

The CHIEF SECRETARY: It is desirable that Mr. Harris's suggestion should be adopted and to give members an opportunity to consider the amendment I shall ask you, Sir, to report progress.

Progress reported.

BILL—TREASURY BILLS

Received from the Assembly and read a first time.

BILL—TRANSFER OF LAND ACT AMENDMENT (No. 2).

Report of Committee adopted.

House adjourned at 5.7 p.m.

Legislative Assembly.

Wednesday, 23rd October, 1929.

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The DEPUTY SPEAKER (Mr. Panton) took the Chair at 4.30 p.m., and read prayers.

OBITUARY—MR. C. C. MALEY, M.L.A.

Letter in Reply.

The DEPUTY SPEAKER: I have the following letter, addressed to the Speaker—

Will you please accept and kindly convey to members our very deep gratitude for the expression of sympathy conveyed in the terms of the resolution passed on the death of our brother, Mr. C. C. Maley. I thank you on behalf of his relatives. Yours sincerely, H. K. Maley. October 20th, 1929.

ASSENT TO BILLS

Message from the Governor received and read notifying assent to the undermentioned Bills—

1, Easter Day.

2, Supply (No. 2) £1,210,000.

QUESTION—RAILWAY², BROAD GAUGE.

Kalgoorlie-Perth Survey.

Mr. GRIFFITHS asked the Minister for Works—1, Has the Engineer-in-Chief concluded his examination of the alternative projected broad gauge railway route following approximately the route of the suggested Yarramony line through to Toodyay, and the Avon Valley to Midland Junction? 2, If so, can the Minister inform the House whether a cheaper line and better grading can be obtained than on the old suggested route? 3, Has the Engineer-in-Chief's report been handed to the Commonwealth Government?

The MINISTER FOR WORKS replied: 1, Yes. 2, It is not clear as to what is meant by the words "old suggested route." 3, Yes.

LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for two weeks granted to Mr. Lutey (Brownhill-Ivanhoe) on the ground of ill-health.

BILL—TREASURY BILLS

Message.

Message from the Governor received and read, recommending appropriation for the purposes of the Bill.

Third Reading.

Read a third time and transmitted to the Council.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

Debate resumed from the 16th October.

MR. MANN (Perth—in reply) [4.36]: I think there is a genuine feeling amongst members generally that a Bill of this kind is necessary; it is just a question whether

the Bill has been drafted to meet what members think is required. Every member will agree that a man who is mentally deficient, whether to a larger or a lesser degree, should not suffer the extreme penalty of the law for a crime. It becomes a question, therefore, of the best means of ascertaining whether such a person is mentally deficient, and to what degree. In the Bill I have provided that after the trial the judge should suspend sentence and have the accused person examined. But there appears to be amongst members a feeling that the examination should take place at some earlier stage. I have looked up all the authorities I can find, and have inquired into similar Bills that are operating in other parts of the world, and I find that the examination takes place immediately the accused is indicted and sent for trial. So when the Bill is taken into Committee I will move the deletion of that provision in the Bill with a view to inserting another, prescribing that the accused person immediately he is committed for trial shall be subjected to examination to ascertain his mental condition, and the report of the board shall be filed in the court and made available to the judge and the counsel on either side. A law of that kind is operating in several States of America and in England to-day. So it is not new legislation, but legislation that is successfully operating in other parts of the world.

The Premier: Do you say it is operating in many places in other parts of the world?

Mr. MANN: It is operating in several States of America, and in England. In England it is operating in respect of every crime, not only capital offences, but all indictable offences. The Imperial Act is an amendment of the Act of 1913. Under it in all indictable offences the accused person is submitted to examination by a board with the object of ascertaining his mental condition. If the board finds the accused is mentally deficient to a large degree, he is not tried at all, but is sent to a home for mental deficient, and there he practically ends his days. He does not have opportunity to commit a similar crime again, but is sent to a place where the best use is made of his labour, and where he is segregated from the rest of the world.

The Premier: That would be if his condition were very bad.

Mr. MANN: Yes. The English Act defines mental deficiency in four degrees, idiocy, imbecility, a person who must be guarded for his own interest, and a person who must be guarded for the protection of the public. Such persons are sent to a place where they are properly looked after. We have no such place here, but my Bill provides that such a person shall be treated as if he were insane, and be sent to an institution for the insane. Until we have a special place for mental deficient, that appears to me to be the only course open to us. If a person is mentally deficient and so not fully responsible for his actions, his life should not be taken, but he should be sent to a place and treated as though he were insane. I do not think there are any other points to which I need reply.

Question put and passed.

Bill read a second time.

BILL—CREMATION.

Second Reading.

Order of the Day read for the resumption of the debate from the 16th October.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Cremation without license prohibited:

Mr. LATHAM: Will this prevent Hindus from carrying out their religious rites? They could not use a crematorium because of their principles. I hope this clause will not be passed until we make provision for their exemption from the operations of the Act.

Mr. North: They will certainly be included unless some amendment is moved.

Mr. LATHAM: I think we should provide that Asiatics may be permitted to carry out their religious rites irrespective of this clause.

Mr. NORTH: The Bill should be made to apply to everyone. The member for York is somewhat vague about his suggestion, and the term "religious rites" is too

wide. Arrangements could be made to deal with Asiatics.

Hon. W. D. JOHNSON: I think Clause 4 covers the situation. No one should have the right to cremate a body without the knowledge of the authorities. These religious bodies could apply for a license should the occasion arise.

The PREMIER: I do not think the matter is covered by Clause 4. Asiatic races have no crematorium of their own, nor would they establish one. They merely conduct these ceremonies somewhere in the bush with the aid of a pile of wood. Such a place could not be defined as a crematorium under the Bill. We ought to consider the religious feelings of these races. Perhaps the clause could be postponed so that a suitable amendment might be prepared. The hon. member might arrange for the necessary amendment to be inserted in another place. On that understanding we could pass the clause.

Clause put and passed.

Clause 4—Issue of license:

The PREMIER: Does this mean that a crematorium might be established anywhere and be conducted by any person who secures authority?

Mr. North: Yes, and not necessarily in a cemetery.

The PREMIER: Then it would be possible for quite a number of crematoria to be established.

Mr. Kenneally: Under this clause it could be one of our chief industries.

The PREMIER: If they were conducted in the same way that funerals are conducted now they should be very profitable. I have long thought that the whole question of disposing of bodies by this method or by ordinary burial ought to be under municipal control.

Mr. Latham: As it is in England.

The PREMIER: Yes, and in other parts of the world.

Mr. Marshall: The municipal bodies there are elected on an adult franchise.

The PREMIER: It does not matter how they are elected. They could be trusted to conduct funerals in a proper way and at an economical cost. Few people will dispute the fact that the charges to-day are very high.

The CHAIRMAN: I think the Premier is out of order in discussing that question.

The PREMIER: No; I am trying to show that if excessive charges are made to-day for the conduct of funerals, and crematoria are in the hands of private people, probably the charges which the latter impose will be just as excessive as are imposed to-day for ordinary burials. One crematorium should be sufficient, and this should be under the control of the municipalities.

Mr. North: There is only one in each of the other States.

The PREMIER: I suppose they are privately owned.

Mr. North: They are conducted by the trustees of the cemetery.

The PREMIER: And these trustees make the charges, I presume.

Mr. North: Yes. That is what we want to do here.

The PREMIER: There is no guarantee that this will be done. It would be better that the trustees of the cemetery should be the sole body to control the matter and arrange the fees. They would be amenable to public opinion in the matter of charges. Under this clause if the Governor in Council saw fit, he could grant any number of licenses to any number of people. The business could get into the hands of private individuals unless the trustees of the cemetery were to make application for a license, and unless the Governor were to grant it to them, and thereafter refuse to grant any other license.

Mr. Latham: That is what should happen.

The PREMIER: Yes. Have we any guarantee that the Governors in Council in the future would refuse to grant a license to private persons? I should like to see this clause amended. It is not desirable that we should have a number of private persons conducting crematoria in different parts of the State. The work should be carried out by the municipality. To-day it is very costly, especially for poor people, and the charges are altogether disproportionate to the work done and the expense involved.

Hon. G. Taylor: Do you mean to put the whole control under a municipality?

The PREMIER: Yes, as it is in other parts of the world. In England for many generations that has been the practice. In Victoria, many years ago when the competition amongst people who conducted funerals was very keen, they would look down the

list of deaths in the morning paper, note the addresses of the relatives, and bombard them with cards and canvassers looking for the business. An inquiry was made in that State and the total costs involved were disclosed. It was found that the charges were enormous compared with the actual cost. These charges constitute a real burden upon many poor people who have to meet them. The business is one which should be conducted by municipalities or local governing bodies.

Mr. Mann: In this State by the cemetery board.

The PREMIER: Yes, but we cannot affect that position under this Bill. Now that we are dealing with another method of disposing of bodies we ought to set up this new principle.

Mr. Marshall: What principle?

The PREMIER: The principle of eliminating private enterprise from this work. It should be carried out by the trustees of the cemetery and in the cemetery only.

Mr. Kenneally: There would still be the funeral expenses.

The PREMIER: Yes. There will certainly be the expense of conveying the body to the cemetery and the additional expense of cremating it.

Mr. North: In place of a charge for burial.

The PREMIER: We do not know how that would compare with the charge for burial.

Mr. NORTH: Adverting to the Premier's marks—after the Bill had been drafted I made inquiries, as the result of which I learnt that local firms are by no means anxious to establish crematoria of their own. I have before me now a small amendment to one of the regulations under the measure, by which the trustees of cemetery boards will be empowered to erect crematoria. I refer to a regulation under Clause 4; the addition of two or three words would suffice. Even if the clause gives slightly more power than is necessary to authorise cemetery trustees to erect crematoria, I think years would elapse before a private firm would desire to erect a crematorium. In New South Wales there is only one crematorium, which disposes of not more than eighty or a hundred bodies annually. If the Committee desire to limit the clause, that can be done without the Bill being affected. As to the cost involved, I understand that the undertaker would deal as he deals now, merely substituting incin-

eration for burial. If the work were done by cemetery boards, probably the cost of disposing of a body would be cheapened instead of being increased. I ask that the clause be carried. If, on the other hand, the Committee are against the clause, I shall be glad to move that progress be reported.

Mr. KENNEALLY: The proposed restriction should be inserted in this clause. To carry the clause as printed would mean throwing upon the Governor-in-Council the undesirable onus of discriminating between various people. Any person complying with the conditions of the measure is as much entitled to authorisation for the erection of a crematorium as is any other person. The definition clause should define "prescribed authority" as cemetery boards within the State. In the present clause we might authorise the Governor-in-Council to grant permission to "any prescribed authority," instead of to "any person." I do not wish the power to be restricted to the trustees of the Karrakatta Cemetery Board. While supporting the Bill generally, I cannot support Clause 4 as printed.

The PREMIER: I move an amendment—

That in Subclause 1 "any person" be struck out, and "the trustees or controlling body of any cemetery" inserted in lieu.

Amendment put and passed.

The PREMIER: Does that amendment call for consequential amendments in the succeeding subclauses?

Mr. North: If consequential, the amendments will be made automatically.

The PREMIER: The amendment merely means that the trustees of cemeteries must comply with all the conditions it was proposed private persons should comply with.

The MINISTER FOR MINES: With reference to Subclause 3, it is to be noted that the people applying might be asking for authorisation for themselves.

Mr. NORTH: In view of the amendment which has just been passed, there would be no harm in deleting Subclause 3.

Hon. W. D. JOHNSON: If the clause provides that the trustees or board of a cemetery shall receive a license to conduct a crematorium, surely that is all that is needed. The remaining words are unnecessary. I move an amendment—

That in Subclause 1 the words "already established or to be thereafter established" be struck out.

Mr. LATHAM: I hope the amendment will not be carried, because it may happen that some cemetery board remote from the metropolitan area would not be alive to Parliament's desire that this work be carried out in a proper manner.

Hon. W. D. JOHNSON: My desire is merely to terminate Subclause 1 with the word "crematorium."

Amendment put and passed.

Mr. LATHAM: I move an amendment—

That Subclause 3 be struck out.

The subclause is now unnecessary.

The Premier: That is really a consequential amendment.

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

Clauses 5, 6, 7—agreed to.

Clause 8—Provision as to medical certificates in cases in which death occurred outside the State:

Mr. LATHAM: This clause provides for the cremation of bodies brought into Western Australia from outside the State. What is its intention?

Mr. NORTH: The clause provides for the rare case where the body of a person who has died outside this State is brought here for burial. In that case we want to recognise medical authorities outside the State. The clause applies our conditions in that respect, as nearly as may be, to deaths that have occurred outside our borders.

Clause put and passed.

Clause 9—agreed to.

Clause 10—Cremation not permitted if objected to by husband, widow, or next of kin, unless directed by will or other writing signed by deceased:

Mr. SAMPSON: The clause provides that a child of 14 years of age may object to the cremation of a body. The member for Claremont should consider the advisability of increasing the age to 18 years. Sentiment enters into this matter, and I doubt whether a child of 14 would be old enough to arrive at a balanced decision. Such a child would be easily influenced.

Mr. North: If you think the age should be increased, I will raise no objection.

Mr. Latham: I think the age should remain at 14.

Mr. SAMPSON: A child of such tender years might be influenced against cremation by very slender arguments. I move an amendment—

That in line 6 of Subclause 1, "fourteen" be struck out, and "eighteen" inserted in lieu.

Mr. LATHAM: I hope the Committee will not agree to the amendment. If the executor should decide that a body of a man should be cremated, surely the latter's child of 14 years of age should have the right of appeal against that decision. We should respect the feelings of people. We know that 14 is an impressionable age and we should have some regard for the feelings of such children. In this State there are many young people of 15 or 16 years of age who have quite as sound views on questions as have children of 18 years of age. Perhaps there may be an only child, and surely its wishes should be respected when it comes to the disposal of the parent's body.

Mr. SAMPSON: There is a very dreadful suggestion contained in the remarks of the member for York, because if there is anything more distressing than the burial of a loved one in a cemetery. I do not know what it may be. Month after month the body lies mouldering in the grave and turning into clay. If any thought is given to this matter, it must be regarded as repulsive. In the interests of all concerned, it is not wise to give such a power to a child so young as 14 years of age.

Mr. KENNEALLY: If we agree to the clause as it stands, it is quite possible that the wishes of a widow to have the body of her husband cremated, may be frustrated by a child 14 years of age.

Mr. Latham: But the child would not be the next of kin if the mother were living.

Mr. KENNEALLY: The proviso makes it clear. I do not think it desirable to create such a position as I have indicated. It should not be made possible for a child of 14 to possess such power, seeing that such a child could easily be influenced by others.

Mr. NORTH: I have no objection to the amendment. I think it is so much casuistry to argue on the question whether the age should be 14 or 18.

Mr. MARSHALL: It is all very well to talk about persons 14 years of age having this power. The Committee should remember that in this climate girls who are 14 years of age are practically women. Some members who have spoken have not suffered

the loss of one near and dear to them; I have done so. I am prepared to give a girl of 14 the right to object to the cremation of her parent. I have been through the mill, and know what are the feelings of a bereaved parent. If any individual had suggested taking the body of my boy, who was killed in this city, and burning it, he would never have taken the body while I was alive. On the other hand, a stepmother might say that the authorities could burn the body of a child or do anything they liked with it. I think the clause as it stands is perfectly correct.

Mr. LATHAM: I am sure the member for East Perth has not read the clause, or he would not have expressed the opinions he did regarding the effect of it. No child of such an age would become the next of kin if either the widow or widower were alive. As to the remarks of the member for Swan, that hon. member evidently does not know quite a lot about the feelings of people. If he did, he would not have made use of such expressions as he did to-day. I do not say that it is beneficial to the mind, but the fact remains that a visitor to a cemetery on Sunday afternoons will see many people taking a delight in wandering about amongst the resting places of their relatives or friends. Whatever we do here, we should respect the feelings of such people. A child of 15 or 16 years of age is worthy of the same consideration as another aged 18 years. I am sorry the member for Claremont agreed to the amendment. He gave a lot of thought to the Bill, and it was because of that that I did not discuss it at the second reading stage. To say the least of it, I am keenly disappointed that the member for Claremont is now prepared to brush aside the feelings of those most likely to be impressed by the death of a parent or relative. I can imagine the feelings of a child at a crematorium, watching what happens there.

Mr. Teesdale: If it is news to you, no one sees what happens there, except the custodian.

Mr. LATHAM: That is news to me because I attended a cremation and the whole of the people interested stood around. We watched the whole of the process.

Mr. Corboy: Surely that was most unusual!

Mr. LATHAM: I am in favour of cremation if it is desired by those affected, but I will not force cremation upon anyone. I

hope hon. members will not be led astray by the remarks of the member for East Perth. One member said I had not read the clause, or at all events I did not understand it. I hope I have made it perfectly clear that I do understand it. Certainly the clause does not propose to give a child 14 years of age authority to override its parents. I hope the amendment will not be agreed to.

Mr. MARSHALL: I move—

That progress be reported.

Motion put and negatived.

Mr. KENNEALLY: The language used in the clause would make the first reference to the next of kin, whether 14 years or under, and then the governing provision regarding the 14 years applies only to the concluding portion of the clause. Therefore, under the first portion, the next of kin under 14 years of age could still object.

The Premier: There seems to be a duplication of those words "next of kin."

Mr. Latham: Yes, there is one "next of kin" too many.

Mr. North: I think the words are redundant.

Mr. KENNEALLY: The amendment before the Chair has to do with the prescribed age. For the moment I propose to support the age of 14 years, with a view later to striking out the redundancy in the clause.

Hon. G. TAYLOR: The amendment is to strike out "fourteen" and insert "eighteen," but we seem to have gone all around the question and brought in other issues. The question is whether we think 14 years old enough.

Mr. Kenneally: If only a child is left as next of kin, 14 years is not too young.

Hon. G. TAYLOR: What is confusing members is the repetition of the words "next of kin." Possibly the repetition relates to next of kin of second or third degree. I do not know whether we should not consider the feelings of the child of 14 years of age.

Mr. Marshall: There is every justification for doing so.

Hon. G. TAYLOR: I am inclined to support 14 years of age.

Mr. NORTH: Actually there are two questions before us, and I ask the member for Swan temporarily to withdraw his amendment so as to allow us to strike out

the words "or one of the next of kin," which are redundant.

Amendment by leave withdrawn.

Mr. NORTH: I move an amendment—

That in line 5 the words "or one of the next of kin" be struck out.

The PREMIER: Those words are quite unnecessary.

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That in line 6 the word "fourteen" be struck out, and "eighteen" inserted in lieu.

There is a very wide range of persons to be considered, the husband, the widow, or any person next of kin, subject to that person being a certain age, which I contend should be 18 years.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clauses 11 to 13—agreed to.

Clause 14—Transfer of license:

The PREMIER: This and the next clause ought to go out, consequentially upon the first amendment.

The CHAIRMAN: It will be better if I put the clauses and members negative them.

Clause put and negatived.

Clause 15—negatived.

Clause 16—Regulations:

The PREMIER: I move an amendment—

That paragraph (b) be struck out.

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

Title—agreed to.

Bill reported with amendments.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Returned from the Council with an amendment.

BILL—ALSATIAN DOG.

Postponement.

Order of the Day read for the resumption from the 16th October of the debate on the second reading.

Mr. WILSON: I move—

That this order be postponed.

Hon. G. TAYLOR: There is a desire in the country that a Bill of this kind should become law and, if the debate be adjourned, I am fearful that we shall not be able to deal with the measure again until Wednesday next. The session is advancing, too. The Minister for Works had the adjournment of the debate and should be in a position to continue it. I oppose the postponement.

Mr. LINDSAY: I have no objection to the postponement. The Minister for Works discussed the matter with me yesterday and he desires postponement for a week. The secretary of the Alsatian Dog Club rang me to-day and, as he wishes to circularise members, I told him I understood the Bill would be postponed. If it be not postponed, I am afraid I should be acting contrary to a promise made to him. At the same time, I hope the postponement will not militate against the Bill being passed this session.

The DEPUTY SPEAKER: The hon. member cannot discuss that.

Hon. G. Taylor: Had I known that, I would not have offered any objection.

Mr. MARSHALL: The member for Toodyay finds himself in an awkward position, and while I am not so conspicuous in the picture as he is, I have something to say on the matter. If the hon. member is convinced that there will still be ample opportunity to discuss the Bill—

The DEPUTY SPEAKER: I have allowed the member for Toodyay, who is responsible for the Bill, to explain his attitude. Apart from that, there can be no discussion on the motion for postponement.

Motion put and passed.

BILL—INTERPRETATION ACT AMENDMENT

Second Reading.

THE PREMIER (Hon. P. Collier—Boulder) [5.50] in moving the second reading said: This is a small Bill which it has been found necessary to introduce in the interests of economy and efficiency of administration in some of the departments. It is required to meet a technical difficulty confronting the record and accounts offices in the Government service. Certain Acts of Parliament became law before modern methods of bookkeeping were in existence. Those Acts refer to books, but such things

as loose-leaf ledgers, cards, etc., are not books within the meaning of the Act.

Mr. Corboy: That seems a rather narrow interpretation.

The PREMIER: I am referring to old Acts, some of them passed 30 years ago, which set out that certain books and registers must be kept and certain entries made. Now that more up to date methods are in vogue, we are not permitted to adopt them because they do not come under the interpretation of books.

Mr. Corboy: One can understand how lawyers get a living.

The PREMIER: It must be unique to have to bring down an amendment of the Interpretation Act in order that we might alter our method of keeping books.

Mr. Corboy: To introduce a loose-leaf cabinet.

The PREMIER: We cannot change over to a loose-leaf cabinet unless we pass this amending Bill. It is proposed that any modern system may be used provided it is approved by the Governor in Council, and such method or system shall be deemed to be a book for audit and other purposes. The departments chiefly concerned are the Treasury and the Supreme Court and, as I have explained, modern methods of keeping records cannot be adopted unless an amendment is made to the Act. The Bills of Sale Act of 1899 provides that a register book shall be kept and actually shows how it is to be kept.

Mr. Corboy: That applies to two or three other Acts.

The PREMIER: Yes. An immense amount of time is wasted at the Supreme Court by searchers having to search through registers instead of being able to obtain the required information by up to date methods. Often it is necessary to search far back through the registers. There is also considerable risk of missing the name required when searching through registers. If a modern system were adopted, searchers would be able to find the item immediately and without any risk of missing the required name. A similar system is giving every satisfaction in the Titles Office, and it is necessary that we should have power to adopt in other departments the methods considered to be the best, without being bound by the terms embodied in Acts passed thirty years ago. That is the sole purpose of this Bill. It will come as a surprise to most members to learn

that it is necessary to bring down an amendment of the Interpretation Act before we can change over our methods of keeping books. I move—

That the Bill be now read a second time

On motion by Hon. G. Taylor, debate adjourned.

BILL—LICENSING ACT AMENDMENT.

Second Reading.

THE PREMIER (Hon. P. Collier—Boulder) [5.55] in moving the second reading said: Section 21 of the Licensing Act 1911, as amended, provides that licensing courts shall be constituted and the Governor shall appoint three persons as licensing magistrates. Sub-section 4 stipulates that such magistrates shall hold office for three years and be eligible for re-appointment. The provisions of that section were acted upon in August, 1923. Section 81 provides for the constitution of the Licenses Reduction Board, and Section 83 sets forth that the licensing magistrates under Section 21 shall constitute such board. By the Act of 1928, Part V. the work of the Licenses Reduction Board was continued to December, 1930. Members will recollect that it was to have expired last year, and we passed an amendment to continue it for another two years. The main portion of the licenses reduction work has been practically concluded. It was overlooked that the three years appointment of the Licenses Reduction Board expired in July last. It was purely an oversight that was not discovered until a fortnight later.

Hon. G. Taylor: The board continued to operate?

The PREMIER: I do not think they did much work, but the Government had to decide upon making re-appointments. We decided to re-appoint the members for six months instead of for three years, as provided in the Act. There was a possibility of amending legislation being introduced this session that might have affected their continuance in office as provided in the Act. If we had decided to introduce an amendment of the Act during the present session, it was not desirable that we should be bound to a three-years' appointment of the board, and in order to give us a free hand, we re-appointed the board for six months only.

Hon. G. Taylor: You did not have power to do that.

The PREMIER: Quite so; we exceeded our powers under the Act, and this Bill is designed to validate the action of the Government in making the appointment for six months only. It is not proposed to continue to make appointments every half-year, but the whole position will be definitely reviewed before the expiration of the six months period, which started in August.

Hon. G. Taylor: Has much business been transacted since August?

The PREMIER: No.

Hon. G. Taylor: I mean business of a serious nature.

The PREMIER: I believe that only the usual business has been transacted, nothing more than would have been done if the appointments had been in order. Inasmuch as this Bill has been found necessary, we are taking the opportunity to amend Section 46 of the principal Act, which provides that no license is required for an occupier of a vineyard of not less than 5 acres of vines in full bearing selling on the vineyard, in quantities, not less than one-quart bottle at one time, wine manufactured by such person. Ever since the Act was passed those who are engaged in vinegrowing and wine making have sought this amendment. I think it is agreed upon by all that it is really necessary. The proposed amendment is to enable vigneronns to sell spirit in bond without a license to vigneronns in a similar position. At present they cannot do this.

Hon. G. Taylor: What quantity can they sell now?

The PREMIER: Over five gallons. All vigneronns are not in a position to obtain large quantities of spirits at a cheaper rate than they can obtain them on the retail market. It is desirable that they should be able to deal between themselves in the spirit that is required for fortifying their wines, and that they should be able to get it from one another. It is a very small amendment, and has been approved by those who have been engaged in the business ever since the Act was passed. There is no opposition to it that I know of from any other quarter. We are taking advantage of the fact that we were introducing an amendment to the principal Act to make this provision, in order to meet the desires of those who are engaged in winemaking. I move—

That the Bill be now read a second time.

On motion by Hon. G. Taylor, debate adjourned.

BILL—MENTAL DEFICIENCY.

In Committee.

Resumed from the previous day; Mr. Lambert in the Chair; the Minister for Health in charge of the Bill.

Clause 26—Duration of detention under order:

Mr. LATHAM: I do not think this clause will ever be put into operation. It will probably be found that very few operations of this kind have ever been performed. In my opinion we are not giving enough consideration to this class of legislation.

Clause put and passed.

Clauses 27 and 28—agreed to.

Clause 29—Power to recover expenses:

Mr. SLEEMAN: I move an amendment—

That Subclause 1 be amended by the addition of the following words:—"Provided that an order shall not be made against any married person except in respect of such income as he or she may be in receipt of exceeding the basic wage."

This legislation is similar to the Lunacy Act in that it will deal with mentally affected persons. The Lunacy Department chases and harasses people from one end of the State to the other in order to get certain charges out of them for the maintenance of their relatives in the Claremont Asylum. A man who is in receipt of the basic wage, or even of an income considerably in excess of that wage, who has a mentally deficient child that is in the care of the Government, cannot possibly afford to pay the fees that are charged against him. These charges go on from year to year. In the interests of the people concerned the State should bear the cost. If it is not intended to ask people to pay, it will be no hardship upon the department to say so in the Bill. A man with a large family may be receiving considerably more than the basic wage, but may find this legislation will press very hardly upon him. We cannot, however, provide for everybody, and my object is to provide for those who are on or near the basic wage.

The MINISTER FOR HEALTH: I can see no necessity for the amendment. A married man may have only his wife to keep.

She may be mentally defective and have to be placed in an institution. It is reasonable that he should have to pay something towards her maintenance. If the Bill does not become law, he will still have to keep his wife, and if it does become law he will be asked to pay only some proportion of the cost of maintenance. The authorities must have discretionary power in this matter. If the amendment is carried it will be a direction to the departmental officers to commandeer from a man everything that he earns above the basic wage. A man may have seven children and be earning 10s. above the basic wage. If one of these children is mentally defective and has to be placed in an institution, the amendment will be an inducement to the department to take that 10s. a week. It is possible that some people have been harassed to pay certain charges for the maintenance of their relatives. If such a person were found to be a pensioner, he would naturally be left alone. No one can say he has not received reasonable treatment in State institutions. People have complained that the Lunacy Department have compelled them to pay so much a week. I have investigated various complaints. Never have I had a genuine case which has not been afforded relief. Other cases have not been genuine. I know of one man who was earning £9 a week and who complained bitterly that he was asked to contribute £2 2s. a week for the maintenance of his wife. Every case must be treated on its merits. Many persons are now being supported by their parents who can ill afford it, but if the Bill is passed no charge will be made upon them.

Mr. SLEEMAN: The Minister has quoted extreme cases that are not very likely to occur. If a man on the basic wage has a mentally deficient child, he cannot possibly afford to pay for its maintenance year after year.

The Premier: He would have to do so if the child were kept at home.

Mr. SLEEMAN: Yes, but he would not pay as much as he would have to pay under the Bill. The charge for keeping the child in an institution might be at least £1 a week.

Hon. G. Taylor: And the Government allow only 9s. a week.

Mr. SLEEMAN: We do not know what the sum to be contributed under this clause may be. The Lunacy Department, for treatment at Point Heathcote, have demanded large sums of poor people; as much as £3 10s. per week has been demanded of the wife of a patient whose estate did not exceed £400 in value. Last year a Bill was introduced to give the Lunacy Department more power to harass, as I term it, the relatives of patients at Claremont. The same thing will occur under the clause unless it is amended: people on the bread line will be chased for contributions in respect of children unfortunate enough to become subject to this measure. The Crown Solicitor advises that the persons responsible for payment are father, mother, stepfather, step-mother, uncle or aunt.

Mr. Latham: "Uncle or aunt" surely is stretching things a bit.

Mr. SLEEMAN: Under the clause an aunt on the basic wage may be required to contribute towards the keep of a mentally deficient child; and that would still be the case if the aunt were married to a man not related to the mentally deficient child. If people on the basic wage are not to be asked to contribute, let that be stated in the Bill. The charge is not likely to be less than £1 weekly. Imagine a man with a family and on the basic wage being asked to pay £1 per week for the maintenance of a mentally deficient child! Is a man with, say, seven children and an income 10s. per week above the basic wage to be asked to contribute that 10s. towards the keep of a mental defective? I hope the amendment will be carried.

Mr. KENNEALLY: The amendment expresses a basic principle which should receive the Committee's attention. By other legislation a basic rate of wages is provided; therefore it is only reasonable and fair that such a Bill as this should exempt from claims people on the basic wage. The case of a man on the basic wage and having only a wife, the wife being the mental defective, should be provided for, even though, as the Minister has suggested, it would be a rare case. The Bill should entirely exempt the basic wage from inroads. I do not wish to say anything against the officials charged with the responsibility of collecting the fees; but if the clause passes as printed, it would be the duty of those officials to make a claim against a man with a wife and five children if one of the children was a mental

defective. The carrying of the amendment moved by the member for Fremantle would be a direction to the officials that on incomes within the basic wage no claim should be made. Further, the clause refers to burial expenses, cost of education, and cost of transport—matters which the Arbitration Court does not take into consideration when fixing the basic wage for a man with a wife and two children. I support the amendment.

Mr. DAVY: I cannot possibly help opposing the clause, in view of my attitude on last session's measure for improving the machinery that enforces payments under the Lunacy Act against the relatives of persons incarcerated. I then pointed out that there were two methods whereby a person might be deprived of his liberty: one was by being sent to gaol for the commission of some crime, the other by being sent to the Hospital for Insane at Claremont because of being afflicted with mental disease. Any ordinary person would expect that a greater penalty would be imposed on the estate of, and the relatives of, the criminal than upon the estate and relatives of a person suffering from mental disease. The fact of the contrary being the case here would astonish a savage. The Minister now proposes to add a third method by which people may be deprived of their liberty—on account of being, not insane, but mentally deficient.

The Minister for Health: The Bill provides for care and control of mental defectives. If at large, they are a menace to the community.

Mr. DAVY: The excuse for the measure is that if these people are not under control, they become a menace to the general community. If people are to be put under control for the benefit of the whole community, the whole community ought to bear the cost. However, the Minister has omitted to mention that mental defectives are also put away for their own protection and benefit.

The Premier: If a person suffers from infectious disease, we put him in a hospital for the benefit of the general community. Should the community pay for that?

Mr. DAVY: The community does pay for it.

The Premier: Not if the person can pay.

Mr. DAVY: If the relative of the mental defective—father, mother, uncle or aunt—does not pay, he or she can be sent to gaol. It is commonly thought that in Australia imprisonment for debt has been abolished.

Actually, in Western Australia imprisonment for debt is steadily on the increase. Almost every measure empowering a Government body or a trade union to recover money makes the money recoverable in a summary way, as Subclause 2 of this clause does. Whenever justices issue a judgment with reference to the payment of a sum of money, whether it be merely a matter of a debt or whether it be a fine, then the order issued is that the defendant or accused, as the case may be, shall pay the sum of money fixed. In default of the payment of that amount, there is execution, and in default of execution, imprisonment. The Legislature has lost sight of the fact that on numbers of occasions, when we meet in session, we add to the circumstances in which persons may be imprisoned for debt. Now we are asked to add another one. Subclause 2 provides that power, and failure to pay the sum fixed may result in a person being sent to prison like an ordinary criminal. We have had experience of the operations of somewhat similar sections in the Lunacy Act which have not worked entirely justly. I know of instances in which people have been compelled to pay under orders, and the demand made upon them has been an immense burden. For instance, there may be five or six brothers in a family and the mother may have been placed in the Hospital for the Insane. One brother may have his home in the city and have the responsibilities attached to the maintenance of his wife and children. He can easily be found. The other brothers may be rovers, in the North-West to-day and in the South-West tomorrow. In such circumstances, it naturally follows that the brother who can easily be found by the departmental officials is made to pay. I can satisfy the Minister that in such circumstances one brother has had to shoulder practically the whole of the cost of maintenance.

Mr. Kenneally: And that case is by no means singular.

Mr. DAVY: No. Two instances have come under my notice professionally. We should consider whether it is just and proper to extend the principle to which I have drawn attention. I raised this point with another Minister and his reply was that there were too many people who expected something for nothing. What is the "something" that a poor man gets whose child

is grabbed from him and put into a home for mental defectives?

The Premier: He is relieved of the cost of maintenance, and the child is cared for in a manner that the father could not possibly do himself.

Mr. DAVY: The father may be saved a certain sum of money.

The Premier: And also the worry of having a mentally defective child in his home.

Mr. DAVY: But what profit does he get out of it?

The Minister for Health: Surely we do not look upon mental deficiency from the standpoint of profit!

Mr. DAVY: Certainly not, and I suggest that the Minister should regard it accordingly.

The Minister for Health: I do.

Mr. DAVY: I claim that when a person is placed in such an institution for the good of the community—I admit it is for the individual's good as well—the community should carry the bulk of the burden.

The Minister for Health: They do so.

Mr. DAVY: In the past, similar provisions in the Lunacy Act have not operated justly in all instances, and I see no reason why the provisions of the Bill should operate in any other way. I know the Minister will not think I am endeavouring to embarrass him. I am not speaking wildly. Information has been given to me regarding this phase, and we should consider carefully before we grant such powers to a court to make orders against the relatives of persons placed in these institutions. Particularly should we consider whether we should allow any tribunal to make failure to pay a cause for imprisonment. It is time we checked the restoration to the statute-book of the principle of imprisonment for debt, which we thought had been deleted 75 years ago after a prolonged attack upon the system had been made by Charles Dickens. The amendment represents a means of alleviation and protection for people who need that consideration most, and I shall support it although it will not cure all the defects of the clause.

Mr. GRIFFITHS: During the select committee discussions I admired the persistency with which the member for Fremantle stood out for the protection of people not in a position to pay. Much of the argument advanced was along the lines indicated by the member for West Perth with reference to the operations under the Lunacy Act.

The member for Fremantle knew of instances where people had been chased, terrorised and humbugged by the Lunacy Department for the payment of dues owing under orders that had been made, and those people were really not able to foot the Bill. We should not lose sight of the fact that the mental defectives will be taken care of in a specially provided institution, erected at great expense by the State. Those people who are in a position that enables them to contribute towards the upkeep of their relatives, should do so. It is only the lineal descendants who will be concerned in that regard, and I will support the amendment accordingly. As to whether the State should bear the whole of the financial burden, that is a problem that opens up a wide field for argument. We know what takes place in connection with our hospitals. Many people who can well afford to pay will not do so. Some provision should be made in the Bill to assure a reasonable contribution towards the upkeep of patients by those who are well able to pay.

Mr. MANN: If the Minister persists in retaining the clause, it may defeat the objective he has in view. It is his desire that the Bill shall be popular and that people will not endeavour to avoid treatment under its provisions. If the clause is retained it may tend to evasion on the part of people who otherwise would be prepared to abide by its provisions. If a man is earning just above the basic wage, he will know that if his child is placed in an institution, it will mean that for the lifetime of that child his household wages will be reduced by whatever amount the court may fix. We will be safe in assuming that the court will fix not less than 10s. a week.

The Premier: You are not safe in assuming any such thing!

Mr. MANN: I think that would be a fair assumption.

The Premier: No, because the order of the court would depend upon the individual's capacity to pay.

The Minister for Health: How many times recently has the court made orders for 2s. or 2s. 6d. a week?

Mr. Davy: What for?

The Minister for Health: For payments under somewhat similar conditions, although not for mental defectives.

Mr. MANN: The point is that whatever order is made, the payment of that amount will be for the lifetime of the child and while the father may be in a position to

pay to-day he may be out of work to-morrow, but the charges will still be debited against him. The Police Department has been made use of for collecting accounts on behalf of the hospitals.

The Minister for Health: The police do not collect anything for Government hospitals.

Mr. MANN: They used to do so, if they do not now. The point is that we desire people to place their mentally defective children under the provisions of this legislation, and if the clause is retained without any reservations, which will mean that orders made for payments will continue during the lifetime of the patient, people will seek to evade their responsibilities.

Mr. Griffiths: But the clause provides that the payments shall be fixed having regard to the ability to the persons concerned to pay.

Mr. MANN: What may appear reasonable to a magistrate may be most unreasonable from the point of view of the individual against whom the order may be made.

The Minister for Health: What percentage of mentally deficient persons will come under this provision?

Mr. MANN: We cannot speculate.

The Minister for Health: There will not be five per cent.

Mr. MANN: The Minister cannot make that assumption. I think it will be a very large percentage. In the absence of something better, the amendment should be acceptable to the Minister, who does not desire to have people evading the Act.

Mr. Kenneally: And this is not limited to those whom the court places under authority.

Mr. MANN: That is so. If the Minister insists upon the clause, he will have a big percentage of people evading the Act because of the cost it will mean to them. The Minister says he has had scores of appeals against charges made.

The Premier: Not by the courts, but by those controlling the institutions.

Mr. MANN: That does not make much difference. I suggest the Minister should give some relief to those who cannot afford to pay for all time. The Minister will have a big percentage of people endeavouring to evade the Act.

The MINISTER FOR HEALTH: No member could wish more than I to introduce a provision that the general community should pay the whole cost of the Bill. It

would be very nice to be able to do that. I remember an agitation lasting 15 years or more over the disgraceful state of affairs that existed in the old receiving depot, at least 40 per cent. of whose inmates were mental defectives. The state of affairs there was very bad. But this Government have spent about £80,000 in building a new receiving depot, and in addition are bearing the cost of its maintenance, representing about £40,000 per annum. Members should realise that the Government cannot spend more than they get from the people, unless indeed they start on the road to bankruptcy. I realise that the Bill is going to cost a fair amount of money. Our hospitals to-day are costing a great deal, but people who can afford to pay for services rendered in those institutions are asked to pay. If it is to be laid down that we have not the right to ask people to pay the cost of this Bill, the whole thing will be looked upon by the general public as a Government activity and therefore free to all.

Mr. Kenneally: The amendment does not propose that.

The MINISTER FOR HEALTH: No, but a good deal of the arguments used has been on the line that we have no right to make a charge at all. The member for Perth questions the percentage of people likely to come under this clause. Of course, we have had no experience of the working of this measure, but we have had a psychological clinic for nearly three years, and there have been brought to that clinic very few cases regarding which payment was not offered. From what we know of mental defectives in this State, I can confidently say that of those who will be treated, at least 90 per cent. will come under the voluntary provisions of the Bill. For years past the Government have subsidised the only old-established school for mental defectives in this State, and now they are subsidising also the newly-established school.

Mr. Mann: The money could not be better spent.

The Premier: But where are we going to get it?

The MINISTER FOR HEALTH: If we are to heap up costs and then decide that they shall come out of general revenue, we shall have to get increased revenue from somewhere. We are subsidising the existing institution £20 per week, irrespective

of the number, up to 20, in that institution, and 15s. per week for all over 20. In very many instances parents, without coming to the Government at all, have gone to the clinic, had their child examined and then placed in the institution. In one instance, the mother offered to pay £4 per week. The Seaforth Home is doing magnificent work, but without the clinic it would be of very little use to us.

The CHAIRMAN: Order! This is becoming a very wide discussion.

The MINISTER FOR HEALTH: The member for West Perth discussed every financial aspect of the clause.*

The CHAIRMAN: The Minister would be better advised to confine himself to the amendment.

The Premier: The member for West Perth did not; he did not touch it until the last moment.

The MINISTER FOR HEALTH: The whole of the argument has been based on what is done in the Lunacy Department, and members have talked a great deal about the harassing of people entitled to pay for relatives in the Asylum for the Insane.

Mr. Marshall: Not entitled to pay, but harassed all the same.

The MINISTER FOR HEALTH: Members will see from the Estimates that that institution is costing the general taxpayer some £80,000 per annum.

Mr. Marshall: It is a national obligation.

The MINISTER FOR HEALTH: One would think the Government or the officials of that institution were harassing everybody they could in order to collect the cost of maintaining the institution, so that the general taxpayer would not have to contribute. But the Bill has nothing whatever to do with the Asylum for the Insane, and I am sorry the asylum should have been brought into the discussion. If the Committee insists upon amending the clause to the extent of limiting its application to those earning more than the basic wage, I have no particular objection to offer, except that it is not fair to the proposed department, and will have a worse effect than will the clause as it stands. The member for West Perth spoke of four brothers, only one of whom could be found. Upon him, it seems, fell the responsibility

for all the contributions paid for the maintenance of his mother in the asylum. If the hon. member had gone to the right authority, that brother would not have been asked to make the only contributions, perhaps would not have been asked to make any contribution at all.

Mr. Davy: Who would be the right authority?

The MINISTER FOR HEALTH: The Minister controlling the department.

The CHAIRMAN: Order! We are not discussing the Lunacy Act; we are discussing the proposed amendment.

The MINISTER FOR HEALTH: Every member has been allowed to mention cases in the asylum.

The CHAIRMAN: And we now have the member for West Perth asking where to get relief. That has nothing whatever to do with the Bill.

Mr. Marshall: The practice under this measure will be the same as under the Lunacy Act.

The CHAIRMAN: I ask the hon. member to keep order.

The MINISTER FOR HEALTH: It is necessary to do something for mental defectives, and unless Parliament is prepared to give us authority to make those people pay who can afford to do so, I do not know that the State will be able to finance it. There is a danger of the scheme breaking down of its own weight. The hon. member objects to our having any power after taking a person before the court. What is the use of taking proceedings unless a penalty is provided for refusal to obey the order of the court? I believe that 90 per cent. of the people liable to pay would do so. Some people who are liable to make payments to various institutions do evade their responsibilities, and power is necessary to get at such people. I hope the clause will be accepted without the amendment, but if it is amended as desired by the member for Fremantle the Committee should go no further.

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

Ayes	..	..	..	..	19
Noes	..	..	..	..	9
					—
Majority for	..	..	..	..	10
					—

ARMS.

Mr. Chesson
Mr. Corboy
Mr. Coverley
Mr. Cowan
Mr. Doney
Mr. Griffiths
Mr. Kenneally
Mr. Kennedy
Mr. Lamond
Mr. Latham

Mr. Landsay
Mr. Mann
Mr. Marshall
Mr. Richardson
Mr. Rowe
Mr. Sleeman
Mr. J. H. Smith
Mr. C. F. Wansbrough
Mr. Davy

(Teller.)

NOES.

Mr. Collier
Mr. Cunningham
Mr. McCallum
Mr. Munsie
Mr. North

Mr. Taylor
Mr. Teesdale
Mr. A. Wansbrough
Mr. Wilson

(Teller.)

Amendment thus passed.

Mr. DAVY: I agree that a person who is able to pay and does not pay should be punished for contempt of court. Ordinarily if a judgment creditor can prove to the satisfaction of the court that the debtor is able to pay—and the proof is by no means easy—the court makes an order for the payment of so much a week. Such orders are made in respect of lump sum judgments.

The Minister for Works: What happens if the debtor defaults?

Mr. DAVY: He may be imprisoned for contempt of court. Say a plaintiff gets judgment for £20 and issues a warrant of execution and is not paid, he takes out a judgment summons and the debtor appears before the Local Court. The plaintiff then has to prove to the satisfaction of the court that the man is able to pay. If he supplies that proof, the magistrate makes an order for so much a week off the lump sum, and in default the debtor is sent to prison for contempt of court. Under Subclause 2, however, an order could be enforced in a summary way as if it were an order by justices adjudging the payment. There would be no onus of proof required of the person making the application. If the man did not pay, execution would be issued, and if the order was not satisfied immediately, the man could be put in gaol without further argument. Such procedure is quite wrong. It sounds cheap and easy to provide that an order may be enforced in a summary way, but we are apt to forget that failure to pay automatically involves gaol without argument or appeal.

Hon. G. Taylor: Do many people go to gaol in those circumstances?

Mr. DAVY: Many people have orders made against them and cannot pay. An order under Subclause 2 would have precisely the same effect as a fine for a criminal offence. In default of payment, the man would have to go to gaol.

The Premier: Quite regardless of his ability to pay?

Mr. DAVY: Yes. A man might be fined £5 for negligent driving. In default of payment, execution would issue, and in the event of there still being default, the defendant would be sentenced to a term of imprisonment in accordance with the amount of the fine.

Mr. Mann: Three days for every £1.

Mr. DAVY: Orders for the payment of sums under this measure should be equivalent to civil judgments. I move an amendment—

That all the words after “order,” in line 1 of Subclause 2 be struck out, and the following inserted in lieu:—“shall be deemed to be a judgment of a Local Court in favour of the person on whose application the order was made, and may be enforced as a judgment of the Local Court and not otherwise.”

Mr. Sleeman: What does that mean?

Mr. DAVY: If an order for the payment is made, and the man does not make the payment, a warrant of execution may be issued against his goods, as in the case of the local court, and if he then fails to pay, a judgment summons can be taken out against him, and he will be brought up before the judgment summons court. If the complainant can prove that the man can pay, the court will make an order for the amount at so much a week. It will be treated as a civil debt.

Mr. Kenneally: He must satisfy the judicial authority that he is able to pay.

Mr. DAVY: There is nothing about the necessity to satisfy the judicial authority. It says an order shall be made to contribute such an amount towards the expense as, “having regard to the ability of such persons respectively, seems reasonable.” Under the local court procedure it is stated that before a man can get an order under a judgment summons, proof shall be given. A general direction is given that an order shall be made and that the order shall be proportionate to the ability of such person to make the payment. In a judgment summons court if convincing proof is not given, and an

order is made an appeal can be lodged against it and it can be wiped out. This gives wide discretion. An order has to be made, and the order must have regard for the ability of such persons respectively to pay. I am not enamoured of the amendment because it was drawn up in a few minutes. If the Minister will undertake to have the clause looked into, and will make the enforcement of an order a civil matter rather than a criminal matter, I will not press the amendment, which can then be considered by the Parliamentary Draftsman and given effect to. I object to the principle of getting an initial order for payment, and the failure to pay being treated like the failure to pay a fine in a criminal case. Although a man may find it impossible to pay, he will without argument be put into gaol immediately. I hope the Minister will agree that the proper principle to adopt is the one I suggest.

The MINISTER FOR HEALTH: I have no hesitation in giving the hon. member the assurance he asks. Ever since the Bill was brought down I have been impressed with the fact that the civil process was the process adopted. I favour the idea advanced by the hon. member and will refer the matter to the Crown Law authorities. I do not mind whether the clause is postponed or recommitted at a later stage.

The CHAIRMAN: The clause has been amended and must now either be passed or rejected.

The MINISTER FOR HEALTH: I will have the clause recommitted with the object of amending it in the direction desired by the hon. member.

Clause, as amended, put and passed.

Clauses 30 to 35—agreed to.

Clause 36—Constitution of board:

Mr. DAVY: What is the definition of a psychologist under this Bill?

The Premier: It is rather like the word "Mesopotamia," which the ladies of the Childrens' Court are so fond of using.

Mr. DAVY: It is a beautiful word and rolls trippingly off the tongue. It means really a person skilled in the study of the soul. Is there any definite qualification required for a psychologist? Are the qualifications such as require a special course of training?

The Premier: I would say that a five-years study in politics will qualify you to become a mob psychologist.

Mr. DAVY: Are there any definite qualifications such as are required in the case of a medical practitioner? Might we not have put upon us some person who calls himself a psychologist, but has really only read a few books and stayed about 18 months in the United States?

The MINISTER FOR HEALTH: The hon. member has placed me in rather a difficult position. I am only a layman. By psychologist I mean a fully trained and qualified psychologist.

Mr. Davy: But of what does the training consist?

The MINISTER FOR HEALTH: At present there are three universities that issue diplomas in psychology. It is not possible to get a diploma under five years' study.

Hon. G. Taylor: Are you referring to American diplomas?

The MINISTER FOR HEALTH: No.

Mr. Teesdale: Thank God!

The MINISTER FOR HEALTH: There are dozens of universities in America.

Mr. Davy: To what three do you refer?

The MINISTER FOR HEALTH: There are two in England and one in New South Wales at the Sydney University, where the study of psychology is part of the curriculum.

The Premier: There are two Western Australian girls who have gone through our University now doing a course in America.

Mr. Davy: Did our State Psychologist have a five years' course?

The CHAIRMAN: Has the Minister yet answered the hon. member's question?

The MINISTER FOR HEALTH: I have not had a chance to do so. The hon. member seems to want to know whether our psychologist might be dictating to a medical man as to the state of mind of a mental deficient.

The CHAIRMAN: The hon. member desired to know the qualifications required of a psychologist. The Minister now seems to be making a second reading speech concerning conflicting opinions as to the duty of a psychologist and a medical practitioner.

The Premier: He cannot answer the question in a word or two.

The MINISTER FOR HEALTH: I was asked if it was possible to have a psychologist who would dictate to a medical practi-

tioner as to the state of mind of a mental deficient.

The CHAIRMAN: The member for West Perth ought to have asked that question during the second reading debate and the Minister could have answered it.

The MINISTER FOR HEALTH: If you, Mr. Chairman, say I am not entitled to reply, I will bow to your ruling. I am only trying to answer the question.

The Premier: A psychologist is really a person who studies psychology.

The MINISTER FOR HEALTH: I will give the hon. member the qualifications of a psychologist, but it may take me ten minutes to find them. There is no need to accept the Premier's interpretation. I hope the time has gone by when members will attempt to make a laughing-stock of a psychologist. Some members are trying to do that and I take great exception to it.

Mr. Davy: I hope you are not including me.

The MINISTER FOR HEALTH: No.

The CHAIRMAN: The Minister may be sure that there is no such intention on the part of members. Possibly he could give a clear definition on the subject at a later date.

The MINISTER FOR HEALTH: I have here a definition from one of the greatest experts in the known scientific world.

The Premier: I have heard it said that a psychologist is a man who tells us things we know perfectly, but in language he hopes we will not understand.

The CHAIRMAN: I do not think we need keep the Committee waiting. The question can be revived at a later date.

The MINISTER FOR HEALTH: If the member for West Perth is satisfied to let the matter go, I am quite content.

Hon. G. TAYLOR. Clause 36 gives power to appoint a board consisting of the Commissioner of Public Health, a psychologist, and the physician in charge of the Lunacy Department. Presumably these are busy people. Before embarking on legislation, the Government ought to see their way clear to administer it without over-burdening the people with taxation. If the proposed members of the board can take on the additional work, their present jobs must be fairly easy. The expense of doing what the Minister claims will be done is bound to be heavy.

Mr. DAVY: I did not raise the question of what a psychologist is in order to poke fun at the Bill. A Statute defines the qualifications of a medical practitioner, and a definition of the qualifications entitling a person to call himself a psychologist should be included in this measure. A diploma is something very different from a degree; it is something extra, something that has nothing to do with a normal university course. If we are to pass a Statute creating a position and giving it a name, we ought to define the terms upon which a person may call himself by that name. The diploma of psychologist, if it requires a five-years course to obtain, is something greatly different from the ordinary diploma, the securing of which calls for only 12 or 18 months' study. I believe the State Psychologist to be a very useful and competent person; but, according to the Minister, she has not gone through a five-years course. As the Bill stands, anyone who chooses to call himself a psychologist, or whom the Minister of the day chooses to consider a psychologist, may be placed in a position of considerable importance under the measure.

The Minister for Health: No; not in view of the word "clinical," which precedes "psychologist."

[Mr. Panton took the Chair.]

The CHAIRMAN: The member for West Perth is distinctly out of order. This discussion ought to have taken place on Clause 4.

Clause put and passed.

Clause 37—Tenure of office:

Mr. KENNEALLY: This clause suffers from the fault that characterises corresponding sections in various Acts. The members of the proposed board are to be appointed for three years, and at the expiration of that term, should it be desired to appoint them for a further 12 months, that cannot be done: they must be re-appointed for the full three years. Similarly, the Commissioner of Railways can be appointed only for a term of five years. To effect the Minister's desire, I move an amendment—

That "of," in line 4, be struck out, and "not exceeding" inserted in lieu.

The MINISTER FOR HEALTH: I have no objection to the amendment.

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

Clauses 38 to 57—agreed to.

Clause 58—Powers of official trustee:

Mr. LATHAM: I move an amendment—

That after "trustee," line 3, there be inserted "or an established trustee company."

The clause is intended to empower the official trustee to take possession of the property of persons placed in institutions; but the best management of estates, I hold, is not obtained from that official. Therefore power should be given to appoint a trustee company to manage an inmate's affairs. It is most disheartening to a patient to find, upon release, that the whole of his property has disappeared, bad sales having been effected or goods removed or stolen. Trustee companies work under an Act of Parliament, and their business standing is of the highest. Only a little while ago we had to pay £700 or £900 as compensation to a person, arising out of the handling of his estate while he had been under control. I want to give the Government the opportunity to decide whether they will accept a trustee company in addition to the Public Trustee.

Mr. KENNEALLY: I hope the Government will not accept the amendment. A little while ago it was claimed that the State should accept responsibility for certain expenses in connection with mental defectives. I think the State should also be responsible for the care and administration of estates owned by mental defectives. The argument that a private company must necessarily be introduced when the State already has the machinery required to carry out the work, will not bear the light of day. When I interjected that this would give private enterprise another opportunity to step in, I think members will agree it was evidently for that purpose that the amendment was moved.

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

Ayes	..	..	..	5
Noes	..	..	..	23

Majority against .. 18

AYES.

Mr. Donev
Mr. Latham
Mr. Lindsay

Sir James Mitchell
Mr. Griffiths
(Teller.)

NOES.

Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Munro
Mr. Corboy	Mr. Richardson
Mr. Coverley	Mr. Rowe
Mr. Cowan	Mr. Sleeman
Mr. Cunningham	Mr. J. H. Smith
Mr. Davy	Mr. Taylor
Mr. Kenneally	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willson
Mr. Lambert	Mr. North
Mr. Lamond	

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clauses 59 to 63—agreed to.

[Mr. Lambert took the Chair.]

Clause 64—Protection of defectives from acts of sexual immorality, procuration, etc.:

Mr. NORTH: Section 191 of the Criminal Code deals with similar offences and provides the same penalties, without any special reference to mental defectives. Under that section any person who procures a girl is liable to two years' imprisonment. The clause relates to a similar offence against mentally defective females, and yet the same penalty only is provided. Surely a heavier penalty should be imposed where the victim is mentally defective. If that is not so, why the necessity for duplicating the section of the Criminal Code. A clever lawyer might prove that his client had no reason to suspect that the woman or girl was mentally defective, and the charge might be dismissed. The Crown would then fail, whereas a similar charge laid under the Criminal Code would have resulted in a conviction.

Clause put and passed.

Clauses 65 to 72—agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—WHEAT BAGS ACT AMENDMENT,

Second Reading.

HON. SIR JAMES MITCHELL (Northam [9.12] in moving the second reading said: It will be remembered that last year we agreed to a measure to provide for the branding of bags containing wheat. I believe the legislation was introduced at the

request of the manager of the Wheat Pool. The measure has caused enough trouble and a great deal of expense, and will not do much good even in connection with the Wheat Pool, and the protection of the interests of the farmers. I want to exempt bags containing wheat delivered to the mills that operate at Northam, Katanning, Narrogin, Kellerberrin, Geraldton, Bunbury and probably at one or two other country centres. I am informed that when wheat is delivered, the bags are emptied and re-sold to the farmers. Often bags are filled three or four times in a season and delivered to the mill. It is the custom of the mills to fill new bags with wheat once and whenever they are returned to the mill or to the merchants, the bags are again sent out to the farmers. They are used once or twice for wheat, and then for offal other than flour. If we insist upon the branding of wheat bags, it will cost the State a considerable amount of money because every farmer will be compelled to use the bags. That is the first trouble. The second is that the farmers will be unnecessarily penalised because the bags are reduced in price every time they go back to the producers. If the bag cost 10s. at the outset, it will be sold at 8s. as a secondhand bag. It really means a difference of $\frac{3}{4}$ d. per bushel to the farmers, which is a considerable sum of money. Apart from that, branding can do no good. If a miller wishes the bags he buys to be branded he will make that stipulation and refuse to buy wheat from a farmer unless he delivers the wheat to the mills in bags that have been branded accordingly. I have spoken to the general manager of the mills at Kellerberrin, Claremont and Northam, and he is most certainly not in accord with the Act as it stands. We are not protecting him nor any other miller in insisting upon the bags being branded. On the other hand we are giving a great deal of trouble and unnecessary expense to the farmer. I do not know that I need say very much more about the Bill, which is quite easy to understand. It does not propose to do more than exempt the bags delivered to the millers; all other bags, of course, will be branded. I do not see that anyone can offer any objection to the Bill. Certainly no one has any right to object because he happens to buy wheat; neither the pool nor any merchant would have the right to object. And even the

miller, if he sells wheat as such, will be obliged to brand the bags. I move—

That the Bill be now read a second time.

On motion by the Premier, debate adjourned.

ANNUAL ESTIMATES, 1929-30

In Committee of Supply.

Resumed from the previous day; Mr. Lambert in the Chair.

Department of the Minister for Mines (Hon. S. W. Munsie, Minister).

Vote—Mines, £103,476:

THE MINISTER FOR MINES (Hon. S. W. Munsie—Hannans) [9.18]: On this occasion I am not going through all the figures of the previous history of gold-mining in this State, and the quantity of gold produced. Almost every member is aware of the advantage goldmining has been to Western Australia, and the value of the gold produced, so I am not going into all that. I have again this year to say I am sorry the decline in the gold yield still continues. Last year it was slightly less than in the previous year, and there is just a possibility that the present year's output will be almost equal to that of last year.

Hon. Sir James Mitchell: It doesn't look like it just now.

THE MINISTER FOR MINES: No, but the last three months of the year are always better than any other three months in point of crushing, because there are so many people who want to get something for Christmas. It has always proved so. I do not say the yield this year will be equal to that of last year, but it ought to be very close to it. I think that next year the yield will hold its own, and that in the following year we shall start on an increase in the gold output. I have here some information regarding small shows that have been discovered in this State during the last 12 months. Some fairly rich deposits have been found. Some of them are still being developed, and others are proving fairly satisfactory. For instance, we have at Meekatharra the Ingliston Alberts, which has crushed 16 tons for 118 ozs.; the Lady Central has crushed 137 tons for 806 ozs.; at Coolgardie gold mining

lease 5,217 has crushed 96 tons for 336 ozs.; Nil Desperandum has crushed 9 tons for 42 ozs.; goldmining lease 9220 has crushed 6 tons for 42 ozs.; a prospecting area has crushed 112.75 tons for 432 ozs.; at Menzies the Golden Age has crushed 96 tons for 245 ozs. In passing I may say the name of Menzies has been mentioned pretty often of late, and to hear some people talk one would think it was off the map altogether. But during last year Menzies has had one discovery which has crushed 96 tons for 243 ozs. So there are still possibilities in Menzies. At Murrin Murrin a prospecting area has crushed 6 tons for 118 ozs. At Cue prospecting area 4130 has crushed 24 tons for 171 ozs. I admit those have been the best finds in Western Australia during the last year, from the point of view of richness.

Mr. J. H. Smith: That would be only picked stone.

The MINISTER FOR MINES: No, they are prospecting parties, and in most instances they have been on only small reefs and leaders. It shows there is still gold to be found in this State. The assistance to prospectors is still going on, and the amount being advanced has been slightly increased. Wherever it is possible to assist men who can put up a reasonable claim, the Mines Department are doing it. We are giving every encouragement to people to go out prospecting, in the hope that something reasonable may be found. If it is, of course it will be of very great advantage to the State. I have here a good list of finds that have been made during the year. Many of them are not developed, although some of them have given pretty rich returns. They are all new finds, and I do not intend to weary the Committee by reading them out. I am hopeful that some of them will turn out well, and prove good gold producers for many years to come. Some questions have been asked in another place and some criticism offered regarding the exact position in relation to the assistance granted by the Government from the £166,000 odd placed in a trust account for assistance to mining. Most members know that during the last two years the department, in order to assist the mines, have been paying compensation under the Third Schedule of the Workers' Compensation Act. This has averaged out at about £34,000 per annum, and that money has come from the trust account

I have alluded to. The question that has been asked is as to the method adopted in the assistance that absorbed most of that money, namely, the £78,000 granted to the Sons of Gwalia.

Hon. G. Taylor: That was out of loan?

The MINISTER FOR MINES: No, that was out of the £166,000 odd set aside from the Federal Disabilities Grant. It did not come from loan money. Out of that £166,000 for assistance to the mining industry, £81,759 4s. 7d. was either paid, or we were permitted to pay it, to the Sons of Gwalia, provided they carried out their programme. The conditions under which that money was advanced were as follows:—There were two amounts for rails for the purpose of extending the timber line to get firewood, the total amount being £3,759 4s. 7d. The special loan advanced to the Sons of Gwalia was £38,000 for machinery and £40,000 for development work, or £78,000 in all, making a total of £81,759 4s. 7d. There has been already advanced the money for the rails. On the other two items there have been advanced £17,505 19s. 5d. for machinery, and £31,399 3s. for development work. Those figures are now about a month old; there have been further advances on development work since then. When the agreement was entered into it was decided that the loan for development work should be for a period of three years. The mine authorities estimated that for the first year the amount would be £17,000; I forget the amount for the second year, but last year only £7,000 was to be advanced for development. Unfortunately the Gwalia mine was unable to carry out and complete the development work as first suggested. The mine authorities have applied to the department for a variation of the money for development work. Mr. Howe, the State Mining Engineer, has been to Gwalia and closely examined the proposition put up by the company for the variation. He recommended that I agree to the variation, and I thoroughly concur with his recommendation. So the advance has been varied. Instead of continuing with the sinking of the shaft, they are going on with the development of the area. Levels No. 23, 24 and 25 are already opened up. They are driving them and putting through winzes and rises to get the ore available for stoping.

Hon. Sir James Mitchell: And putting in penhouses.

THE MINISTER FOR MINES: No, you find those in the shaft. I need not take much notice of the Leader of the Opposition when he gets on to the technical side of mining. Under the conditions we have to be supplied with a monthly statement of the work being done and the assay values of the ore being developed, but if we had insisted on their carrying out the development agreed to at the outset, I am afraid it would have been necessary to close down part of the plant. They would not have had sufficient ore to keep the plant going. Judging by the values on the three bottom levels, and some good development higher still, in the course of the next two or three months they should have sufficient ore to show a profit and finance the balance of the work agreed to at the outset without requiring any further assistance from the Government. In fact, they will have to finance the work themselves because they will get no more. When by Government assistance the asset of the mine has been increased by an enormous amount, if the shareholders are not prepared to find any money, it is not fair to ask the Government to provide all the funds necessary to continue the development. The shareholders will certainly have to find some of the money if the profits from the mine are not sufficient, but there is a possibility that they will be able to get sufficient from the ore to finance the whole of the work. Shaft sinking was proceeded with for a time, but that is expensive work. It is a big shaft and I think it cost £47 per foot for sinking and timbering. It is the timber rather than the sinking that costs the money. Square oregon is used and big timber at that.

Hon. G. Taylor: What is the depth of the shaft?

THE MINISTER FOR MINES: The 25 level on the underlay is, I believe, 3,300 ft. During the general discussion on the Estimates, the Leader of the Opposition asked me to supply information as to the rumours regarding the concessions being granted in the North-West.

Hon. Sir James Mitchell: Regarding the statements appearing in the Press.

THE MINISTER FOR MINES: Yes. Concessions have been granted in the North-West, and I would remind members that they apply only to the Kimberleys. No concession has been sought lower down. It was only the year before last that any inquiry

was made for mining concessions in the Kimberleys. Those concessions exclude gold, coal, iron and oil. No concession has been granted for any of those things. Anyone has a right to go on to any area to prospect for gold, coal, iron or oil, provided the area is not already held as an oil lease. Of course some of the country is so held.

Hon. G. Taylor: What are the concessions prospecting for?

THE MINISTER FOR MINES: Tin, principally, and other metals. The Kimberley Exploitation Company represented by Messrs. Francis and Stacey asked for a fairly large concession. They pointed out that Mr. Francis had walked from Darwin to Wyndham and from Wyndham to Broome, not following the coast all the way but inland.

Hon. G. Taylor: He had a big heart to do that.

THE MINISTER FOR MINES: Yes, and it took over 18 months to do it. He was satisfied that he had made some discoveries of minerals other than gold, coal or oil. It is difficult country to prospect and he wanted some protection. He could not point out on the map, probably within a 100 miles, of where he wanted to go, but he contended that when he got back to the locality, he would be able to find the spot again. However, he could not give any reasonable idea where it was. Consequently they asked for a fairly large concession. They went to the place and members have seen the report. That report has not yet been verified by departmental officers, because we have not had an officer there. However, they reported favourable finds of tin and other metals. They got a concession for 12 months, and they have to keep the department supplied with information of any finds they make. They have carried out their obligation to the letter and have been exceptionally good. It was mandatory for them to employ four men, and they have employed not fewer than six. They raised more capital and they now have nine men in the field. Just prior to coming down after having been 7½ months in the field, they made a discovery that they thought was on their concession, but when they worked out the position they discovered it was south of their concession. Naturally they came to me for protection over a given area until they could get back to ascertain the exact locality and take it up. I agreed to that. Negotiations have been proceeding for

periods of extension. They have reduced their first concession by nearly two-thirds and their second concession by quite two-thirds, and I have agreed to a further extension of the period for those two holdings till the 30th June, 1930. The two holdings are now practically one.

Hon. G. Taylor: How many men will they employ on the reduced area?

The MINISTER FOR MINES: Nine men, just the same as before. I did not insist on the nine men being employed. I insisted on four, but they are employing nine.

Hon. Sir James Mitchell: How many square miles have they now?

The MINISTER FOR MINES: I cannot say exactly, but they have a fair area. It is only about one-third of what they had at the outset. However, area does not count for much up there. I wish to impress upon members that the country has stood for all time without anyone having done anything in the way of prospecting for metals.

Hon. G. Taylor: What is their mode of transport?

The MINISTER FOR MINES: A lugger, which they bought and equipped.

Hon. G. Taylor: I know it is difficult country to get through.

The MINISTER FOR MINES: Immediately the report appeared regarding the wonderful values discovered—I hope those values will be realised—

Hon. G. Taylor: The second report was somewhat different.

The MINISTER FOR MINES: When the report was published in the Press, we had applications galore for concessions in the North. I cannot see anything wrong in granting concessions, provided the concessionaires do not go on to known auriferous areas. So far any concession I have granted has certainly not been on any known auriferous country. Amongst the conditions that all the concessionaires have agreed to is one to report within three months as to their intentions and the arrangements made for the bona fide working of the concessions. If they cannot satisfy me, I have retained the power to forfeit the concession. There is only one other syndicate that I know of by whom men are employed. If the others do not comply with the condition within the three months and make some attempt to prospect their areas, they cannot continue to hold them. I admit that enormous areas have

been granted under those concessions. I noticed a statement in the Press that we were granting concessions over country at Hall's Creek. From memory, I think the nearest point of any one of the concessions granted is 140 miles from Hall's Creek.

Mr. Teesdale: Quite that distance.

Hon. G. Taylor: That is near enough for the Press.

Hon. Sir James Mitchell: How many concessions have been granted?

The MINISTER FOR MINES: Apart from the Kimberley Exploitation Co., 10 concessions have been granted.

Mr. Teesdale: Let them have the concessions if they can find anything.

The MINISTER FOR MINES: If someone else comes along and wants a little area, even to the extent of 10,000 square miles, provided it is outside the area already taken up—

Mr. Teesdale: Let him have it.

The MINISTER FOR MINES: And provided there is no encroachment on known auriferous country, and evidence is produced of ability to prospect the area, I will say, "Yes, go ahead."

Hon. Sir James Mitchell: You cannot do so under the law.

The MINISTER FOR MINES: I am not doing anything outside the Mining Act. I have looked up the Act and I have authority for all the responsibility I have taken.

Mr. Teesdale: That country has been lying neglected for centuries.

Hon. G. Taylor: They will need a lot of capital.

The MINISTER FOR MINES: Of course, but I do not think there is any harm in granting concessions over country which other people do not want and to which other people have not gone during the hundred years of the State's history, providing the concessionaires fulfil the conditions by doing work. Possibly they will discover something that will mean much to this State. I am prepared to take all the responsibility and any blame that may be attachable for granting concessions in the North.

Mr. Teesdale: I hope you will get some glory from their finding something.

The MINISTER FOR MINES: I hope the report of the first syndicate will be verified when operations are resumed. I want to say a word or two in connection with the dismal side of the mining industry, namely, miners' disease. Some of the matter I have

here is pretty startling. Unfortunately the last examination which should now be proceeding has been stopped, because the Commonwealth cannot supply a doctor to relieve the doctor in the laboratory at Kalgoorlie. The present examination for the current year has therefore been discontinued, and it will be discontinued for three or four months still. Eventually it will be gone on with and completed. Up to date this year there have been examined 2,526 men.

Hon. G. Taylor: All told.

The MINISTER FOR MINES: All told on this examination. Of these 2,060 were normals, 327 were suffering from miners' phthisis early, 94 from miners' phthisis advanced, 40 from miners' phthisis advanced plus tuberculosis, and five from tuberculosis only.

Hon. Sir James Mitchell: That is awful.

The MINISTER FOR MINES: This is the third examination and practically the fourth.

Hon. G. Taylor: We are not getting far ahead.

The MINISTER FOR MINES: Of the 2,060 normal cases reported for 1929, 2,046 were previously reported as normal, and 14 are new cases, namely cases reported for the first time; 327 are cases of miners' phthisis early, comprised of 105 cases previously reported as normal, and 221 previously reported as miners' phthisis early; and one is a new case. Of the 94 cases of miners' phthisis advanced, 61 were previously reported as miners' phthisis advanced, and 33 as miners' phthisis early. Out of the 40 cases of miners' phthisis plus tuberculosis, 8 were previously reported as normal, 144 as miners' phthisis early, and 18 as miners' phthisis advanced. The five cases of tuberculosis only were previously reported as normal. This is a pretty serious state of affairs.

Hon. Sir James Mitchell: Is that the report of the doctors?

The MINISTER FOR MINES: That is put up by the officer controlling the department and is compiled from the statement of the laboratory. There is no question about its accuracy.

Hon. Sir James Mitchell: It should be laid on the Table of the House.

The MINISTER FOR MINES: The whole of the information up to the examination has been laid on the Table of the House. This examination has not yet been com-

pleted. I have no objection to laying the papers on the Table of the House if the hon. member desires. I thought I was doing a service to members in telling them the position as it is up to this year's examination.

Hon. G. Taylor: It is very serious.

The MINISTER FOR MINES: I thought it only fair I should make this statement.

Hon. Sir James Mitchell: You have to make it. You cannot keep it to yourself.

The MINISTER FOR MINES: If I had so desired I could have referred to the other two examinations and not this one. This is the first time the information has been made public.

Hon. Sir James Mitchell: You would not be doing your duty if you kept it back.

The MINISTER FOR MINES: I am doing the best I can in the matter. I should like to refer to one or two other statements. The result of the examination for 1928 for the initial certificates, as required by Regulation 6A, 6H of the Mines Regulation Act, 1906, is—Normal 745, miners' phthisis early 15, miners' phthisis advanced 6, miners' phthisis plus T.B. 4, T.B. only 9, or a total of 779 men examined. These are the examinations of men who have gone to the gold-mining centre to apply for work on a gold mine, and have had to undergo examinations before they could secure employment.

Hon. G. Taylor: Did they contract that disease on the Golden Mile?

The MINISTER FOR MINES: Probably not one of them.

Hon. G. Taylor: Where did they come from?

The MINISTER FOR MINES: From all parts of Australia. Some of them may have worked on the fields years ago.

Hon. G. Taylor: Do we have to compensate them?

The MINISTER FOR MINES: Not any of these. I quote these figures to show the absolute justification and necessity for the regulation that was issued that no man could get employment on a mine without first passing an examination, to show that he was free from any of the diseases specified in the Third Schedule of the Worker's Compensation Act. These are 779 cases of men who have made application for work during this year up to date, and this is the result of the examinations. Of these 15 were found to be suffering from

miners' phthisis early, 6 from miners' phthisis advanced, 4 from miners' phthisis plus T.B., and 9 from tuberculosis only. It is only fair I should quote these figures, seeing that I quoted the others with regard to the numbers of men in the mines who were found to be suffering from T.B. Mines are not the only places where men contract these diseases. Out of the 745 men I previously referred to, we have 13 found to be suffering from T.B. that are not working in the mines. On the other hand, out of 2,526 we have 45 who are suffering from T.B. The following is a general statement of the position regarding the men reported to be suffering from T.B. since the inception of the Act on the 7th June, 1925, to date: Up to the present 371 men have been reported, and of this number 115 have died, 140 are totally incapacitated, 72 are fit for ordinary or light work, four cases are being investigated as to whether they come within the provisions of the Act, one is pending examination as to fitness for other suitable employment, and three have been repatriated to Czecho Slovakia; 33 do not come within the provisions of the Act, and three have been compensated under the Workers' Compensation Act. The number of totally incapacitated men with dependants is 87 and without dependants the number is 53. The total number of dependants of the deceased and totally incapacitated men who are still eligible for compensation, is 355, comprising 86 wives, 59 widows and 210 children under 16 years of age; and the dependants of the 72 men who are fit for work number 122, including 41 wives, and 78 children under 16 years of age. I now come to the total amount of compensation paid to the 30th June, 1929. This is not compensation under the Workers' Compensation Act. It is compensation paid entirely under the Miners' Phthisis Act. The total amount of compensation paid to the 30th June, 1929, since the inception of the Act, is £104,650. It is estimated that the compensation for the current financial year would amount approximately to £43,000. This is under the Miners' Phthisis Act only. The total of incidental expenditure to the 30th June, 1929, is £6,048.

The Premier: That has been all out of revenue in the last few years.

The MINISTER FOR MINES: That has been paid out of revenue. Mr. D'Arcy the

chairman of the Miners' Phthisis Board, has asked for a report from the laboratory upon the 105 men I have mentioned as being reported on this examination to be suffering from miners' phthisis early, who were previously reported as normal. He has asked the laboratory to provide him with the period during which these men have worked in the mines. I have a list of all the men here. I do not know what the average will turn out to be, but on looking through the list I see the names of 21 men I know personally, who have worked for many years in the mines at Kalgoorlie. Most of these men were working on the mines when I was doing so 18 years ago.

Hon. G. Taylor: I know some men who have been there for 30 years.

The MINISTER FOR MINES: This is not a satisfactory report so far as things have gone this year.

Hon. G. Taylor: It is alarming.

The MINISTER FOR MINES: Yes, and more particularly as to the number of men who were previously reported normal until last year. Some of them have been reported normal each year in the examinations, and were reported last year as normal. We now have on this examination 105 men who have shown signs of miners' phthisis early this year.

The Premier: That is only in Kalgoorlie.

Hon. G. Taylor: It shows the rapidity of the development.

The MINISTER FOR MINES: This includes Kalgoorlie and Boulder. The figures are worse in comparison either with last year or the examination of the year before. I do not want members to think that this would be the actual result if the whole examination had been made. Nearly all these men are working in the deep mines in Kalgoorlie. These figures do not cover all the men in the mining industry. There are men engaged in small shows, prospecting shows and elsewhere who would not be suffering to anything like the same extent as would be the case with men working in the deep mines in Kalgoorlie. The present examination as far as it has gone must not be taken as a true indication of what the full report would have been, had the complete examination been made. There is no doubt that the report is alarming.

Hon. G. Taylor: I suppose the figures will be published in the departmental papers.

The MINISTER FOR MINES: I am sorry I have had to make this statement upon the examination so far as it has gone. I thought it only fair to members that I should give them the information, seeing that we have been unable to get a doctor to complete the examination, and will not be able to have it completed within the next four months. I have, however, given the results of the proportion of the examination this year as it has taken place up to date.

HON SIR JAMES MITCHELL (Northam) [10.0]: The last portion of the Minister's speech is highly unsatisfactory. A shocking toll of life seems to have been levied upon our underground workers in the mines. Unfortunately no remedy has been suggested. The awfulness of the situation as disclosed by the examination has been shown, and we must merely go on paying each year more and more to these unfortunate people. The report is a shocking one. What steps are being taken to minimise the trouble or get rid of it? Are these people to go on giving their time to this work of winning gold? Can we go on providing for them, as we must do if the numbers are increasing year by year, as they appear to be increasing as a result of this dread disease? I hope the Minister will look into the question and try to have means discovered of minimising the risk and thus saving valuable lives.

The Premier: The difficulty is in the old mines. The new mines, such as those at Wiluna, will be better in this respect, because of better ventilation.

The Minister for Mines: Yes, and the absence of dry boring.

Hon. Sir JAMES MITCHELL: I hope the position will improve. Cannot the Minister's advisers suggest some method of minimising the danger? If not, the position must become more and more serious. So far we have had only reports, which have resulted in financial assistance to the unfortunate men. We should consider what can be done to improve matters. Since Kalgoorlie was discovered the position has altered somewhat, but it is terribly regrettable that men cannot work in the mines without the almost certainty of eventually going under.

The Premier: If the cases are those of men who have been mining for many years, the position is not so bad, since those men

worked under conditions of dry boring, whereas now it is all wet boring.

Hon. Sir JAMES MITCHELL: One can live a long life at every other calling. If this trouble overtakes a man in the early years of his mining, the position is very bad indeed.

The Premier: I fear nothing can make mining a healthy occupation. Still we ought to do all we can to minimise the trouble.

Hon. Sir JAMES MITCHELL: We ought to know that something is being attempted, even if at the moment nothing is being accomplished.

The Minister for Mines: Presently regulations will be introduced that will assist the position to some little extent. We are doing the best we can at present do.

Hon. Sir JAMES MITCHELL: We satisfied with saying that we do the best we can; but that, unfortunately, is not enough. I hope the best that can be done by capable medical men is being done. Something ought to be done. I am not criticising the Minister for having made his statement to the Chamber, since it was his duty to make that statement to hon. members. However, the report, had it been laid on the Table, might have been read by members beforehand.

The Minister for Mines: The report is absolutely correct.

Hon. Sir JAMES MITCHELL: I am not questioning that. I merely suggest that it would have been better had members had the report before them. Then they might have considered the percentages and other factors that are of importance in the discussion. We must ask the Minister to see that all that can be done with the means at his disposal is done to minimise the truly awful position he has reported to-night. As regards the mining industry itself, one never knows what will result from delving into the ground. When one puts cabbage seeds into the ground, one expects cabbages to come up; but when sinking a shaft one does not know whether one will strike gold or strike granite. One can always be hopeful as to the prospects of the mining industry. The Minister said gold mining had been a benefit to this State. Assuredly it has, and it would be an immense advantage to Western Australia were we now turning out the gold we once produced. However, the decline continues year after year, not much each year. I remember that when

Mr. Scaddan was Minister for Mines, he was held responsible by the then Opposition for the decline in the gold yield. I shall not ask the Minister to accept responsibility for that decline. It would be ridiculous and dishonest to do so. The present Opposition will not adopt such an attitude. Apparently the unfortunate position of the mining industry cannot be helped.

Mr. Marshall: While the cost of production mounts, the production of gold must inevitably decline.

Hon. Sir JAMES MITCHELL: That applies to everything we do—even to the Acts of Parliament we pass here. Similarly with regard to mining tools and requisites. Prospectors like the member for Mount Margaret—

Mr. Marshall: That hon. member never prospected in his life, except for Parliamentary honours.

Hon. Sir JAMES MITCHELL: I believe our prospectors are highly capable. They have found the outcrops. Nowadays the work of the prospector is much more difficult than it was in the early days of the gold industry. In our enormous auriferous area there must be undiscovered gold. Notwithstanding the remarks of the youthful member for Murchison, the old prospectors were an extraordinary or wonderful set of men. They were certainly enterprising, courageous men of great experience. I do not know that any other country possessed such men, especially at such a time when Australia needed them most. We acknowledge our debt to them, and on every possible occasion acknowledge that which we owe to the miners generally on the goldfields.

Mr. Marshall: It is a great pity we have not some of that type of men to-day.

Hon. Sir JAMES MITCHELL: It is, and perhaps the electors of the goldfields might send down as their political representatives such men, if they can spare them! We acknowledge with gratitude the work done on the fields, which is of benefit to the whole of the people of Western Australia, as well as to many in the Eastern States. For that reason we may be pardoned for indicating our regret at the report read by the Minister. We say to him, as we have said on other occasions, that we are prepared to foot whatever bill may be necessary to enable the unfortunate men who suffer from the effects of their work in the mines, to live in some degree of comfort for the rest

of their days. I have seen some of the awfulness of death from miner's phthisis, and I do not want to see any more of it. We should see to it that we make the declining days of those men reasonably comfortable.

The Premier: The State is doing its duty by them now from the standpoint. The unfortunate part of it is that legislation was neglected in the earlier years.

Hon. Sir JAMES MITCHELL: Yes, and we are entirely favourable to any proposal that will provide funds to brighten the declining years of those men now. Had we been able to foresee this trouble we could have levied a toll upon the industry.

The Premier: And at a time when the industry could well afford to pay it. That is where we made the mistake.

Hon. Sir JAMES MITCHELL: It was while £150,000,000 worth of gold was being taken from the mines that these unfortunate men accumulated the trouble that we are faced with now. The gold has gone and the mines to-day are producing so little that we cannot get much from them. Apart from that there has been a change of ownership, and it would not be right for us to levy back charges. I do not know that we would be justified in levying charges on the present owners of the Great Boulder Mine that should have been levied against earlier owners.

The Premier: The industry could not carry the burden now.

Hon. Sir JAMES MITCHELL: No, but apart from that I do not think we could impose the necessary charges on the present owners.

Mr. Marshall: It would not be right to expect them to pay for the sins of others who neglected to pass the necessary legislation in days gone by.

Hon. Sir JAMES MITCHELL: That is what I am trying to make clear to the hon. member. We cannot impose ancient sins upon modern times. I am not satisfied with the report made by the Minister regarding the leases granted in the Kimberley areas. That territory has been available for exploitation for more than 100 years past, and to-day we are granting considerable areas under license for prospecting purposes. Those licenses give the sole right to the holders to prospect over extensive areas and moreover they are granted to a few people only. It does not seem right that we should grant such leases over

enormous areas to a few people, even though it might lead to discoveries that otherwise might not be made.

The Minister for Mines: The leases are for 12 months only.

Hon. Sir JAMES MITCHELL: Yes, but the Minister knows full well that the leaseholders go to considerable expense during the first 12 months, and in those circumstances no Government at the end of that period would say to them, "We will do nothing for you. We know you have put all the money you possess into this work and now we intend to pass you over without any further consideration." That could not be done by any Government. I do not know why we should grant such a monopoly to these people; they could prospect up there in perfect safety.

Hon. G. Taylor: But there would be no inducement held out to them if that were done.

Hon. Sir JAMES MITCHELL: These people are not confined to the four corners of their own leases. They can go where they please, but they have their special leases.

Hon. G. Taylor: They must employ four men on each lease.

Hon. Sir JAMES MITCHELL: Four men on 6,000,000 acres! It would be somewhat difficult to find them without sending out a search party.

The Minister for Mines: Is it not better to have four men there than none at all?

Hon. Sir JAMES MITCHELL: Yes, but I suppose this territory has been available for prospecting all through the ages. I think the Minister should lay one of the special licenses on the Table of the House so that we might know what the conditions are. If the discoverers are entitled to nothing more than is provided under the Mines Regulation Act, I cannot understand the necessity for the special licenses, because they will not mean much to the leaseholders. If they desire the licenses to shut off people from searching on specified areas, that is not enough. I thought they required the licenses so that they could secure the whole of the advantages accruing from any discoveries they might make. From time to time the Minister has told us that reports from Wiluna were perfectly satisfactory. That was the information given to us before we consented to the construction of the railway line to that centre. I hope the Minister can

tell us that the reports continue to be satisfactory.

Mr. Marshall: You need have no doubt about that.

Hon. Sir JAMES MITCHELL: It is to Wiluna that we are looking now for a recovery of the goldmining industry in the immediate future. The people of Western Australia are hopeful that that centre will prove of great assistance to the industry and to the State.

The Minister for Mines: I think the Lake View and Horseshoe amalgamation and also the developments on the Perseverance will mean a great deal to the people.

Hon. Sir JAMES MITCHELL: I am glad to hear that.

The Premier: Prospects have not been brighter in Kalgoorlie for years.

Hon. Sir JAMES MITCHELL: I am glad to hear that interjection, too. I hope the Minister will make public reports regarding Wiluna or any other field that may come under the observation of the departmental officials. I do not know that there is very much more I can say. The items, of course, are very largely for salaries fixed either by the Appeal Board or by the Public Service Commissioner. There are some increases in expenditure, but not anything very considerable. I understand the detective staff, dealing with gold stealing, are paid for in part by the mining companies. But I listened the other day to the reply given by the Minister for Police to the member for Murchison, and it seemed to me pretty clear that there has been some change lately in that system.

The Minister for Mines: If so, I know nothing of it.

Hon. Sir JAMES MITCHELL: I should like to know if the mines are still paying their contribution towards the cost of the special police engaged in this work. I suppose the Minister would know of it if there had been any changes.

The Minister for Mines: I do not know of any, so there cannot have been any.

Hon. Sir JAMES MITCHELL: I suppose the Minister for Police would know. He made the reply to the member for Murchison the other day, and from that reply I gathered there had been some change.

Mr. Marshall: I can assure you the mines are still contributing, as in the days of the inauguration of the system. The Chamber of Mines, Kalgoorlie, are still paying.

Hon. G. Taylor: Have you authority to make that statement?

Hon. Sir JAMES MITCHELL: I am pleased to know that the outlook for mining is brighter than it was, but I am sorry to hear the report of the phthisical cases. On the other hand, I am glad to know that we are doing the best we can to assist those men financially to live, and I can only express the hope that we shall endeavour to give some attention to the work of prevention, while seeking to make the days of those afflicted with the disease brighter and happier by every means in our power. If we had a report each year of the deaths due to disease contracted in this industry, we might have to consider whether it is not worth while to cut out the enormous loss of life now taking place.

Progress reported.

House adjourned at 10.24 p.m.

Legislative Council.

Thursday, 24th October, 1929.

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

BILL—RESERVES.

To Inquire by Select Committee.

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

That a select committee, consisting of the Hons. H. A. Stephenson, H. Seddon, C. F. Butler, E. H. Gray, and the mover be appointed to take evidence and report upon the proposals in Clause 7 of the Reserves Bill, the committee to have power to send for persons, papers and records, and report on Thursday, the 31st October.

Members will observe that Clause 7 of the Reserves Bill now before us is a most extraordinary one. It involves quite a new principle which, if not adequately safeguarded, may in the future lead to mischievous consequences. The Bill provides for the transfer to a local authority of some 14½ acres of "A" class reserves in fee simple, with power of sale subject to payment of the proceeds of a debt due to the Government. I cannot vouch for the facts or reasons which have induced the Government to permit the passage of so extraordinary a Bill. I find on inquiry that the member of another place representing the constituency in which the local authority is comprised had no knowledge of the provisions of the Bill before it was introduced. I understand also that the members representing in this House the province covering the locus of the particular local authority have been ignorant of what is proposed. In these circumstances it is a proper function of this House to satisfy itself that there are special circumstances which demand the passage of such extraordinary legislation. I therefore propose that a select committee be appointed to investigate the subject and report to the House. Under the Standing Orders I have to nominate the committee. I have endeavoured to include in its personnel members representing every section of the House. If, however, members are not satisfied with the names I suggest, it is quite open to them to call for a ballot. For myself I go to the committee with quite an open mind and shall be guided in my judgment by the facts that are ascertained.

THE CHIEF SECRETARY (Hon. J. M.

Drew—Central) [4.37]: I have no objection to the appointment of a select committee.

HON. E. H. GRAY (West) [4.38]: I should be lacking in my duty if I did not rise to challenge the remarks made by Mr. Lovekin because, rightly or wrongly, he has placed before the House a viewpoint which on investigation is proved to be absolutely wrong. The reserve in question together with the scheme involved has occupied the attention of different Governments during the last nine years. If the members for the district are not acquainted with the proposal, I cannot understand it, because