINISTER FOR MINES: He would not pay.

Hon. W. C. Angwin: He would not have £250 as his taxable income.

The MINISTER FOR MINES: After the man has arrived at his taxable income, all deductions having been made, the amount incurred for medical expenses will be deducted from the taxable amount.

Mr. ANGELO: With the Minister's assurance that that is the position—

The MINISTER FOR MINES: I do not give the member for Gascoyne an assurance. The Act provides for that.

Mr. MUNSIE: Regarding paragraph (d) which reads, "Reasonable travelling expenses incurred in producing or protecting the assessable income," what does this mean?

The MINISTER FOR MINES: It means that if a person has expenses when travelling which are incurred for the purpose of producing or protecting his business, he is entitled to deduct those expenses from his income.

Hon. W. C. Angwin: What about the man travelling to his work?

The MINISTER FOR MINES: I do not know about that. The Commissioner would have to decide whether such a deduction would be a reasonable one.

Mr. TEESDALE: I oppose this paragraph which I consider is dangerous. Anything one likes can be read into it. If a person drops in at a place on the road for a couple of "snifters," he can deduct the cost as business expenses.

The MINISTER FOR MINES: No, because that would not be reasonable.

Mr. TEESDALE: On the contrary, it would be very reasonable. I move a modification—

That paragraph (d) be struck out.

Mr. TROY: The member for Roebourne is hasty in moving his amendment though I con-

sider it is a reasonable one. People have to travel long distances in connection with their business and incur considerable expenditure. That expenditure should be allowed as a business deduction.

Mr. Teesdale: You want to cover the cost of tucker!

Mr. TROY: Such people should be entitled to deduct reasonable expenses.

Mr. Teesdale: You are opening up a nice business now!

Mr. Johnston: Such expenses are allowed under the Federal Act.

The Colonial Secretary: Those deductions can be made at the present time.

Mr. TROY: But the Commissioner only allows what he considers reasonable. For instance, the Commissioner refused to allow as a deduction the wages paid to men employed to trap dingoes which destroyed the sheep. The Commissioner refused to allow that deduction although the expenditure was incurred in the protection of income.

Hon. W. C. ANGWIN: That is allowed now.

Mr. TROY: If the amendment be agreed to, it will certainly not be allowed. There is more danger in wiping out the paragraph than in leaving it in the Bill.

Hon. W. C. ANGWIN: The paragraph deals with travelling expenses incurred in producing and protecting incomes so that the remarks of the member for Mount Magnet hardly apply to the paragraph.

[Hon. G. Taylor took the Chair.]

Mr. Troy: It is of importance.

Hon. W. C. ANGWIN: I am anxious to see that the workers are permitted to deduct from their income their travelling expenses to and from work. The Minister has indicated that he has some doubt as to whether that would apply. If the member for Roebourne withdrew his amendment, we could make provision for that aspect and then could take a vote on the paragraph as amended. The paragraph appears to be inserted for the protection of business men, agriculturists and pastoralists, and throughout the Bill references to the workers have been deleted.

Mr. Lutey: This is a glaring illustration of that.

Hon. W. C. ANGWIN: Apart from increasing the amount for deduction on account of children from £26 to £40, everything regarding the workers has been deleted.

The Minister for Mines: Strike out the paragraph!

Mr. Lutey: If we do that, we are gone.

The Minister for Mines: You will not miss much.

Hon. W. C. ANGWIN: If the workers cannot receive consideration, the others will not have it. Travelling expenses should be allowed in both cases.

Mr. LUTEY: I appeal to the member for Roebourne to withdraw his amendment and give us a sporting chance to deal with this matter as it affects the workers.

The Minister for Mines: Do you want me to get exemption for the petrol I use in my motor car?

Mr. LUTEY: There is a big tax on workers in respect to the cost of travelling to their employment.

The Minister for Mines: But they cannot bring proof of it.

Mr. LUTEY: Yes, they can. The fact of their residence being distant from their work would be proof.

Mr. TEESDALE: I ask leave to withdraw my amendment. The hon. member is complaining of class taxation and, when I attempt to cut it out, he still complains.

Modification, by leave, withdrawn.

Hon. W. C. ANGWIN: I move a modification—

That after "in" in line 2 of paragraph (d) the word "earning" be inserted.

The MINISTER FOR MINES: I prefer to see the provision struck out rather than have it so amended. It will not attain what the hon. member desires. The Commissioner of Taxation will not accept a bald statement made by taxpayers.

Hon. W. C. Angwin: They have to make a declaration.

The MINISTER FOR MINES: They have to produce evidence of receipts and expenditure.

Hon. W. C. Angwin: They can do it, too.

The MINISTER FOR MINES: If the hon. member feels that we are granting a concession to one section of the community let him vote against the paragraph.

Mr. TROY: I hope the paragraph will not be struck out. If the taxpayer cannot satisfy the Commissioner, he will not get a deduction. The member for North-East Fremantle is willing to take the risk of the taxpayer being able to satisfy the Commissioner. Therefore, I support the modification.

Modification put and passed.

The MINISTER FOR MINES: I move a modification—

That in line 1 of the proposed new Subsection 11, "forty" be struck out and "thirty" inserted in lieu.

The Commonwealth exemption is £30 and as we are trying to secure uniformity, it would be as well to make our exemption £30.

Mr. MUNSIE: If uniformity is desired, let the Federal authorities bring their exemption up to £40. I will never agree to an amendment increasing the taxation on a man with a family.

Mr. Teesdale: If there is no revenue, you cannot provide work for him.

Modification put and negatived; the Council's amendment, as previously modified agreed to.

No. 4. Clause 10, Subclause (1): Strike out the word "two" in line 4 and insert "three."

The MINISTER FOR MINES: I move—

That the amendment be agreed to.

The object here also is to bring about uniformity.

Hon. W. C. ANGWIN: The amendment will give three years instead of two years in which to apply for a refund of taxation. Surely the shorter period is sufficient.

Mr. Teesdale: Any time before the taxpayer dies will do.

Hon. W. C. ANGWIN: How can we protect the funds of the State if we extend the period in this way?

Question put and negatived; the Council's amendment not agreed to.

No. 5. Clause 20. Add at the end, a further proviso as follows:—Provided also that the Commissioner may in such cases as he thinks fit—(a) extend the time for payment as he considers the circumstances warrant; or (b) permit the payment of tax to be made by instalments within such time as he considers the circumstances warrant.

The MINISTER FOR MINES: I move—

That the amendment be agreed to.

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

No. 6. Clause 29—Strike out this clause.

The MINISTER FOR MINES: I move—

That the amendment be agreed to.

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

No. 7. Add a new clause as follows:—Section 31 of the principal Act is amended by adding to Subsection (3) the words:—“unless the Commissioner is satisfied that the payments have been made bona fide in the course of business and for services rendered.”

The MINISTER FOR MINES: This amends Section 31 of the principal Act. I move—

That the amendment be agreed to.

Hon. W. C. ANGWIN: We should have some explanation regarding this. Most of us would be able to evade the payment of any taxation whatever. I am surprised at the Minister accepting the amendment. If a man earning £200 a year gave his wife £50, he would be exempt from taxation.

Mr. Samson: The Department would have to be satisfied that the deduction was a bona fide one.

Question put and negatived; the Council's amendment not agreed to.

Resolutions reported, and the report adopted.

A Committee consisting of Hon. W. C. Angwin, Mr. Teesdale, and Hon. J. Scaddan drew up reasons for disagreeing to amendments Nos. 1, 4 and 7 made by the Council,

and for agreeing to No. 3 subject to a further modification.

Reasons adopted, and a message accordingly returned to the Council.

BILL—ARCHITECTS.

Council's Message.

Message received from the Council notifying that it had agreed to the modification made by the Assembly in the Council's amendment No. 3, and did not insist on Council's amendment No. 5.

BILL—LICENSING ACT AMENDMENT.

Council's Amendments.

Message received from the Council notifying that it had agreed to the Bill subject to two amendments, in which it desired the concurrence of the Assembly now considered.

In Committee.

Hon. G. Taylor in the Chair; the Minister for Works in charge of the Bill.

No. 1. Clause 2—Add the following at the end of the proviso:—“For a club registration already promised by the licensing bench.”

The MINISTER FOR WORKS: I do not like this. I understand it applies to the A.N.A. building, on the foreshore. As Minister for Works I am still in negotiation with the A.N.A. as to whether a license shall be applied for. I am not in favour of a license for a building of that sort. Had I known they proposed to get a license, I should not have agreed to that building being placed on the foreshore. However, there is in the lease a clause under which I can cancel the lease, and I will soon do it. I move—

That the Council's amendment be agreed to.

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

No. 2. Add a new clause to stand as Clause 3 as follows:—“The provisions of this Act shall not apply to the goldfields districts, nor to the North-West district, as defined by the Sale of Liquor Regulation Act, 1915.”

The MINISTER FOR WORKS: I move—

That the Council's amendment be agreed to.

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

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

BILL—LOAN.

Returned from the Council without amendment.

Sitting suspended from 10.52 p.m. till 12 midnight.

BILL—TRAFFIC ACT AMENDMENT.

Council's Amendments.

Message received from the Council notifying that it had agreed to the Bill subject to two amendments in which it desired the concurrence of the Assembly.

In Committee.

Mr. Stubbs in the Chair; the Minister for Works in charge of the Bill.

No. 1. Clause 4. Paragraph (a) strike out "fifty" and insert "sixth."

The MINISTER FOR WORKS: I move—
That the amendment be agreed to.

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

No. 2. Clause 4—Strike out paragraphs (b) and (d).

The MINISTER FOR WORKS: I move—
That the amendment be agreed to.

Hon. W. C. ANGWIN: Does the Minister intend to do away with the permanent hire sign for cars on the rank?

The Minister for Works: Yes.

Mr. SAMPSON: Are all discs to be uniform irrespective of whether the cars come from garages or ranks?

The Minister for Works: Yes.

Mr. MANN: Has the Minister considered the advisableness of licensing cycle taxis?

The Minister for Works: I think that is a reasonable thing, and I will frame a regulation.

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

Resolutions reported, the report adopted and a Message accordingly returned to the Council.

BILL—LAND AND INCOME TAX ASSESSMENT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it had agreed to the Assembly's modifications of the Council's amendments

BILL—GRAIN.

Council's Message.

Message from the Council received and read notifying that it insisted on its amendments.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [12.10]: The Government do not intend to proceed further with this Bill. I move—

That the Bill be laid aside.

Hon. W. C. ANGWIN (North-East Fremantle) [12.11]: A lot of time has been devoted to this Bill and some reason should be given for laying it aside. The other

night the Minister for Agriculture stated that the company were looking for a scapegoat. I do not believe in Parliament being made the scapegoat. If Parliament fails to pass the Bill, it will become the scapegoat. It would be better to accept the amendments made by the Council. If we passed the measure even as amended by another place, it would be the company's own concern if it did not proceed with the works. I regret that the Government propose to lay the Bill aside. We have granted the company a lease of land adjoining the Fremantle wharf, which lease is subject to amendments by Parliament if made within twelve months. The lease has been granted and registered. Parliament has no right to say whether the lease shall be cancelled, but it has a right to say what amendments shall be made.

The Minister for Works: There was no discretion with this House at all.

Hon. W. C. ANGWIN: There was in connection with the amendment. The lease was amended by the Bill. If the Bill is laid aside, the conditions of the lease will hold good, because Parliament will not have an opportunity to amend them. The Council has amended the conditions of the lease considerably, and we have no opportunity of discussing their amendments. The Bill should be passed in some form or other to save the face of Parliament.

Mr. CORBOY (Yilgarn) [12.13]: The point raised by the member for North-East Fremantle is sound. In order to secure the modifications made to the lease, it would be worth while getting the Bill through in some form, even the wreck sent back by another place. I appeal to members to vote against the motion, in order that we may consider the amendments and possibly arrive at some understanding with another place. I want to see the Bill passed so that we shall not lose the opportunity of amending the lease, as we inevitably shall do if the Bill is laid aside.

The Minister for Works: What was the date of the lease?

Hon. W. C. Angwin: The 31st March, 1921.

Mr. CORBOY: The twelve months will be up before we meet again.

Mr. JOHNSTON (Williams-Narrogin) [12.14]: If a scapegoat is being sought in connection with the shelving of this Bill, I, as one associated with this movement, will be prepared, in view of the form in which the Bill has been returned from another place, to take my full share of the responsibility for supporting the motion of the Minister for Works. Had the Bill come back from the other House in its original form it would have received the unanimous support of the cross benches. The Bill as sent to the Upper House contained 14½ pages. In two amendments the Council struck out practically 14 pages. We are

now asked to pass the attenuated remains of what was designed to help forward the bulk handling movement.

Hon. P. Collier: You do not judge amendments by bulk.

Mr. JOHNSTON: There are important principles involved.

Mr. SPEAKER: Order! The motion is to lay aside the Bill.

Mr. JOHNSTON: I would prefer to see the Bill laid aside than have it passed in a form that has robbed it of all those principles which would have helped the farmers to establish the co-operative graingrowers' movement and the bulk handling system. All that we have left is a measure imposing a number of nasty liabilities upon the farmers and the company, whilst giving them no statutory or other help.

Mr. Corboy: Are they not interested in the lease?

Mr. JOHNSTON: If there is no legislation on the subject it will be possible, I think, for the farmers to come together and go on with the movement without any help from Parliament, which has always been denied by the Upper House, and build their own co-operative elevators. Unless the Bill is laid aside and the farmers are left to work out their own destiny we shall have no bulk handling at all. The Council has sent back to this Chamber only impositions, liabilities, disabilities and hindrances, preventing the farmers from bringing into operation the bulk handling system. I ask members to support the Minister for Works, and leave farmers free to do what they can, without any oppressive legislation, to bring this scheme into operation.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington—in reply) [12.18]: The reason actuating me in this matter is that I can see no likelihood of any good resulting from a conference with the Council. I would welcome a conference if I thought otherwise. The Bill as insisted upon by another place consists practically of the title and one or two unimportant clauses.

Hon. W. C. Angwin: It was amended at the request of the company.

Mr. Corboy: The company agreed to all those amendments.

Mr. Pickering: Not all.

The MINISTER FOR WORKS: From what I can see it would be better to take the course proposed. On the question of the lease this Chamber and the Council are practically in accord, but as to the Bill itself we have insisted upon the clauses being reinstated while the Council has insisted upon it remaining a mere skeleton. It would, therefore, be futile to ask for a conference. It would not be possible for us to reconcile the differences between us. On those grounds the only course left is that which I have indicated, namely, to let the matter drop. We are practically at a deadlock, and if we cannot move the only thing to do is to drop the Bill.

Question put and a division taken with the following result:—

Ayes	16
Noes	13

Majority for	..	3
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Ayes.

Mr. Angelo	Mr. Richardson
Mr. Boyland	Mr. Sampson
Mr. Broun	Mr. Scaddan
Mr. Denton	Mr. Stubbs
Mr. George	Mr. Teesdale
Mr. Harrison	Mr. Underwood
Mr. Johnston	Mr. Mullany
Mr. Mann	(Teller.)
Mr. Pickering	

Noes.

Mr. Angwin	Mr. Munsie
Mr. Chesson	Mr. J. H. Smith
Mr. Collier	Mr. Troy
Mr. Corboy	Mr. Wilson
Mr. Heron	Mr. O'Loghlen
Mr. Lutey	(Teller.)
Mr. Marshall	

Question thus passed.

Bill laid aside.

BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Returned from the Council without amendment.

ADJOURNMENT—CLOSE OF SESSION.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [12.22]: I move—

That the House at its rising adjourn until Tuesday, 21st February.

Mr. SAMPSON (Swan) [12.23]: Yesterday I gave notice of my intention to move a motion to the effect that in the opinion of this House adequate compensation should be paid to Thomas Mable by reason of his detention in the Claremont Hospital for the Insane. Apparently the motion is to be bludgeoned to death without any consideration. I hope I shall be permitted to deal with it.

Mr. SPEAKER: I have no part in the matter. At this stage the hon. member must give reasons why the question before the Chamber should not be passed.

Mr. SAMPSON: The effect of the motion is to jettison my motion.

Mr. SPEAKER: The hon. member cannot discuss his motion now, but must confine himself to giving reasons why the motion of the Minister for Works should not be carried.

Mr. SAMPSON: The importance of the subject I have to deal with is a reason why the motion should not be carried. I am prepared to set forward the facts very briefly.

Mr. SPEAKER: The hon. member cannot do so on this motion.

Mr. SAMPSON: My motion has been on the Notice Paper for months.

Mr. SPEAKER: The hon. member put it on the Notice Paper only yesterday.

Mr. SAMPSON: There was some misunderstanding. It went off the Notice Paper the day before.

Mr. SPEAKER: The hon. member is not in order in saying that. It is not the position. He should not mislead the House.

Mr. SAMPSON: I hope the House will permit the subject to be discussed. I will promise to be brief.

The Minister for Mines: You are not giving much evidence of that now.

Mr. SAMPSON: I hope hon. members will agree that my motion is of sufficient importance to be discussed here.

Hon. P. COLLIER: I should like to ask whether it is not necessary to deal with the business on the Notice Paper by discharging it?

Mr. SPEAKER: No. We have dealt with the Orders of the Day and with the messages passing to and from the Council, and we would now take these motions if it were proposed to deal with motions; but the Minister has moved that the House at its rising adjourn to the 21st February, and that is the only question before the Chair.

Hon. P. COLLIER: Then I object to the House adjourning until it has expressed an opinion on this motion, for it concerns a man to whom a cruel wrong has been done.

Mr. SPEAKER: The hon. member cannot go into the merits of that motion.

Hon. P. COLLIER: The Minister's motion means that the House will not have an opportunity for discussing the motion on the Notice Paper, and to show why the motion on the Notice Paper should be discussed, I am entitled to explain that a wrong has been done to somebody.

The Minister for Works: I will agree to withdraw my motion.

Hon. P. COLLIER: Very well.

The MINISTER FOR WORKS: When I moved my motion, I was of the impression that it was not desired to go on with the motions on the Notice Paper. I will withdraw my motion.

Motion by leave withdrawn.

MOTION—EDUCATION, FEES AT TECHNICAL SCHOOL AND SCHOOL OF MINES.

Order of the Day read for the moving by Hon. P. Collier of the following motion—
“That it be a direction from the House to the Minister for Education that he take all necessary steps for the cancellation of the regulations which impose fees upon students at the Technical School and the School of Mines, as published in the ‘Government

Gazette,” dated November 11th and November 25th, 1921, respectively, and to restore the previous regulations abolishing fees at the said schools.”

Hon. P. COLLIER (Boulder) [12.35]: I have discussed this matter with the Premier, and in view of the assurance given me by him, I do not intend to proceed with the motion. I gave notice because I read in the ‘Government Gazette’ that it was proposed to impose fees on students at the Technical School and the School of Mines. However, the Premier assures me it is not intended to impose those fees on ordinary students, but only on adults who use the Technical School and the School of Mines as a hobby, so to speak. On that assurance, I will withdraw my motion.

Motion by leave withdrawn.

MOTION—LORD FORREST MEMORIAL.

Change of name of King's Park.

Mr. PICKERING (Sussex) [12.36]: I move—

That in the opinion of the House a fitting tribute to the memory of the late Lord Forrest would be effected by the change of name from ‘King's Park’ to ‘Forrest Park.’

It is a great misfortune that this motion was not brought on earlier.

The SPEAKER: The hon. member was not present at the proper time.

Mr. PICKERING: But the Premier had given me an assurance that it would not be brought on for some time. For long past, the question of a public memorial to Lord Forrest has been discussed. It is not necessary that I should dilate on the career of Lord Forrest, for it is known to every citizen of the Commonwealth. His whole life was devoted to the service of the State and of the Commonwealth, and the value of his services have been recognised throughout the world. The State conferred on him the greatest distinction in its gift. He was Premier of the State for so long as he remained in the State Parliament. He had conferred on him the dignity of knighthood, and in the Federal Parliament he occupied positions of great prominence. In my opinion he should have been Prime Minister. The British Empire, realising his services to the Empire, accorded to him the greatest distinction ever conferred on any Australian, an action that was endorsed by every citizen of the Commonwealth. One outstanding feature of Lord Forrest's character was his breadth of vision. In looking around for a fitting tribute to his memory, we could not find anything more apt than the changing of the name of ‘King's Park’ to ‘Forrest Park.’ The suggestion cannot be stigmatised as leze majesty, because the name ‘King's Park’ has no real meaning. It is not as if it were named ‘King Edward Park’ or ‘King George Park.’ Indeed it might

have been called after King O'Malley. The name "Forrest Park" would identify it with the greatest citizen this State has produced.

The Minister for Works: Would he have desired that the park should be named after him?

Mr. PICKERING: That is not the question; it is what the people want. This particular testimonial to his worth would be especially fitting, and would not interfere with any public memorial to be erected to his memory; indeed, the park would provide an eminently fitting place for any monument the people might desire to erect to his memory. One newspaper had said this is a cheap way of doing things.

The Minister for Works: A cheap way of achieving notoriety.

Mr. PICKERING: I do not agree with that newspaper. One cannot think of anything more permanent than what I suggest. It has been truly said that this park is one of the most magnificent in the Commonwealth. I believe it is.

Hon. P. Collier: That has nothing to do with the question.

Mr. PICKERING: Yes it has, for the park would be a magnificent memorial. It is not necessary for me to prolong this.

Members: Hear, hear!

Mr. PICKERING: One or two members have made up their minds about this, but the majority realise that some such testimonial should be offered to the memory of Lord Forrest. The proposed public monument has been so long delayed as to be no compliment to his memory. In my opinion, the erection or dedication of a permanent memorial to Lord Forrest should be the business, not of private individuals, but of the State. I have pleasure in moving the motion.

Mr. JOHNSTON (Williams-Narrogin) [12.42]: I second the motion. The services of Lord Forrest are well known to all residents of the State, and will be recorded in the history of Western Australia. It appears to me nothing could be more appropriate than that the park which he preserved to the people of the State should be named after him.

Hon. P. COLLIER (Boulder) [12.43]: This is a somewhat remarkable motion, moved by a most remarkable member.

Mr. Pickering: It is not to me a subject for joke.

Hon. P. COLLIER (Boulder) [12.43]: This hon. member will find that I am in deadly earnest. I regard this as the most serious thing that has come before this Chamber. The hon. member says the distinguishing characteristic of Lord Forrest was his breadth of vision. Judging by this motion, I cannot say the hon. member will ever be known to posterity for his breadth of vision.

Mr. Underwood: Not even among the Underwoods!

Hon. P. COLLIER: No, not even among them. The member for Sussex says "Let us confer upon the late Lord Forrest the

greatest honour in our keeping." Then he suggests that we should name King's Park after the late Lord Forrest. There is a serious aspect to this question, but I will not touch upon that for the moment. Does the hon. member know that there is already a "Forrest Park" in the very heart of Perth?

Mr. Pickering: I did not know that.

Hon. P. COLLIER: Of course the hon. member did not know it!

Mr. Underwood: His ignorance is alarming!

Hon. P. COLLIER: Absolutely astonishing! The member for Sussex urges we should confer the highest honour in our keeping upon the late Lord Forrest and yet he is not sufficiently interested in the matter to know that there is already a park named after him.

Mr. Pickering: It must be an outstanding feature of the city.

Hon. P. COLLIER: Of course, a man who comes from the recesses of Busselton cannot be expected to know all the parks and open spaces in the City of Perth. There is a park known as Forrest Park in North Perth. It will be seen, therefore, that if the motion be agreed to, it will be necessary to bring forward another motion to change the name of that park, because it would hardly be necessary to have two parks in the one city known as Forrest Park. I know there are men in this city who are anxious to confer the greatest possible honour upon the late Lord Forrest—especially if that honour does not cost them anything. There are men who would commend the proposal to hand down the park for all time in the name of Lord Forrest, but those men have not subscribed a shilling towards the erection of a monument to him. Anything that is cheap and costs nothing is popular, especially if it brings a little popularity and notoriety to the person bringing the proposal forward. There are men who would support this motion. I do not say that those men are to be found inside this Chamber—the motion I know will be defeated—but those men outside have not contributed a "bob" to the appeal that has been going begging for so long in connection with the proposed Forrest memorial. The serious side of this question to my mind is that it indicates rank disloyalty on the part of the member for Sussex who has brought it forward.

The Minister for Works: Hear, hear!

Hon. P. COLLIER: Had it been Lenin or Trotsky or some other Bolshevik who had proposed to change the name of a park named after His Majesty, one could understand it, but coming from an hon. member of this House who would turn down the King—

Mr. Pickering: It is not named after any particular king.

Hon. P. COLLIER: "The King is dead; long live the King." The hon. member knows that it would be absurd to name the

park, King George's Park or King Edward Park. By calling it King's Park, we pay a compliment to all our kings.

Mr. Underwood: And for all time too.

Hon. P. COLLIER: It is sheer rank disloyalty on the part of the hon. member to turn down His Majesty the King and to change the name of a park which has been known for so long as King's Park.

Mr. Corboy: It was the late Lord Forrest who named the park.

Hon. P. COLLIER: The member for Sussex has taken the oath of allegiance and has sworn to bear true allegiance to His Majesty the King. Is this evidence of his allegiance to the King?

Mr. Wilson: It is lese majeste!

Member: What will Busselton say?

Mr. Teesdale: Cannot we find something to pick on for Queen Mary.

Hon. P. COLLIER: It is up to the Government to consider what action will be taken in this matter. We should consider whether the member for Sussex should be allowed to continue to sit as a member of this Chamber. He has shown himself by his action in moving this motion, to be guilty of rank disloyalty.

Mr. Teesdale: It is a matter for the Loyalty League to take up.

Hon. P. COLLIER: I want to know what the league intends to do. If the Loyalty League does not rise to the occasion, it may just as well disband. If Sir Walter James and his gallant band do not take action, they should go out of existence. The member for Sussex can say what he likes. It is only a quibble to say it is not named King George's Park or King Edward Park. The hon. member knows that it was never intended that it should be named after King O'Malley.

Mr. Corboy: And he should know after whom the late Lord Forrest called it.

Hon. P. COLLIER: That is so. If he could know that a member of this Chamber had brought forward such a motion, it would almost make the late Lord Forrest turn in his grave.

The Minister for Mines: He did not know that Pickering existed.

Hon. P. COLLIER: What would the late Lord Forrest have said if he had thought that a member of this Chamber was so absolutely disloyal as to submit a motion like the one under consideration? The matter cannot rest where it is now; it is far too serious. I do not know whether the responsibility rests with you, Mr. Speaker.

Mr. SPEAKER: I will consider the matter during the recess.

Hon. P. COLLIER: Some action will have to be taken. I am particularly sorry that this matter should have cropped up at a time when the Premier is absent from the State because the responsibility for taking action against the member for Sussex will devolve upon the Minister for Works, as deputy leader of the House.

Mr. Johnston: And he will hate doing it too.

Hon. P. COLLIER: I hope, whatever the fate of the motion may be, the deputy leader of the House, in the absence of the Premier, will move in the matter.

Mr. Teesdale: Delighted!

Hon. P. COLLIER: He certainly will have to take action against the member for Sussex.

Mr. Corboy: Is it right that the member for Sussex should be a Royal Commissioner?

Hon. P. COLLIER: He cannot properly be a member of this Chamber, let alone a Royal Commissioner. Any member bringing forward a motion of this description, must be disloyal to the core. What is the Minister for Works going to say about this matter?

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [12.52 a.m.]: At the outset I regret that any hon. member of this House should bring forward a motion of this nature. I knew the late Lord Forrest well. I knew him first in 1890 and I was proud indeed to be one to whom he could accord some respect and some personal regard. I am satisfied I am expressing what would be the opinion of Lord Forrest himself, that he would never desire a motion of this sort to be brought forward. What is now known as King's Park was at first known as Queen's Park in the reign of the late Queen Victoria. On the accession to the Throne of King Edward, the name was changed to King's Park. Lord Forrest was too big a man to desire any kudos such as that suggested. It was his desire that the name of the park should be in honour of His Majesty, to whom he rendered such loyal and splendid service. The late Lord Forrest was a man whose vision was too wide to permit any consideration of self aggrandisement to be viewed from the height of the tiniest ant hill to be met with in the plains of the State. The man who led expeditions throughout various part of the State with the full confidence of the men under him, who served so unselfishly the interests of his country and afterwards, and who on entering the realms of politics, had the high honour of the Premiership conferred on him, was far too big a man to desire such cheap personal aggrandisement as is proposed by the member for Sussex. He would resent the name of the King being dragged in the mire in such a way. I have heard many statements made by the member for Sussex since he has been a member of this Chamber, that have given me pain. At times I have had to speak rather strongly to the hon. member, but I feel sorry that he has not risen to the heights of his position as a member of this House.

Mr. Pickering: You are a good judge, anyway.

The MINISTER FOR WORKS: We are sent here to carry out what we consider is in the best interests of the country. We are here to do honour to those citizens of Western Australia to whom honour is due, but we would not be fair to the memory of

the late Lord Forrest if we were to drag his name into a sort of spurious notoriety in the manner suggested. I do not think any such action would be desired by his family. I do not think Lady Forrest would like any such proposal and I can only hope that members will not agree to a motion, the reasons advanced in support of which are, to my mind, disloyal and not worthy of this House.

Mr. UNDERWOOD (Pilbara) [12.58 a.m.]: I desire to oppose the motion not because I do not appreciate the very great work done by the late Lord Forrest, but for other considerations. As a matter of fact, among the Australian explorers, the names of the Forrest Brothers, John and Alex, will retain their places in Australian history for all time, and I think we West Australians should pay some tribute to the memory of those big men. Those of us who were contemporary with the late Lord Forrest know that he required no memorial to remind us of his achievements. We must remember though that to coming generations, more particularly in regard to the park, we get a confusion of terms. The name of Forrest Park—it is not his fault—leads to confusion, just as the name of Underwood, to a lesser extent, leads to confusion. "Forrest Park"—what is one to understand by that? The first thing one would be inclined to believe was that the name implied that the place had originally been a forest. That objection is fatal, absolutely. When we contemporaries of Lord Forrest are gone, his name will not be perpetuated for coming generations by "Forrest Park." The park has been called King's Park. I would suggest an alteration, that we call it "The King's Park." It is the finest park in Australia. When we speak of the King, hon. members should not have the idea that we mean our own King, or the Kaiser, or any political king. Suppose we take Carlyle's definition of a king—

Now comes the last form of heroism that which we call Kingship, the commander of men, he to whose will our wills are subordinate. He to whom we loyally surrender ourselves, and find our welfare in doing so, may be reckoned the most important of all great men.

John Forrest himself was, in one aspect, a King. Let us get out of our minds the idea of the Political King. Many of us are Republicans, and do not subscribe to the monarchical form of government. The King is the greatest man in the community.

The Minister for Works: He is the focus of ourselves.

Mr. UNDERWOOD: He is a symbol of the spirit of the people. Now, Abraham Lincoln was President of the American Republic; but in my opinion Abraham Lincoln was also the truest and greatest of Kings, and to such a king we render our best homage.

The Minister for Works: But no servility. We give him the homage of men.

Mr. UNDERWOOD: That is so. Here is the finest park in Australia. It is called King's Park, and it is worthy of being called "The King's Park." Notwithstanding that I am prepared to render tribute to the late Lord Forrest, I consider that in giving his name to that park we should be taking away from the finest park in Australia a most appropriate name. Let us retain the present name.

Question put and negatived.

MOTION—LUNACY CHARGE.

Case of Thomas Mable.

Mr. SAMPSON (Swan) [1.4 a.m.]: I move—

That in the opinion of this House adequate compensation should be paid to Thomas Mable for loss and injury sustained by reason of the action of the officials of the State during his detention in the Claremont Hospital for the Insane.

The case of Thomas Mable is one which, I believe, will receive the sympathetic consideration of all those who give attention to it. At the end of the year 1915 Mr. Mable was the holder of certain conditional purchase and homestead lands situated some five miles out of Ongerup, in the Gnowangerup district. Certain circumstances arose then, but with those circumstances I have no occasion to deal. The question whether Mr. Mable was insane or not has no bearing, I submit on the question now before the House. The point to be decided is—seeing that Mr. Mable was incarcerated in the Claremont Lunatic Asylum, was it not the duty of the Master in Lunacy to ensure that Mr. Mable's affairs and interests were cared for during his incarceration? I hope to be able to show the House, by a very brief statement, that those affairs were not looked after. At the time Mr. Mable was removed from his holding at Ongerup, he was engaged in stripping a crop of wheat. The date was the 28th December, 1915. At that time he had stripped about 30 acres. Then, unfortunately, something occurred, and he was removed to Claremont. There are certain facts connected with this matter which I desire to submit to the House. In my opinion Mr. Mable, formerly of Ongerup, farmer and accountant, is a man of real capacity. He is a native of England, and a married man. He was admitted as a patient to the Hospital for Insane at Claremont on the 3rd January, 1916. At the time of his removal from his property on the 28th December, 1915, he was harvesting his crop. Only 30 acres had been actually taken off. That portion of the crop which had been stripped showed an average, I am informed, of 12 bushels to the acre.

Hon. W. C. Angwin: How many acres did he have under crop?

Mr. SAMPSON: I understand he had 200 acres under crop. Now, the report, extracts from which I am about to read, was sub-

mitted either to the Master in Lunacy or to the Police Department by Constable Jones of Gnowangerup. This report is dated 2nd February, 1916.

Farm five miles from Ongerup, held about five years; 840 acres C.P. block 262 held under section 55; 203 acres non-residential; 160 acres homestead. Improvements—270 acres cleared and about 200 acres ring-barked. There is also a good dam—all fenced with posts and wire; 200 acres under crop, portion cut by Mr. Mable for hay and stripped. About £200 worth of agricultural machinery, spring cart and harness; ten horses, medium draught; about 50 head poultry. There are also all other accessories to make the farm a going concern. There are about 100 acres wheat to be stripped. This needs attention as it has been ripe for about five weeks. He could not form an estimate of what the crop would go per acre, but it was certainly worth stripping; there were horses, harness and machinery on the place.

On the 4th February the Commissioner of Police forwarded this report to the Master in Lunacy, and drew attention to the fact that the crop required immediate attention. On the 7th February the Master in Lunacy wired to the police officer at Gnowangerup pointing out that he had appointed Mr. D. H. Stewart, brother-in-law of Mable's, to look after the patient's estate. On the 24th February Mable read in the "West Australian" a paragraph from Ongerup under the heading of country news, which showed that the crop on the farm had not been stripped. Mable approached Dr. Anderson and drew his attention to this. The Master in Lunacy was notified, and he wired to the police constable at Gnowangerup pointing out his neglect in this regard. The telegram reads:

Estate Mable awaiting report re my telegram 7th inst. See country news Ongerup to-day's "West Australian," page 5.

That was sent on the 24th or 25th February. Constable Jones replied:

Re Mable, am still awaiting arrival Stewart, Ongerup. News in "West Australian," probably correct. Farm 35 miles from here. Writing you.

Throughout this business the name of Stewart frequently occurs. He proved to be a will-o'-the-wisp. He was never once seen at Ongerup and was more elusive than the famous Scarlet Pimpernel, although he was sent by the Master in Lunacy to Ongerup to look after Mable's affairs. When a man is placed in the Claremont asylum the duty of watching his affairs devolves upon the Master in Lunacy. The paragraph in the "West Australian" under the heading of country news, published on the 24th of February, 1916 reads:

Some time ago three settlers here lost their reason, and one is now in the Claremont Hospital for the Insane. They left behind about 138 acres of crop which wants stripping. Nobody is in charge of the place and the stock and plant are in a neglected

state. It is hoped that before long the authorities will attend to these unfortunate people's affairs.

I ask members to picture the state of mind of this unfortunate patient when he read that paragraph. While it may be claimed that Mable knew that Stewart was to take charge of the farm and take off the crop, the fact remains that he did not know. Even so, the duty of looking after the place devolved upon the Master in Lunacy. The police officer did not write to the Master in Lunacy on the subject until approached by letter at the time when the crop should already have been taken off. A farmer named Moore, whose property adjoins Mable's, looked after the stock. It is a tribute to the kindness of this settler that he did this work without any recompense. Finally he agreed to accept 3s. a week for feeding the horses, looking after the poultry, and keeping an eye on the place, but it was certainly not cared for. The horses were stolen, machinery parts removed, and the iron taken from the house and buildings.

Hon. W. C. Angwin: The iron was sold.

Mr. SAMPSON: It is stated that much of the iron was stolen.

Hon. W. C. Angwin: It blew off in a gale.

The Colonial Secretary: Not much of it could have been stolen.

Mr. SAMPSON: About 1½ tons of iron was sold on May 26th, 1918, for £37. This works out at about 2s. a sheet, although the market price at the time was about 10d. a foot. Iron was really worth £70 or £80 a ton.

Mr. Johnston: New iron was worth about £82.

Mr. SAMPSON: Mable made up a detailed statement of receipts and expenditure in connection with the farm, practically from its inception. This proves that he is a methodical man. The iron on the buildings would, therefore, not have been put on in a careless manner, and would not have suffered any great damage. The price obtained for the iron was very far below market value. Some reserve should have been put on it at the sale.

Mr. Teesdale: The brother-in-law should have looked to that.

Mr. SAMPSON: He was never visible. A drill which cost over £50 was sold for 30s.

The Colonial Secretary: That is absolutely incorrect. I have here a list of the details.

Mr. SAMPSON: Well, that is the price shown on my list. I can give other figures with regard to the machinery sold.

Hon. W. C. Angwin: Do you think that every acre cleared was under crop?

Mr. SAMPSON: No, 270 acres were cleared, and 200 were under crop. About 30 acres had been stripped when Mable was taken away. Constable Jones met two trains each week, expecting Stewart, but Stewart did not turn up. It is said that he met at Beverley somebody who told him that the police were administering the estate, and so he did not go on. However, that has no bearing on the subject. The onus of

looking after Mable's interests was on the department. On the 28th February the Master in Lunacy telegraphed to Constable Jones telling him to arrange for stripping and carting, pending the arrival of Stewart. On the same day the Master in Lunacy wrote to Constable Jones telling him to get on with the stripping. On the 10th March, Jones reported that he had arranged with Mr. Stone to strip the crop, and that he had some difficulty in making the arrangements because the weather by that time was so uncertain, and work could proceed only during the sunny hours. There is proof that injury had been done to the value of the crop by the long delay. Stone began work on the 7th March, and Constable Jones reported "If the weather continues favourable, he should finish by the 15th." He went on to say that some of the bags had perished where they had been resting on the earth. In all, 308 bags of wheat were carted, representing the actual value of the crop of 167 acres. Yet in the first place the value of that crop was estimated at £417 10s., and it is reasonable to assume that the estimate would have been fulfilled if prompt attention had been given to the harvesting. The actual loss to Mable on those figures amounts to £239 18s.

The Colonial Secretary: Whose figures are you quoting?

Mr. SAMPSON: Mable's.

The Colonial Secretary: There you are!

Mr. SAMPSON: This matter was dealt with solely by officials. Mable had no knowledge of the arrangements made for the removal of the crop. Much property on Mable's farm at Ongerup at the time of his removal has not been accounted for in any way whatever, and it would appear that some of it was misappropriated owing to the fact that it was not watched or protected in any way. Thirteen tons of hay, 18 bags of oats, farm machinery, live stock—foals—vanished, and no statement or figures are available regarding them.

Mr. Teesdale: Those again are Mable's figures?

Mr. SAMPSON: Yes. It would appear that the Lunacy Commission realised that certain loss had taken place and allocated the blame to Mable himself. It should be unnecessary to point out that Mable, a patient detained in the Hospital for the Insane, was prevented from conducting his own affairs and had, of necessity, to rely upon the State for such conduct.

Mr. SPEAKER: Is the hon. member reading his speech?

Mr. SAMPSON: Yes, this portion of it.

Mr. SPEAKER: The hon. member is not permitted to read his speech. If he is reading a quotation he must state the source of it.

Mr. SAMPSON: Mable's farm should have been properly worked by a competent man, or let on shares. The place, however, was practically abandoned, and for 3½ months was allowed to go to ruin. Much of the movable property was stolen. Some

foals disappeared, and the land which had been worked went almost back to its virgin state. Suckers sprang up, and to clear the land again would be more expensive than at the outset. Where the stump jump plough is used, the roots are left in the ground, and if the land is not worked, the suckers spring up again and the land soon reverts to its original state. I maintain that a very grave injustice was done to this unfortunate man. He did not receive the consideration which a patient should receive from a Government department. The department should have administered his affairs and protected his interests. I appeal to members to support the motion because, by so doing, they will be doing only justice to a man who has suffered very grave injury.

The COLONIAL SECRETARY (Hon. F. T. Brown—Beverly) [1.34 a.m.]: Some time ago, I promised the Leader of the Opposition to inquire into Mable's case and ascertain whether I considered him entitled to receive any compensation from the Government. I took the whole of the files dealing with the case and went thoroughly into them and, in my opinion, everything was done that could have been done in the circumstances. I consider that Mable is neither morally nor legally entitled to any compensation from the Government. It is very easy for the member for Swan to criticise an officer who made a special endeavour to care for the estate of this unfortunate man when he was committed to the Claremont institution.

Hon. W. C. Angwin: Unfortunately, that officer is dead and his version could not be obtained.

The COLONIAL SECRETARY: That is so; we have only the file to go on. That is the only information I have. The hon. member should realise that it is very difficult for the department to administer an estate so far distant from any centre.

Hon. F. Collier: This officer is charged with the responsibility of doing that.

The COLONIAL SECRETARY: That is so, but the hon. member knows that it was difficult to communicate with a person 200 miles distant, to make investigations regarding the property and to get someone to look after it. It was only natural that a certain period should elapse before the matter could be fixed up, but action was taken as soon as possible. The distance from Gnowangerup, where the constable was living, to Mable's farm was 35 miles. The constable was communicated with by the Master in Lunacy and instructed to inspect the property and report, and to appoint someone to look after the place temporarily, or else get the neighbours to do so. This fact was not mentioned by the member for Swan. The hon. member was not fair.

Mr. Sampson: I was not knowingly unfair; I paid a tribute to Mr. Moore for what he had done.

The COLONIAL SECRETARY: Mr. Moore came on the scene later; he looked

after the property at the request of the Master in Lunacy and was paid a small fee for the services rendered. The Master in Lunacy arranged for Mr. Stewart, Mable's brother-in-law, to take charge of the property, but Stewart did not go down and did not take over. A period elapsed before the Master in Lunacy became aware that Stewart had not gone down and had failed to keep the arrangement made.

Hon. P. Collier: How long was that period?

The COLONIAL SECRETARY: I cannot say from memory.

Mr. Sampson: A long one—from the 28th December to the 7th February.

Hon. W. C. Angwin: That was not very long.

The COLONIAL SECRETARY: The first report made by the constable was dated 1st February, 1916. He arranged at that time for Mr. Moore to look after Mable's property temporarily.

Mr. Sampson: Moore had been doing so.

The COLONIAL SECRETARY: Arrangements were then made for Mr. Moore to attend to the harvest. Moore promised to take off Mable's crop after he had done his own harvesting, and this promise was carried out.

Mr. Sampson: That is not shown in the constable's report.

The COLONIAL SECRETARY: That is contained in the report of the constable of the first February, 1916. On the 10th February, 1916, there is a record of a note by the Master in Lunacy pointing out that the crop was being taken off. I do not know where the member for Swan secured his information, but I have taken my details from the files. The brother-in-law, Stewart, did not arrive on the property until after a period had elapsed. From time to time, attempts were made by the Master in Lunacy to lease the farm. The business had been practically arranged so that the property would have been leased at a rental of £105 per year, but, unfortunately, Mrs. Mable intervened, with the result that the person to whom the Master in Lunacy intended to lease the property, would have nothing to do with the business. Owing to the interference of Mrs. Mable and others, the property was not let at all. Had that not occurred, an annual rental would have been received and the farm would have been kept going in order so long as Mable remained in the Hospital for the Insane.

Mr. Johnston: The crop should have been taken off.

The COLONIAL SECRETARY: The crop was taken off. Even if it was a bit late, there were a lot of crops in that district that were not finished at that time. Thus no great importance attaches to that aspect.

Hon. P. Collier: After the crop was taken off, what effort was made to deal with the

property?

The COLONIAL SECRETARY: Efforts were made to lease the farm.

Hon. P. Collier: How?

The COLONIAL SECRETARY: By interviews with two persons, Herbert and another whose name I forget for the moment, and in writing. The property was valued by an inspector of the Agricultural Bank and in January, 1915, the value of the land alone was assessed at £515. The farm was valued as a going concern by Herbert at £1,500, and he made an offer to the Master in Lunacy on that basis.

Mr. Teesdale: That was blocked by Mrs. Mable.

The COLONIAL SECRETARY: Through the unfortunate interference on the part of Mrs. Mable and the relatives, the leasing of the property was not completed. There was an attempt made to sell the property and the stock as well. Advertisements were inserted, but there was no purchaser. The land in that district is by no means good.

Mr. Sampson: The proposed rental was £105 for land valued at £515.

The COLONIAL SECRETARY: Land in that vicinity is all second class. The farm was taken up as first class land and consisted of 1,200 odd acres. Some 840 acres of conditional purchase land was taken up under Section 55 of the Land Act.

Mr. Johnston: That applies to first class land.

The COLONIAL SECRETARY: Under Section 56, 203 acres were taken up and there was also 156 acres taken up as well.

Mr. Johnston: Both the sections mentioned refer to first class land.

The COLONIAL SECRETARY: Since that time, the land which was taken up as first class, has been re-classified and the rent reduced considerably. The land was such that for seven years it was free of rent. The Master in Lunacy experienced great difficulty in connection with the negotiations owing to the great distance he was away from the property. He has to administer these estates from the city; naturally some time elapsed in communicating with people asked to take charge of the property. Particularly was that so when the wife and family interfered in connection with the business. The stock and machinery were sold and the money was applied to the maintenance of Mable. Other sales took place and the money was devoted to the maintenance of the family. There was no charge made for the land during the period of detention, and the Agricultural Bank did not make any charges respecting the money advanced by that institution. I have gone through the files and have come to the conclusion that Mr. Mable is not entitled either legally or morally to compensation. I leave it to the House, however, to decide whether Mable is entitled to compensation.

If the House decides in favour of compensa-

tion, the matter will have to be inquired into. The property will have to be valued to find what the amount should be. I asked the Master in Lunacy to have a report drawn up regarding the transaction, from the time he took charge of the estate until the winding up of the business. Evidence was given before the Royal Commission by an official who went through the files.

Mr. Johnston: The Commissioner never saw Mable.

The COLONIAL SECRETARY: Mr. Mable saw me after the Leader of the Opposition had mentioned the matter in this House. Mr. Mable furnished me with a long list of figures relating to every detail connected with the farm. His figures disclose a far greater value than, in my opinion, the facts warrant.

Hon. P. Collier: Even if we do not accept his figures, we know that the property was worth something.

The COLONIAL SECRETARY: Well, I suppose it is worth something to-day. However, the adjoining farmers have had to go out. The property might not have been worth anything if Mr. Mable had remained on it; he, too, might have been compelled to leave the district. The adjoining farmers have had to leave by reason of the poor quality of the land.

Hon. P. Collier: That is hardly a good argument, though.

The COLONIAL SECRETARY: The question is what would have been the value of Mr. Mable's property had it been kept intact? As regards the iron, it was badly put on the roof, owing to the rafters being not good sawn jarrah, but rough timber. The wind may have blown some of the iron off the roof, or some of it may have been lifted off by neighbours. Iron taken off a roof to be sold has never anything like the same value as when it was new, especially after having been put on as was the iron in this case. Some sales were made. The sale of iron realised £30 odd. The sale of horses realised £26 15s.

Mr. O'Loughlen: How many horses?

The COLONIAL SECRETARY: I do not know.

Mr. Johnston: There were 10 of them.

The COLONIAL SECRETARY: No; there were 10 including the foals on the property when it was first taken over. Two or three of the horses sold were old horses.

Mr. O'Loughlen: All the same, ten horses cost £26!

The COLONIAL SECRETARY: I am reading a statement of the disposal of the movable assets. On the 17th April a plough was sold for £16 9s. 6d. On the 4th May a drill was sold for £24 19s. The hon. member said it was sold for 30s.

Mr. Sampson: Here is the statement from the Government officer.

The COLONIAL SECRETARY: The statement from which I am quoting was given me by the Under Secretary, and I am sure the figures are correct. Then there was

also the sale of a drill for £24 13s. 6d. An attempt was made to sell the land, but in that the Master in Lunacy was not successful. The Master in Lunacy did all he possibly could in the circumstances. The farm was most difficult to operate, being so far away. The Master in Lunacy had everything against him. It was not the duty of the Gnowangerup constable to attend to the property, which was at a distance of 35 miles from the police station. However, the Master in Lunacy did ask an adjoining neighbour, Mr. Moore, to look after the farm and an eye was kept on it by Mr. Moore. At first he did this gratuitously; later on he got some small remuneration. However, if the House thinks that Mr. Mable is entitled to consideration, an inquiry will have to be made into the whole of the facts, to ascertain what the assets were really worth when he left the farm.

Hon. P. COLLIER (Boulder) [1.56 a.m.]: At this hour, and having regard to the state of the House, I shall not weary hon. members by speaking at any length. Probably there is a difference of opinion as to whether the Master in Lunacy properly safeguarded the interests of Mr. Mable during the time this unfortunate man was confined in the Claremont Asylum. The person who was Master in Lunacy at that time has since died, and possibly many facts surrounding the early period of Mr. Mable's detention are not now known. To-day the officials can only compile their case from the files, and there can be little doubt that many of the things which took place do not appear on the files. I propose, however, to ask the House to carry the motion on grounds utterly unconnected with the files. I will leave the case put forward by the member for Swan (Mr. Sampson), with regard to the neglect of the officials to safeguard Mr. Mable's interests, as that hon. member presented it. I ask the House to carry the motion on the ground that Mr. Mable has been done a cruel wrong, inasmuch as he was detained for years in the Claremont Asylum when he was a perfectly and absolutely sane man.

Mr. Teesdale: Is that so?

Hon. P. COLLIER: That is absolutely correct. This man has been at large now for nearly 12 months, and if the doctors had had their way the man would be in Claremont Asylum to-day. That, I say, is a shocking state of affairs, and a scandalous thing. Before that Royal Commissioner who was responsible for Mable's release, no less than eight or nine doctors swore that Mable was unsafe and ought not to be released. Notwithstanding that medical evidence, however, Mable has been released; and there is no man in this country to-day who knows him has conversed with him, but is convinced that Mable is absolutely sane. He was a sane man for years in the asylum; and no greater wrong could be done in the world than to keep a sane man in such an institution. If the officials of the Lunacy De-

partment had their way, and if certain doctors had their way, Mable would now be in that institution, and would remain there till the day of his death. When he went before the Royal Commission, those men did their very utmost to prevent him from obtaining his release. The Inspector General of the Insane brought his colleagues before that Royal Commission, and either from stupidity or bigotry, or for some other reason, they testified as they did against Mable. The Inspector General of the Insane said that Mable was suffering from a kind of insanity from which he could never recover. He went into court and swore that the man would never recover from his delusions.

Mr. Teesdale: He was pretty bad at first.

Hon. P. COLLIER: In my opinion Mable was never insane. They said the same about Mrs. Mable, but she has been released for four or five years, and Mable for the last 12 months. What can we think of an institution which detains a sane man for years? The Government officials swore that the man must remain insane for the rest of his life. It has been proved that they were wrong. Is Parliament going to say that a man to whom a cruel wrong has been done is not entitled to a few pounds by way of compensation? We can give thousands of pounds to buccaneers and concessionaires; can we not spare a few pounds for a man who has suffered as Mable has suffered?

Mr. O'Loughlin: It is poor compensation for all the mental anguish he has suffered.

Hon. P. COLLIER: No one can say that Mable did not spend some years in the asylum in a sane condition. The Colonial Secretary opposed the appointment of a Royal Commission which secured his release. If the Minister had had his way this unfortunate man would be still languishing in the asylum. Now he says he cannot find a few pounds for him.

The Colonial Secretary: I did not say that.

Hon. P. COLLIER: He opposed the investigation, and he cannot see any justification for compensation. Had he and his officials their way Mable would still be in Claremont. It is time we got away from the rubber stamp attitude of blindly accepting what the officials and the doctors tell us. The Minister should not be a mere gramophone to repeat what he is told by some officials. I hope the House will form its own judgment, and not accept what is put into the Minister's mouth by his officials. Think of the horrors endured by Mable? Death would be preferable to any normal man who is held in that institution.

Mr. Teesdale: I cannot imagine the officials desiring to make all this work and trouble for themselves.

Hon. P. COLLIER: It is admitted that Mable has been sane since he was liberated. The Inspector-General opposed his release on the ground that he was suffering from an incurable form of insanity. I shall never rest content while we have a man at the head of that institution who can keep a person in it when that person is sane. No man's liberty is safe in the hands of an official like that, and yet we quibble about a small amount of compensation in this particular case. The whole of the circumstances

are quite sufficient to warrant the House in voting some kind of compensation for Mable.

Mr. Teesdale: It will have to be for a better reason than that of accusing the department, which has done its very best in this matter. Under conditions of this sort material is often sacrificed.

Hon. P. COLLIER: The department excused themselves by saying that the relatives had interfered. The Master in Lunacy is the man who is responsible.

The Colonial Secretary: It was not what the relatives said to the Master in Lunacy, but it was the person to whom he wanted to lease the place.

Hon. P. COLLIER: I have said quite enough to justify members in awarding some compensation to this unfortunate man.

Mr. UNDERWOOD (Pilbara) [2.10 a.m.]: I do not admit that the Government officials did wrong, or that any case has been made out for compensation for any wrongful action on the part of the Government officials. At the same time, it is a most distressing case. The Mables were brought up in a different atmosphere. Mable had a solid commercial education and a solid bank balance, and the family were induced to go on the land where they ran into a drought. The bush-bred Australian would have laughed at what the Mables constituted intense hardship. They were brought up under different conditions, and in a different environment, and they should never have attempted to develop a farm. I was Honorary Minister when these people were put into the hospital, and I spoke to the then Colonial Secretary, telling him what was happening, that they were being robbed. The neighbours stole their horses, stripped their machines, took the iron off the roof of their house, and although there is nothing blameable against any Government official, we as a community should do something for Thomas Mable and Mrs. Mable. It was the circumstances, the difficulties, which they did not understand before they took them on, which had the effect on their minds, and we as Australians who are used to these things, should give some assistance to those people. I move an amendment—

That all words after "House" in line 2 be struck out and "a compassionate allowance should be granted to Thomas Mable" be inserted in lieu.

Mr. TEESDALE (Roebourne) [2.15] a.m.: The member for Swan (Mr. Sampson) was ill advised in the wording of his motion. Virtually it amounted to an attack on a public official who, we know, acted in the best interests of the estate. As the Minister has pointed out, there was considerable difficulty in the inaccessibility of the farm, and great difficulty in procuring a caretaker. The hon. member took up a wrong attitude when he made an indictment against an official. The Leader of the Opposition pursued a far more moderate and sensible course when he asked the House to look at it purely from the point of view that this unfortunate man was detained while sane. I have never before heard such straight-forward statements made, but I am prepared to accept the word of the Leader of the Opposition for the truth of those state-

ments. Certain hardship has been caused through the long detention of this unfortunate man in the institution. I agree with the member for Pillhara (Mr. Underwood) that the case can be met by a compassionate allowance, the amount of which, I feel certain, may be safely left to the discretion of the Minister. Irrespective of what the Leader of the Opposition said, there is nothing to show that either the institution or the Government wilfully and deliberately caused Mable to be imprisoned while sane. It is extraordinary that seven or eight medical men should have testified against his release, and that in the end, and in face of such evidence, he should have been released on the authority of one man. I feel that this matter can be met by the granting of a compassionate allowance, and I am sure the Minister will be more inclined to agree to that than to agree with the indictment made against the department, for which there was no ground whatever. It is quite possible that the administering of the estate has resulted in considerable loss, and I should not be surprised to find that no charge whatever has been made against the estate for the tremendous amount of work entailed upon the department.

Hon. W. C. ANGWIN (North-East Fremantle) [2:19 a.m.]: I should not have spoken on this subject, but for the statement made by the mover of the motion respecting the recent Royal Commission on Lunacy. He said it was the duty of a Royal Commission to investigate any complaint lodged, and that the only way that could be done was through the Government officials. Unfortunately the Master in Lunacy died before the appointment of the Commission, and so the only information available was that which the Trustee of Public Estates could give. Mr. Moss's evidence was very clear. He had spent hours going through the files relating to the question, and while he had had nothing whatever to do with the case, he formed the opinion that the Master in Lunacy had done everything possible. By interjection to-night it was said the Commission did not call Mable. It is true that, rightly or wrongly, the Commission decided that they should not subpoena ex-patients or patients of the institution if those people did not wish to come forward. But Mr. Moss's evidence was published in the Press, and if any of the statements therein contained was wrong, Mable could have come along and adduced evidence before the Royal Commission.

Mr. Johnston: The recent Commission inquired into his case.

Hon. W. C. ANGWIN: Not on the question of his detention. No matter what Mable's mental condition may have been at the time, I am of the opinion that he is now sane, otherwise he would have asked to be called before the Commission. I do not think Mable can put up a case against the department regarding the administration of his estate. Members should realise that this property was 20 miles from anywhere. Only about 200 acres had been cleared, and the Master in Lunacy did what any reasonable man would have done, namely he consulted Mable's relatives. If the relatives were fit to look after the children, they were fit to look after the property. One relative re-

sided in the district, and the Master in Lunacy did the best thing possible in the interests of the patient by getting him to look after the property. We had only the evidence contained in the files, and we came to the conclusion that everything possible had been done. We were shown photographs of the buildings. I think I mentioned to one or two members at the time that it was surprising that the iron should have been removed from the buildings. The woodwork of the buildings, however, consisted of round bush timber, which did not give a proper surface for the iron, and we were informed that during a gale some of the iron was displaced.

Mr. Underwood: Do not take any notice of that.

Hon. W. C. ANGWIN: Some of the iron was found lying about on the ground and instructions were given to remove the balance of the iron.

Mr. Underwood: For neighbours' farms?

Hon. W. C. ANGWIN: Altogether 108 sheets of iron were sold, which is a long way from being a ton of iron.

Mr. Underwood: You did not find out who shook the rest.

Hon. W. C. ANGWIN: I do not say whether it was taken or not, but I treat settlers on the land as honest people. There is no evidence that any iron was stolen. The 108 sheets were valued by the constable at £37. An offer of £31 was made and a little more than that sum was obtained. I want members to realise that it is very difficult, even for the medical profession, to deal with some of these cases. I discussed this matter with the Inspector-General of the Insane in Victoria, and I gathered from him that the disease of the brain from which Mable was supposed to be suffering is the most difficult of all to deal with. It is quite possible for a medical man to make a mistake. The medical officers have to carry great responsibilities and it is questionable whether these responsibilities are not at times too heavy for them.

Mr. Johnston: Too heavy for the patients.

Mr. Underwood: And for the doctors, too.

Hon. W. C. ANGWIN: I spoke to Dr. Sinclair, Inspector-General of the Insane in New South Wales, on the same subject and he said—"Why should we carry the responsibility? If other persons are willing to take these patients and accept the responsibility, well and good; but my experience has shown me that though some persons express the wish to take certain patients they always want to do so without accepting the responsibility." That is where the difficulty occurs. I was at the Claremont hospital two days before Christmas and saw a woman who, I thought, was fit to be discharged. She was reasonable and coherent, and she stated her case very clearly. I was at the institution on the day after Christmas Day and that woman was then in bed in a straight jacket. During the interval, she had attempted to strangle a nurse and, but for the arrival of timely assistance, the nurse would have lost her life. It is quite easy for anyone not possessing special knowledge of these cases to be led astray. Judging that woman on her manner two days before Christmas, I would have had no hesitation in saying she was fit to be discharged. I support the amendment. Some of these patients on being discharged from the institution, require a little more

assistance than is usually given them. These persons are discharged from the institution with £1 in their pockets. One man told us that he left the institution not many weeks ago, after having got a hat from one attendant and a coat from another; in that way he was discharged to start in the world again. I hope something will be done so that these people will not be sent out of the institution penniless. They should be assisted to start in life again.

The Colonial Secretary: That has been altered.

Hon. W. C. ANGWIN: I understand that is so.

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

PAPERS—WAROONA-LAKE CLIFTON RAILWAY.

Mr. SPEAKER: The Premier's department has asked me to discharge the file dealing with

the Waroona-Lake Clifton railway, in view of the fact that a Royal Commission has been appointed to investigate the matter. It is my intention to discharge the file from the Table at 1 p.m. this day.

ADJOURNMENT—CLOSE OF SESSION.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [2·29]: I do not intend to occupy any time in making valedictory remarks, because these were expressed before the Christmas adjournment. I move—

That the House at its rising adjourn till the 21st February.

Question put and passed.

House adjourned at 2·30 a.m. (Friday).

Parliament was prorogued to 1st June, 1922, by Proclamation issued in the *Government Gazette* published on 10th February, 1922.
