

Hon. R. H. Underwood (Honorary Minister): Why all this trouble when there is no case?

Hon. P. COLLIER: No case when a man loses his life? It appears to me that the whole of the circumstances simply briek for an inquiry. The importance of a man's death transcends all the difficulties which have been urged by the Government. I feel sure that members will be seized with their responsibilities and will urge that a full inquiry shall be held on the lines indicated in the motion.

On motion by Mr. Pickering debate adjourned.

House adjourned at 11.35 p.m.

Legislative Assembly,

Thursday, 3rd October, 1918.

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

QUESTION—INDUSTRIES ASSISTANCE BOARD ACCOUNTS.

Mr. MALEY (without notice) asked the Attorney General: Has the Auditor General's report on the accounts of the Industries Assistance Board been completed, and if so when will it be made available?

The ATTORNEY GENERAL replied: I saw the Auditor General about three or four weeks ago and he represented to me that he would be in a position to complete the audit very shortly. I understand now that the audit is having the finishing touches applied to it and I anticipate, therefore, that the Auditor General's certificate will very soon be available.

PERSONAL EXPLANATION—Mr. JOHNSTON AND THE "WEST AUSTRALIAN."

Mr. JOHNSTON (Williams - Narrogin) [4.35]: With the permission of the House I would like to make a personal explanation in consequence of the report of my remarks which appeared in this morning's "West Australian." In these days of paper shortage we are aware that it is necessary that newspaper reports should be condensed. But the report of the remarks I made yesterday which appears in this morning's paper, is so manifestly unfair and incorrect that I would like to record the errors which have been made. As hon. members are aware, yesterday's debate centred around the purchase by Mr. Loftus Connor and Mr. Alfred Lawrence Johnston of a Perenjori block at public auction, and also the purchase by Mr. W. M.

Butler of Kulin blocks at public auction. The "West Australian" this morning reports me as having said—

The land he had bought at Perenjori and Kulin was bought at public auction and anyone could have bought it. It was advertised in several journals.

The Leader of the Opposition: No one has ever questioned that.

That report has gone all over the country and as it is not a correct report I would like to read the "Hansard" record, especially of the paragraph which precedes the interjection by the leader of the Opposition, a report which is entirely different from that of the "West Australian." This matter affects me very much, otherwise I would not worry the House about it. This was what I said as it appears in "Hansard"—

The land at Perenjori was sold at public auction, and I can assure hon. members, as I will assure the Commission later, that I do not think I, or any member of my family, ever heard of it until I say a little notice in the "Sunday Times" drawing attention to the fact that a Perenjori lot was to be thrown open. In regard to the land at Kulin, for about three weeks or a month I was in Narrogin in a rather bad state of health, and suffering a good deal mentally, and every paper I picked up at that time seemed to have an advertisement regarding the Kulin hotel sites for sale by public auction by the Government auctioneer at Narrogin. I think the Honorary Minister told us that it was advertised, not only in the "West Australian"—I notice that it was mentioned in the auction columns of that newspaper as well as in the advertising columns—but also in the Wickepin "Argus," the "Great Southern Leader," and the Narrogin "Observer." The people of those great progressive and well populated districts were invited by that advertisement to go to that auction and buy land.

Hon. P. Collier: That is so.

Mr. JOHNSTON: I am glad the hon. member recognises it, because, when listening to his speech, I feared that that phase of the question had escaped his notice, that he was under the impression that through my influence it had been handed over to Mr. Butler in some surreptitious way, instead of being sold at public auction under the same conditions as the hon. member and myself have availed ourselves of on previous occasions.

Hon. P. Collier: No one has questioned that.

I feel, Sir, that comment is needless.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

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

New clause:

Mr. FOLEY: I move—

That the following be added to stand as Clause 13:—"Amendment of Section 211: Section two hundred and eleven of the

Criminal Code is hereby amended by the insertion of the following proviso, after the words 'common betting house,' in the twenty-eighth line of the section: Provided that no house, room, or place forming part of or adjoining and used in connection with any racecourse or trotting racecourse, shall be deemed to be a common betting-house by reason of its being used for the purpose of betting, during any race-meeting or trotting race-meeting lawfully held at such course, on the result of any race being run or to be run at such meeting."

Hon. members must be aware that betting places do exist, and the Committee have decided that if they must exist they should do so under the best conditions and properly laid down regulations. It is provided in the Bill to make betting in certain places illegal, but not any more illegal than it is at the present time, although there is provision for a much more drastic penalty. The intention is to suppress at all costs that kind of betting. In 1917 we passed a Racing Restriction Act. That gave to the Western Australian Turf Club, as the governing body of galloping races, and the Western Australian Trotting Association, as the governing body of trotting, certain rights. We made regulations having full knowledge that certain sets of circumstances obtained at each of these courses, and that betting did take place there. We all know that efforts are being made to put down street betting and that heavy penalties are provided in the Bill with that end in view. Last session this Committee decided to collect money from bookmakers through the Stamp Act. It is not permissible for bookmakers to bet in the streets or in shops, but they do bet on racecourses. Surely, then, we should allow bookmakers to bet on racecourses without exposing them to prosecution. The West Australian Turf Club would not permit anything improper to take place on their course, nor would the Trotting Association. By collecting stamp duty from bookmakers betting on racecourses, we are condoning betting on courses. The proposed amendment means that as we know betting is carried out on racecourses we should properly legalise it. Arguments that apply to betting on racecourses do not apply to shop betting, for the man who keeps the shop is generally the one who makes the bet, while the administrators of a racecourse do not make any bets.

Hon. J. Mitchell: But they take a portion of the profit.

Mr. FOLEY: They take registration fees from the bookmakers, but they take a great deal more from the totalisator. The phrase "lawfully held" in my amendment has been included to comply with the Racing Restriction Act of 1917.

The ATTORNEY GENERAL: The hon. member referred to the tightening up of gaming houses provided for in the new clauses already passed. Let me point to the fact that Section 211 has not been touched at all. An amendment has been made to Section 210, but that has nothing whatever to do with Section 211, sought to be amended now. In effect the proposed amendment means that betting on a racecourse shall be rendered legal. Section 211

is the law as we find it, and the effect of the proposed amendment will be to make the acts therein complained of not illegal, as the Minister for Mines puts it. For that reason I oppose the amendment. I do not think the time has arrived when the Committee can say that the matters set out in Section 211 should be made not illegal. Some people say that the existing law is a dead letter, and should be either strictly administered or taken off the statute-book. I do not agree with that view. Section 211 provides a very wholesome law. Possibly it is not enforced as it might be against persons betting on racecourses, but to allow that law to remain, knowing as we do the power that it gives, is one thing, and to say that certain acts committed on a racecourse shall not be illegal, is quite another. I ask the Committee not to agree to the amendment.

Mr. PILKINGTON: I support the proposed amendment. The present position is a disgraceful condition to find in any country. Section 211 contains words specifically introduced for the purpose of making betting on racecourses illegal. I rather think that when the Bill was passing the House, hon. members of those days did not know that those words were in the Bill.

The Attorney General: You mean in 1918?

Mr. PILKINGTON: No, I mean when the Code was first introduced, I think in 1902. The history of the thing was this: a Bill was passed in England, aimed at common betting houses. It contained a provision almost exactly similar to our Section 211. It differed in this point, that the first subsection did not occur in it, and it was held that the provision in the English Act only applied to bets made between the keeper of the place and the persons resorting to that place, and therefore did not apply to a racecourse. That being the law in England, it was introduced into the Queensland Criminal Code, and in order to make it apply to racecourses, Subsection 1 was inserted, rendering it illegal for two persons who resorted to a place to make a bet together, and thus bringing racecourses within the purview of the section. That was the sole purpose of those words introduced in the Queensland Code, and we adopted that Code quite blindly, without knowing what we were doing, and so it has been the law in Western Australia for many years that betting on racecourses is illegal. Is it the intention of the Government to enforce the law or not? If betting on a racecourse is illegal under this Code and punishable as a crime, it is the duty of the Government to enforce the legislation. If it is their intention to do this, why do they not carry it out? I venture to predict that the Government will not enforce the law, and that it is their deliberate intention not to do so. If they did enforce it, there would be an uproar on the part, I think, of the vast majority of the inhabitants of Western Australia. It is a thing little less than contemptible to put on the statute-book a provision for the deliberate purpose of making something illegal and then not enforce the law. We should either say that betting on a racecourse is illegal and stop it, or we should say we intend that betting on racecourses shall continue and that we will not make it illegal. I hope the Government will take up a definite attitude on the

question. The present attitude of the Government is "Betting on racecourses is illegal but we are going to leave it as it is, illegal, a serious offence under the Criminal Code, and we are not going to enforce the law." Personally I do not believe that it should be made illegal to bet on a racecourse. I would, however, rather be a party to making that the law and enforcing it, than be a party to making it the law for the sake of appearances, or in order to please someone, and then not enforcing it. It is a disgraceful state of things to have a law in existence and say deliberately that we are not going to enforce it. It is foolish to say that betting on racecourses should be illegal, and I think that is the opinion of most people in this country. In the circumstances, I think the amendment should be accepted. It seems to me disgraceful to have a statute providing that something is a criminal offence when we deliberately intend that this offence shall be permitted every week in the year, not only by the public but probably by members of this Chamber.

Hon. J. MITCHELL: I agree with a great deal of what the member for Perth has said. It is wrong to have on the statute-book a clause making betting illegal when it is not enforced. The Attorney General says he has no intention of enforcing the law as it stands. This clause has not been enforced for years, but I do not think any Attorney General has yet stated that the Government do not intend to enforce the law. The law should either be enforced or rescinded. It is the duty of the Government to teach the people of the State to respect the law, and it is not respecting the law to leave it on the statute-book as a dead letter. The Attorney General said it is one thing to bet on the racecourse and another thing to bet in a shop. I would point out that there would be no shop betting without racecourses. What, therefore, is the difference? The Attorney General says that betting is controlled on the racecourses. In what way is it controlled? The W.A.T.C. certainly charge a high fee for the right to bet on racecourses, but I am not aware that they discriminate very closely with respect to the persons who are permitted to bet. I do not say anything against the bookmaker, however. The Attorney General also says that Section 211 does not apply.

Hon. T. Walker: It does apply.

Hon. J. MITCHELL: It is not enforced. The law has been ignored for years.

Mr. Smith: What is the use of a law which is not enforced?

Hon. W. C. Angwin: Do you think you can enforce it?

Hon. J. MITCHELL: Of course; it is enforced in South Australia and New Zealand.

Hon. T. Walker: No.

The Minister for Mines: Not according to the evidence we had before the select committee.

Hon. J. MITCHELL: I have never met a man who has made a bet in South Australia since the law has been enforced. I am of opinion that the amendment itself should be amended.

The Attorney General: After your speech? Hon. J. MITCHELL: I am quite consistent. I opposed the tax on bookmakers, because I think it is a disgraceful thing to tax an illegal occupation.

Mr. Pilkington: Then make it legal.

Hon. J. MITCHELL: It would be better to make it legal if the Committee are agreeable.

Mr. Foley: That is what we want.

Hon. J. MITCHELL: The Government have been playing with the question for some time.

The Attorney General: This Government have never played with the question.

Hon. J. MITCHELL: I move an amendment—

That the word "no" be struck out and "any" inserted in lieu.

Mr. Munsie: I do not understand the meaning of this amendment.

Hon. P. Collier: Its intention is quite opposite to that of the proposed new clause.

The CHAIRMAN: It is a direct negative and I am doubtful if I can accept it.

Mr. PICKERING: If the amendment is carried it will simply mean a repetition of the section. Apparently the Attorney General does not intend to give effect to the law unless there is some reason for doing so. I take it that such reason would emanate from the bookmakers.

The Attorney General: It would arise from any abuse of the position.

Mr. PICKERING: In view of the Attorney General's assertion that he does not intend to enforce the law, I must support the amendment.

Mr. BROWN: I oppose the amendment, on the ground that it is unwise to extend the bookmakers' field of operations. Personally, I am utterly opposed to any gambling whatever, either on the racecourse or on the stock exchange or on the corn exchange. The question is whether we should abolish the bookmaker altogether, and do as has been done in New Zealand, where bookmakers are not permitted at all, establish the totalisator. The last occasion on which betting by bookmakers took place in New Zealand was about 18 months ago, when two bookmakers were awarded three months' imprisonment. Bookmaking is, in the matter of illegality and of repression, about on the same plane with sly grog selling. If we must have betting, let the desires of the people be met through the totalisator. Let us not extend the advantages of the bookmaker. Never since the enactment of the Criminal Code, has any Government of this State attempted to enforce the provisions against betting. As regards "bookmaker versus totalisator," the bookmaker has the great advantage of betting long before the day of the race, which unduly encourages gambling.

Mr. Foley: I rise to a point of order. In this proposed new clause there is nothing that gives to anyone the right to bet anywhere except on a racecourse, and I contend the hon. member is out of order in using against my amendment the argument that bets are made elsewhere, as, for example, in clubs.

The CHAIRMAN: The member for Subiaco is speaking generally against betting.

Mr. BROWN: Yes; I am speaking of betting anywhere. In the interests of the community gambling on racecourses should be materially curtailed. If this amendment is carried, probably we shall have next session an amendment of the Criminal Code permitting betting anywhere. Bad as the Parliament of Western Australia is or may have been, I cannot accept the argument that our existing legislation against betting was adopted by chance, or without proper consideration. Let us leave things as they are.

Hon. T. WALKER: I would agree with the last speaker if it were possible to abolish absolutely all betting. But the very nature of life is a trusting to luck; life is a risking of chances all through. A farmer, for example, bets his crop against the weather. Every man who assures his life is gambling; similarly, fire insurance and marine insurance represent gambling. The Governments of all the countries of the world have been compelled to wink at the gambling instinct, or, I was almost going to say, the gambling necessity of human life under present economic conditions. I object to distinctions favouring one person, allowing him to indulge his gambling instincts, and severely punishing another person for so doing. Chinese gambling clubs are periodically raided; so that the Chinese gamblers have come to regard the fines imposed on them as almost in the nature of taxation; whereas the Weld club, the Commercial Travellers' club, the Perth club, and the West Australian club are never raided at all. On the racecourse the Government have absolutely recognised the legality, or, one might say, the necessity, of betting. The totalisator is part of our machinery of government. Indeed, the State is to be lifted out of its financial difficulties by the totalisator.

Hon. P. Collier: We are to gamble ourselves into prosperity.

Hon. T. WALKER: We have now gone outside the racecourse, and have recognised the legality of every bookmaker by taxing every bet he makes.

Mr. Smith: That revenue is tainted money.

Hon. T. WALKER: Undoubtedly. And we absolutely advertise Tattersall's sweeps on our railway system. I detest this hypocrisy of which we have so much in our public life. If we are going to be puritans, let us be puritans and drive the nail home to the head; but if we permit all these discriminations, all these absurd selections of the favoured few, we are not deserving of the name of men, because such conduct is not manly, not upright. The tail end of the Attorney General's argument was that the betting provisions should be preserved as they are; and yet he himself is a member of a Government who take revenue from a betting machine. He desires to have the illegality still preserved in our statute book in case there should be what he calls "abuse of betting." There can be neither use nor abuse of what is illegal. The very existence of the totalisator is an abuse of the law. Where is the degree? Is it to depend on who makes the bet? Are we to fine the Chinaman, and the European who is somewhat higher in the social scale, but to stop when we come to the silk hat?

Where are we going to make the discrimination? It is either legal or illegal to bet on a racecourse. If it is illegal it has to be stopped; it must not be allowed. If we give the police discrimination, it would be a dangerous thing. If we are going to keep the totalisator running and take the taxes from it, if we are going to continue to tax the bookmakers' tickets and are going to allow the use and not the abuse of general betting on racecourses, then I shall support the member for Leonora.

The Attorney General: You brought in the 1913 Code.

Hon. T. WALKER: Dealing with what?

The Attorney General: Continuing Clause 211.

Hon. T. WALKER: The section that makes it illegal to bet is as old as the Criminal Code, and older.

The Attorney General: But you re-enacted it in your year.

Hon. T. WALKER: I know.

The Attorney General: Have you changed your mind since then?

Hon. T. WALKER: I am an individual, but I have not been a hypocrite. I have not altered my views; it was the votes of the House.

The Attorney General: But you introduced the measure.

Hon. T. WALKER: I introduced a measure that was adopted by Cabinet.

The Attorney General: Then you did as you were told.

Hon. T. WALKER: I have taken this view every time I have spoken in this Chamber, whether in charge of a measure or not. I have always objected to this hypocrisy, pretending one thing and doing another. The Government are participants. They are as criminal as the bookmaker when they run a machine. If it be a crime, while it exists I am not going to make one section guilty of criminal acts for doing what another section of the community can do with perfect immunity. The Attorney General has told us the Government do not intend to enforce this betting clause on the racecourses; neither the Attorney General, nor any member of the Government, will stand up and say that at the next race meeting they will have the law enforced. No one will say that, and when they will not I am not going to be a party to the hypocrisy by pretending it to be legal when it is patronised by the Government—the Government are participating in what is illegal. To be consistent I shall vote for the new clause proposed by the member for Leonora. Either wipe the clause out or let the Government do their duty.

Mr. PILKINGTON: The member for Subiaco has not a correct idea of what the law is. It is not directed only at bookmakers; for every bookmaker who becomes liable to go to gaol hundreds of the public become liable for the same thing. If the Government enforced the law after the Christmas race meeting at headquarters, half Perth would be in gaol, and a large number of members of Parliament would have a chance of being there, too.

Mr. Munsie: I would be there all right, for I would have my little dollar on.

Mr. PILKINGTON: The term of imprisonment is three years and every person, under the law as it stands to-day, who goes to the Perth

racecourse and makes a bet with a bookmaker, is liable to be charged with the crime and sent to gaol for three years. It is not only against the bookmaker but against everyone who makes a bet on a racecourse. The person who makes a bet with a bookmaker is as liable as the bookmaker. If the member for Subiaco had the opportunity of enforcing the law, he would not do it. But if the member for Subiaco wishes to enforce it let him go to the next race meeting and make a charge against everyone who makes a bet. I say he would not do it. There are persons in the world who gamble, and men will gamble. We cannot stop them. But I say with confidence that backing horses is a more wholesome form of gambling than any other.

Mr. ROCKE: If betting is wrong in one place it is wrong in any place, and although we have this law on the statute-book which may be put into force, I would rather see it as it is than see the proposed clause which would wipe it out carried. I am of opinion that anti-betting laws were placed on the statute-book with a view to diverting money into more profitable channels, which are better for the sake of the community. Although some members seem to think the average adult is hopeless I think we should pay some attention to the rising generation. The gambling spirit is against the best interests of the community, and the young people seem to be imbued with that spirit. It is not the man who attends racecourses, or works a poker machine, who is responsible for it. We see the gambling spirit in churches and it is a pity to see the gambling spirit introduced into the house of God. I am glad the Attorney General has refused to accept the new clause. I shall vote against it.

Mr. MUNSLIE: I support the proposal of the member for Leonora. Of the two forms of betting on racecourses the bookmaker is much better than the place totalisator. If we desire to curtail betting, which probably is doing some harm, if we wipe out the place totalisator, we shall wipe out a great deal of gambling. While the Government legalise the totalisator, which is betting, just as much as a man who puts £1 in the hands of the bookmaker, I cannot see any wrong in allowing the bookmaker the carry on his calling. The Government make him pay a tax for every bet he makes. It has been said, why have not other Governments carried out the law? If other Governments have done wrong, no other Government has gone so far as the present Government, because the Government practically have legalised betting. No one has previously legalised bookmakers, placing a stamp on every ticket issued. I would support legalising betting on racecourses because I believe it to be a healthy sport and I encourage, to a certain extent, the sporting spirit in Australia. That is the spirit which has made the Australian what he is in Europe to-day. It is hypocrisy to say, "We will not have the bookmaker but we will have the totalisator." The totalisator is taking too much of the money speculated on racecourses; 12½ per cent. is too much. A man has only to go two or three times for a ticket and he has lost the lot.

Mr. FOLEY: The present Act means that if betting on racecourses is illegal then every form of betting is illegal, including betting on the totalisator.

Mr. Pilkington: The Bill specially excepts the totalisator.

Mr. FOLEY: If the Bill passes, any man may go to a racecourse and give into custody every official of the club on a charge of committing an illegal act. We do not want that. Let us be honest and say that if a man wants to have a bet he can go to a racecourse, where the conditions are infinitely better for betting than anywhere else. I am convinced that if the amendment is carried we shall be doing something in the right direction.

The ATTORNEY GENERAL: Section 211, which the hon. member proposes to amend, has been the law of the State for many years, and it was a shock to me to find that the member for Kanowna, when Attorney General, introduced a new Code and allowed the section to remain.

Hon. T. Walker: It was a re-enactment of the old Bill.

The ATTORNEY GENERAL: The hon. member was altering, amending, and putting the Code in proper order. Now the hon. member has changed his mind. I want to leave the law as it stands, because it has a salutary effect. It can be put into force if required, but if we pass a law as suggested by the member for Leonora we will put it out of our hands for all time to interfere with the bookmaker or betting on racecourses. There has been no demand from the public to alter the law.

Mr. Pilkington: The public do not know it is there.

The ATTORNEY GENERAL: Of course they do. The member for Perth said that the Legislature in 1903 did not know they were putting down betting in all its forms. Of course they did. The Legislature at that time probably contained more brains than is the case to-day, and I feel sure they knew what they were doing and that the section was put in deliberately. I hope hon. members will pause before they dream of voting for the amendment.

Amendment (Mr. Mitchell's, to strike out the word "no") put and a division taken with the following result:—

Ayes	..	..	..	..	3
Noes	..	..	..	..	27
Majority against					24

AYES.

Mr. Rooke	Mr. Mitchell
Mr. Varyard	(Teller.)

NOES.

Mr. Angelo	Mr. Lutey
Mr. Angwin	Mr. Mullany
Mr. Brown	Mr. Munsie
Mr. Collier	Mr. Nairn
Mr. Davies	Mr. O'Loughlen
Mr. Duff	Mr. Pickering
Mr. Foley	Mr. Plesse
Mr. Gardiner	Mr. Pilkington
Mr. George	Mr. R. T. Robinson
Mr. Harrison	Mr. Smith
Mr. Hickmott	Mr. Troy
Mr. Hudson	Mr. Walker
Mr. Lambert	Mr. Maley
Mr. Lefroy	(Teller.)

Amendment thus negatived.

Hon. J. MITCHELL: Hon. members should understand what the proposed new clause means. The Attorney General says it is very convenient to have the existing law, because it may be put into force when required. I have never before heard from any Minister such an extraordinary expression of view. Day by day the law is broken, yet the Attorney General says let us alter nothing. The proposed new clause provides that betting shall be no longer illegal on a racecourse, although it shall still be illegal everywhere else. Under that provision betting will be legal on a racecourse, but illegal in Tattersall's Club or in the electorate of the hon. member. In my opinion the time has come when the law should be enforced or, alternatively, bookmakers should be legalised. Let us be consistent. The Government have taxed the operations of bookmakers on racecourses, and in view of that I doubt whether any magistrate could now be found to inflict a penalty on a bookmaker for betting on a racecourse. If the Government will not alter the existing law, the least they can do is to remove their stamp tax from the bookmaker. It would be scandalous to prosecute a man for betting when he has paid stamp duty on the bets made. However, in order to support the Government, as represented by the Attorney General, I intend to vote against the proposed new clause and so leave the law as it stands. It is very convenient, as the Attorney General has said, to have a law which can be enforced or allowed to remain in abeyance, according to whether or not it is desired to prosecute a man.

Hon. P. COLLIER: I would like an explanation or interpretation of the phrase "lawfully held" as it occurs in the proposed new clause. What is a race meeting lawfully held?

Mr. Foley: You will find it in the Racing Restriction Act of 1917.

Hon. P. COLLIER: Ought it not to be more explicit? What, for instance, would be a race meeting not lawfully held?

Mr. Munsie: A race meeting held without the sanction of the W.A.T.C., or, if it be a trotting meeting, the sanction of the Trotting Association.

The Attorney General: Or a meeting in excess of the prescribed number.

Hon. P. COLLIER: Are any race meetings being held without authority, any unlawful race meetings?

Mr. Foley: No, none.

Hon. P. COLLIER: This proposed new clause would not permit of any betting on the events at the Royal Agricultural Show, would it?

Mr. Foley: No.

Mr. MUNSIE: I am glad the leader of the Opposition has drawn attention to that phase of the question, because it does away with the arguments of the member for Northam. The member for Leonora does not desire to legalise betting on any or every racecourse that might spring into being. Under the proposed new clause it will be just as illegal to bet on any but prescribed courses as it is to-day. If a man were to bet at any race meeting not lawfully held, he would still be liable to prose-

cution. The member for Perth has said that it is quite feasible for any citizen to take the names of those making bets on a racecourse and then to institute prosecutions against those persons. This came as a surprise to me, for I had always thought that it was only for the police to take such action. To my mind it is a direct invitation to the black-mailer.

The Attorney General: The experience of 15 years has shown the contrary.

Mr. MUNSIE: I honestly believe there is not three per cent. of the people of Western Australia who realise that they, individually could take out a prosecution against a man for betting on a racecourse. While we have racing, we shall have betting; wipe out the betting and we wipe out racing.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. PICKERING: I wish to draw the Committee's attention to certain remarks made by the member for Northam when the Stamp Act Amendment Bill was under consideration. He said—

Parliament will stultify itself by passing this clause, in view of the law which makes the business of the bookmaker illegal. I hope the Committee will strike out the clause. I am indeed surprised that the Government have proposed it. If we are to pass legislation legalising the business of the bookmaker, let us do it by a special Bill for that purpose, with provisions for substantial license fees and proper regulation.

Following this I said—

I agree with the views expressed by the member for Northam. The bookmaker is one of the worst parasites we have in the State to-day. I shall vote against the clause.

By this amending Bill in connection with the Stamp Act the Government took the first steps towards legalising the bookmaker. If they are to be consistent they should support the new clause now under consideration.

Hon. P. COLLIER: You said bookmakers were parasites and should be wiped out, and now you are going to vote to preserve them.

Mr. PICKERING: If the Government are prepared to enforce existing legislation I will support them, but I will not tolerate this method of holding a sort of noose over a man, as is permitted under existing conditions. I would rather have the whole position put on straight lines one way or the other.

Hon. W. C. ANGWIN: The reason given by the member for Hannans for supporting the new clause was that a person could be prosecuted for making a bet. If this is carried he can also be prosecuted for making a bet off a racecourse.

Mr. Munsie: I said that.

Hon. W. C. ANGWIN: Many people make bets without going on a racecourse, and if this new clause is carried these men will be affected.

Mr. Pilkington: Not unless they keep a place for the making of bets.

Hon. W. C. ANGWIN: Many bets are made at Tattersall's club, for instance. Why should we differentiate between persons? If it is

legal to bet on a racecourse it is legal to bet off a racecourse. Apparently it is now suggested that if a man cannot go out to a racecourse to bet he cannot bet off a racecourse.

Mr. FOLEY: There will be no need to compel anyone to go to the races.

Hon. W. C. ANGWIN: Betting has been legalised so far as this Chamber is concerned, because it has been taxed. I do not believe in taxing a person unless he is being taxed for something that is legally done. Similarly, I do not believe in sending a man to gaol for drink, because we tax the stuff with which he gets drunk. A large percentage of the small bets made on the racecourse are made by those who cannot afford to be members of clubs, but I do not think the hon. member would say that a man in a club should be prosecuted for making a bet. Consequently, we are making a law to keep one person safe, and enforcing the law against other persons who bet off a racecourse. It will be better to leave matters as they are. The time is not ripe for enforcing the betting laws. When the people make a demand for their enforcement, they are there for the Government to put into force. I shall vote against the amendment.

Hon. T. WALKER: I support the new clause, as I desire to see consistency. There can be no consistency in having a law declaring a thing to be illegal and prescribing penalties of a severe character, and in the Government of the country allowing this to go on, participating in it, and taking a share of the profits. It is scandalous. It is the worst kind of hypocrisy because it is a sharing in a crime. There is not a man but knows that it is impossible to prevent betting on a racecourse, and to declare it illegal is to put the citizens of the country in a very awkward position. It spreads a kind of disrespect for the laws of the country.

Hon. J. MITCHELL: It is a very serious matter.

Hon. T. WALKER: I should have no hesitation in making a bet on a racecourse if I was there, and yet I would have a consciousness of breaking the law, but on the next day I might see a man arraigned before the court for doing the same thing and possibly sent to gaol. That tends to demoralise everyone. The sentiments expressed by the Attorney General remind me of a pantomime played over 30 years ago, when the following verse was sung:—

Big bugs on the racecourse

The odds quickly scan,

And plank down their thousands.

Just like a man;

But the Heathen Chinee

Is run in for Fan Tan:

That's the way we do things in Australia.

That is expressive of the sentiments of the Attorney General, who runs in the heathen Chinee for fan tan, and himself planks down his thousands just like a man. The trouble is that not only are invidious selections made, one man being punished severely for doing something in the doing of which by another the Government participate, but that the country takes money from these very bets on the

racecourse and also from bets made away from the racecourse, altogether outside the racecourse. It is wanton hypocrisy. If the Attorney General will give the Committee his assurance that from to-morrow morning it shall be known all over the State that there shall not be a bet tolerated that can be detected either upon the racecourses of this country, or in the streets, or in the clubs, or in the private houses of this country, and that the bettor, whosoever or wheresoever he may be, shall be brought to book, I am prepared to vote with the Attorney General.

The Minister for Works: What about Tattersalls?

Hon. T. WALKER: I would include Tattersalls, and all of them, every one of them. In that case I shall be prepared to vote against the amendment of the member for Leonora. But, of course, the Attorney General will not give the Committee any assurance of the kind. Betting on the totalisator is as much betting as is wagering with a bookmaker. And the Government are actually in collusion with the bookmaker; the Treasurer puts his hand in the bookmaker's bag. While Ministers do these things, how is it possible to vote against the amendment? If the practice of betting is tolerated, and even participated in, by the authorities, surely there can be no crime in it; and I want the citizen to feel free from criminal guilt whilst he is doing what the law as it is administered—not as it is printed, but as it is administered—says is a lawful thing to do.

Hon. J. MITCHELL: We are honest but expedient when these matters come up.

Hon. T. WALKER: Let us be honest, and especially when there is no need for dishonesty. The best thing, certainly, would be to prevent the waste of money in gambling; but I recognise that human nature will not permit of the stoppage of gambling. Whilst the Government are partners in betting, it must not be open to them to put the criminal law in motion just when it suits them to do so. I hope that the Committee will show some consistency, and that we shall not, by refusing to carry the amendment, make criminals of the Ministers of State. If we refuse to pass the amendment, the Colonial Treasurer will absolutely become liable to three years' imprisonment for his conduct in sharing the spoils of the gambler. I support the amendment.

Hon. J. MITCHELL: I want the mover of the amendment to explain the exact meaning of the word "adjoining" in the amendment. Does it mean that bets may be made in any stable used for training horses? The carrying of the amendment will mean a feast for the lawyers. In some cases it may be that the land "adjoining" is a 1,000-acre paddock.

Mr. FOLEY: By the word "adjoining" I mean "adjoining."

New clause put and a division taken with the following result:—

Ayes	15
Noes	13

Majority for	..	2
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AYES.

Mr. Angelo	Mr. Munsie
Mr. Duff	Mr. Pickering
Mr. Foley	Mr. Piessie
Mr. Green	Mr. Pilkington
Mr. Lambert	Mr. Smith
Mr. Lutey	Mr. Walker
Mr. Maley	Mr. O'Loghlen
Mr. Mullany	(Teller.)

NOES.

Mr. Angwin	Mr. Lefroy
Mr. Davies	Mr. Mitchell
Mr. Draper	Mr. R. T. Robinson
Mr. Gardiner	Mr. Rocks
Mr. George	Mr. Teesdale
Mr. Hickmott	Mr. Brown
Mr. Hudson	(Teller.)

New clause thus passed.

Title—agreed to.

[The Speaker resumed the Chair.]

Bill reported with amendments.

BILL—PRISONS ACT AMENDMENT.

In Committee.

Resumed from the 1st October; Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

Clause 3—Insertion of new part VI. A.—Reformatory Prisons, in the principal Act:

Mr. ROCKE: I move an amendment—

That the words in paragraph (a) "set apart" be struck out.

It is my desire, if the amendment is carried, to add a proviso. If the Bill is to meet with success it cannot be done by utilising the present prison establishments as reformatory prisons. The design of the places makes it impossible. I have had a great deal to do with the Fremantle prison and have seen many schemes tried there, and if the clause passes as it stands it will mean the utter defeat of the measure.

The ATTORNEY GENERAL: I strongly object to the words being struck out, because the clause provides for utilising the existing prisons either wholly or in part, for reformatory purposes. We might decide to take a prison anywhere, at Albany or Coolgardie, and use it as a reformatory prison. Prisons built in outlying parts of the country now used as gaols could be utilised. If the Committee take that power away we should have to purchase or establish new places altogether, and if we have to wait until new prisons are erected we may as well tear up the Bill, for we have not the money to build new reformatory prisons at the present time. We cannot be choosers, and if we have some prisons or parts of some prisons made capable of holding men on a reformatory basis, let us do so rather than abandon the reform altogether.

Hon. T. WALKER: It is to be hoped the Committee will support the member for South Fremantle. It is imperative that we should start on sound lines. I would like to know what the Attorney General means by reformatory work. He says let us start reformatory

work at Albany or Coolgardie. What is the reformatory work he has in mind, for it altogether depends on what he means as to whether it can be carried out. We cannot start and cure typhoid in a swamp, or consumption at the North Pole. The locality has some relationship to the cure, the surroundings have everything to do with reformatory work. What kind of reformatory work can we start at our gaols? We must get away from old associations. I speak feelingly because I have had some experience. I carried a Bill for creating homes for inebriates through this Chamber, and I really believed that we were putting on paper what the Government would back up; but what happened when the Bill was passed? The Government set aside a part of the hospital for inebriates; they sent drunks to the lunatic asylum. I know that those suffering deeply from alcoholic poisoning are often akin to lunatics, but the asylum is not the place to send drunks to, neither are gaols the place to send men whom we wish to reform. Gaols are places of punishment the object being to terrorise the alleged evil doer, and to surround the punishment with terrors so that it may have a deterrent effect on others outside. As we treat men with greater humanity, crime almost disappears. The whole place reeks with past associations of the abhorrent. To send young people there to make them better is like giving a man a dose of poison to cure him of his intoxication. The Attorney General says that if we are not to utilise these gaols we cannot start because we have no money. This Bill, and others like it are not put up because they are practical measures that we can undertake now; they are put up for the purpose of killing time.

Mr. Teesdale: It is a start.

Hon. T. WALKER: It is not a start.

Mr. Teesdale: We read about it anyhow.

The Premier: These Bills were on the Notice Paper last session; why say they are put up to kill time?

Hon. T. WALKER: Because they are stop-gaps; they are always on the slips. We have not a penny with which to do what is requisite. The Attorney General admits that the Bill is needful and desirable.

The Premier: You can say that of every Bill on the Notice Paper.

Hon. T. WALKER: No, we cannot. The Premier would not put the Repatriation Bill on the same footing as this. Here is the promise of a great reform. The Government have existed on promises, but there has been no substance behind them. Promise, Promise. It is like produce, produce. This is a reform which requires expenditure of money, and we also require men with knowledge and wide experience. We require money with which to build our institutions, and we have not a penny. The Minister says practically, "Let us take a clean bath in a muddy pool." We cannot join the antiquated past with the spirit of the future; they will not blend. It is absolutely incongruous to expect it; it is stupid. If the Bill passes into law it will become as much a dead letter as will the clause we were debating this afternoon relating to betting on racecourses. It will be there as a monument of time spent.

We are not going to make reformatories of our prisons.

Mr. Teesdale: What about Pentridge?

Hon. T. WALKER: The hon. member could not instance a worse case. The spirit of reform in Melbourne is 50 years behind the age. In its administration of the criminal laws it is infinitely behind Western Australia at the present time. I can say this with some degree of pride that Western Australia in its humane treatment of the unfortunates in the community stands in the fore rank of the Commonwealth, and there is not one capable of speaking with judgment and experience but will give us that credit. The hon. member talks of Pentridge. It is only a step further and we go back to the time of Port Arthur. We are supposed to be abolishing gaols and starting reformatory institutions, but we must start on fresh grounds. To begin with, Fremantle is a very old place. It was built by convicts. There is the perspiration of convicts on its very walls. If hon. members have any refined feelings for their fellow men and they walk through that gaol, they cannot help but shudder. There the shadow chills and makes the very marrow of one's bones sensitive.

Mr. Teesdale: There is no ill treatment and no bad food. What more do you want for prisoners. It is good enough for them if they are there.

Hon. T. WALKER: It is only by accident that the hon. member is not there—pure luck. He could not avoid it; he did not choose his father or mother. He was born of a good mother and had a good father; he had a good home and he had a good constitution. He was shot like an arrow in a given direction which landed him on the seat he now occupies.

Mr. Teesdale: He has worked pretty hard.

Hon. T. WALKER: From whence did he get the strength to work hard and to endure and keep his mind clear through it all? Has he never in his experience walked through the steepes of iniquities of life?

The CHAIRMAN: We are not discussing the iniquities of life.

Hon. T. WALKER: No, but we are making the hon. member for Roebourne an illustration of the point we are discussing, and he is a most practical one; he has interjected and I am showing just exactly what he has to be thankful for. All through his life he has seen some of his fellows stumble. They have not had the fortitude, character, and firmness of resolve the hon. member has had from his birth.

The Attorney General: I do not like interrupting, but I do not think this has anything to do with the clause under discussion.

Mr. Teesdale: And it is very painful for me.

The Attorney General: On a point of order, the hon. member is not debating the clause before the Committee.

Hon. T. WALKER: I am keeping strictly to the point. The question is the cutting out of the words "prison or parts of prison" and the interjection has been made, "It is good enough for those who are there."

Mr. Teesdale: Good food and good treatment.

Hon. T. WALKER: And I am showing that it is only by accident that we are out of it. The tendencies of our life, the impetus we got

at birth, and the forces we have collected, have kept us in place through life. Those who go there and are there, are as often to be pitied; nay, I think in all cases are to be pitied, and to say "good enough for them" because they have been weaker than we have is wrong.

Mr. Teesdale: No, no.

Hon. T. WALKER: Yes, yes.

The Premier: We have not been found out.

Hon. T. WALKER: There is something in that, but some people are found out at the first step and others have the luck never to be discovered. All the more are those who are there to be pitied. Notwithstanding that they get good food, which means good prison diet, they do not get the food the hon. member has on his table.

The CHAIRMAN: I do not think the question of food comes into the amendment.

Hon. T. WALKER: But it is part of the prison discipline. We cannot feed our reformatory people on the food which is given at the Fremantle gaol. The physical surroundings have a great deal to do with the question. All the conditions to be found in Fremantle gaol, the architecture of the place, the flagged floors, the sense of imprisonment—all that is the very antithesis of the reformatory agency. For the young man or the young woman who has come within the clutches of the law, there is strict necessity to build them up, for it is weakness that has led them there. Sometimes it is even physical weakness that has unfitted them to fight life's battles.

The Attorney General: I agree with that; and the physical system must therefore be built up.

Hon. T. WALKER: Exactly. Then there are special weaknesses, such as nerve weaknesses, a perverted, diseased nervous system. The sufferer from such an infiction must be surrounded with what appeals to the latent possibilities of a decadent nervous system. Wonderful illustrations have been given of what can be done with the patience of others in bringing out apparently lacking organs of the human frame. There was the case of Helen Keller, a woman born without sight and without hearing, one of the most remarkable women of America of to-day. It was necessary to reach her inner sense through kindly sympathy to begin with, and by constant patient appeal to those powers that were buried in the utter darkness with which Nature had surrounded her at the commencement of life. She could not see, could not hear, yet now she stands amongst the most distinguished women of America, an authoress of world-wide reputation, a speaker whom people travel miles to hear, an enthusiast and a reformer. Then there is the case of Laura Bridgeman, dead to the world, apparently, with none of the senses that bring one into touch with the outer life. She was taught by patience and special methods of training to come into contact with all external things and take her part amongst her fellows. Those are extreme cases both, but there are others with every degree of imperfection of sense relationship to outer surroundings. The problem is to teach those people with so little relationship to the outer world that they are

scarcely responsible, people with no more moral sight than Laura Bridgman had eyesight. They cannot see their relationship to society. They are as unconscious of the meaning of theft as is the child when first it puts its fingers in the jam pot. We have to reach them. We cannot do it with horse-whipping, with the triangle, or with the flagged floor for a bed. We require the very opposite. One man has written from gaol these words which have been supplied to me now:—

The vilest deeds, like prison weeds,
Bloom well in prison air.
It is only what is good in man,
That wastes and withers there.
Pale Anguish keeps the heavy gate,
And the warder in Despair.

Those words are true, and have a meaning more than the poetic sense. A deep underlying philosophic truth is at their basis. To bring out the inner nervous growth that is needful, we must get as far away from Fremantle gaol as possible. Has it never been within the experience of hon. members to feel how utterly useless it is to make effort to live aright in the world? If we wish to blot out warm human love, to make it impossible for it to live, we have only to send offenders to places like Fremantle gaol. It is all the greater crime to send them to such a place when they are young, and in need of human love. To get the best out of life we must have sunshine, pure air and proper surroundings. It must be remembered that too often it is the selfishness and arrogance of society that overshadow and chill the remainder of society and so drive them to those very offences, committed out of weaknesses, for which gaol is the punishment. If we are really anxious to reform we must blot out all that to start with. In the very beginning this sense of prison, of chill and of shadow must go. We desire to bring back into healthy life a consumptive person, and if we have the same desire to bring back the morally consumptive and the morally withered, then we should seek, as we seek in physical cases, for a moral sanatorium for the unfortunate in society. We can never make a moral sanatorium of the Fremantle gaol. We cannot pull down those cheerless walls, and cannot get away from every symbol which casts a gloom upon the soul of the person who enters. The shadow is upon him the moment the iron gates clank behind him. At that very moment a man becomes like a plant in the shadow. He commences to wither, and to shrink, and the bloom and the blossom of life fade away. It must be a strong corrective agency indeed which will bring that person back to a normal stage. We think too little of psychological influences in the preservation of our lives and in the perfection of our manners. As we listen to the strains and the sweetness of concerted music, and the beauties of sound, we feel in every nerve a tingle and a rejoicing in our inner sympathies with the highest possibilities of external nature. A sculptor will take the cold marble block and chisel out a human form so perfect that it thrills one with its symmetry, and the poetry of its curves. We are lifted by it, stirred by it, and awakened by it. The beauties of a glorious sunset on river, mountain or valley, stir one and fill one

with a sense of the beautiful, and make one think one is not a solitary worthless atom in space, but a part of the great universe, so magnificent and grand. How can we in a prison get these external grandeurs and sweetnesses and beauties of life, that lift us and help to build us and make us better, and turn the dead and worthless animal into a rapturous human being? Is it there we want to make our appeal, not by kick or blow or ferocious word, not by the coldness of one's bed, or of one's cell or yard in which one lives. We want that which appeals to the inner, the latent and the unknown, that bring into being that fulness of psychological development, which puts us in harmony with the whole universe. And we are going to begin this in the Fremantle prison! We might as well try and obtain the art of a Correggio with a dab of mud. All the elements of reform are lacking. If we have not these preliminaries, these requisites to our hand now, we must wait until we obtain them, but, for goodness sake, do not let us make a pretence of touching the souls of these unfortunates by damp darkened cells, and the stone walls of the Fremantle gaol.

The ATTORNEY GENERAL: I do not think any member of the Committee is bound to disagree with the views which have been so eloquently and graphically placed before us by the member for Kanowna. I have spoken on several occasions upon the subject. The discussion to-night has turned more on the mode and the method, than on the actual home provided by a reformatory prison. I have already indicated to the Committee that the open air provides the best place in which to reform certain individuals, and not the hard walls of a prison. Unfortunately, that class of treatment cannot be prescribed for everyone, and can only be given where it is suitable. The department, which deals with prison life, has in mind the beginning of an establishment at Rottnest Island, which at a very little cost could be transformed into what might be called a reformatory prison. There are places in Western Australia where the reformatory farm system might be adopted. There may possibly arise in connection with forestry work, tree planting, or afforestation, where work might be found under the happiest circumstances imaginable for certain persons.

Mr. O'Loughlen: It was tried once before.

Hon. W. C. Angwin: You will find it on the files almost fixed up.

The ATTORNEY GENERAL: When I tell them that these ideas are in my mind members will know that I appreciate to the full the remarks of the member for Kanowna. The words "prison or part thereof" seem to give offence to him, and to the member for South Fremantle. Victoria started these reformatory methods, and in the last few years established a State reformatory at Castlemaine and at Pentridge, and a special reformatory plantation in connection with afforestation. I now have a report upon that work, which has been found to have progressed satisfactorily. It is stated that true reform has been established, particularly in connection with the farms and tree planting. Victoria makes a clearing station of what is called the Pentridge Reformatory. Everyone who is sent to a reforma-

tory is first located, until it is determined whether he shall be sent to King Island, Castlemaine, or elsewhere, at this Pentridge Reformatory. That Pentridge reformatory, I take it, is quite distinct from the Pentridge gaol. I should be quite satisfied if the member for South Fremantle is willing to alter his amendment by the exclusion of the words after "any" down to "other," so that the section would be, "The Governor may by proclamation set apart any suitable place to be a reformatory prison." There are places at which we find prisons which are not used as such. At Rottneest we have some housing.

Hon. W. C. Angwin: I suppose you know that the Rottneest prisoners will not go there any more, since the island has been handed over to a board.

The ATTORNEY GENERAL: I did not know that. I received my information from the Colonial Secretary's Department.

Hon. W. C. Angwin: They are being taken away as fast as possible, if indeed they have not all gone.

The ATTORNEY GENERAL: That is a different class of thing. It is suggested by the Colonial Secretary's Department that there are some buildings there which at little cost could easily be made suitable as the beginning of the reformatory system.

Hon. W. C. Angwin: The prison is an old iron shanty.

The ATTORNEY GENERAL: I do not mean that. I am told there is a suitable place on the island. I agree that a suitable place should not be an old iron shanty, or a place with stone walls and without windows, in which men have served their time in the days gone by. I, therefore, agree to the words "any suitable place" being inserted, giving them the meaning that I have myself given to them, or that which the member for Kanowna has given to them.

Hon. T. Walker: Will you cut out the word "prison" in the second line and call it a reformatory institution?

The ATTORNEY GENERAL: That would mean altering the purview of the Bill, which is called "An Act to amend the Prisons Act," the word "prison" appearing right through. I see no particular objection to the use of the words "reformatory prison," which are utterly different from "gaol."

Hon. T. Walker: Would not the word "reformatory" by itself suffice? The word "prison" should be taken out altogether.

The ATTORNEY GENERAL: That is a new suggestion, on which I am not prepared to decide immediately. We can go back on that.

Mr. Pilkington: The word "prison" would have to come out of the Code, too.

The ATTORNEY GENERAL: Yes. At the same time, I appreciate the connotations of the word "prison." If the word "any" is allowed to remain, I shall be satisfied.

Mr. ROCKE: I ask leave to amend my amendment as has been suggested, allowing the word "any" to stand.

Leave given; amendment amended accordingly.

Hon. P. COLLIER: It is quite immaterial whether we delete the words or allow them to remain.

The Attorney General: But the place has to be a suitable place.

Hon. P. COLLIER: "Suitable" in the opinion of the Government, who could say that a gaol was a suitable place for a reformatory prison. In the final analysis, the whole thing depends upon the administration of the measure. I fear that not much will be accomplished for some years to come. Moreover, the Attorney General will not be the Minister charged with the administration of this measure; that will come under the Colonial Secretary, as to whom I do not know whether he is fully imbued with the desires of the Attorney General.

The Attorney General: I think he is.

Hon. P. COLLIER: I am afraid that any steps taken under this measure will be along the old recognised lines followed by the prison authorities of this State, by those who have been in charge of the Gaols Department of Western Australia for years past. I should not be so apprehensive but for the fact that a few days ago the Attorney General expressed clearly the opinion that there was ample scope for the establishment of a reformatory prison within the walls of the Fremantle gaol. That fact makes it apparent to me that what the gaol authorities, and those who are to be charged with the administration of the measure, have in mind is that a satisfactory commencement may be made within the walls of that prison. If that is so, it is a waste of the time of Parliament to pass this Bill at all. Coolgardie, I think, would be a suitable place in which to commence this plan of reform.

The Attorney General: Coolgardie is one of the places I had in mind.

Hon. P. COLLIER: Some of the country gaols might be suitable.

The Attorney General: Coolgardie might be entirely devoted to prison reform, and there would be no mixing there.

Hon. P. COLLIER: Seeing that the administration of any measure by the department is a powerful factor in the case, we know very well what will happen as regards this measure. I entirely agree with what the member for Kanowna has said regarding the unsuitableness, from any point of view, of the Fremantle gaol for a reformatory prison. Charitable institutions would be used as reformatory prisons only for youthful offenders. Fremantle prison might be used as a distributing centre; necessarily it would have to be, I suppose. However, in a document read by the Attorney General it was contended, I think by Mr. Hann himself, that Fremantle gaol was suitable for a reformatory prison. Undoubtedly the question is largely one of money, and the Government have not the funds to provide reformatory prisons such as the Committee generally and the Minister would like to establish. That is not possible for some time to come. All we can do in the circumstances is to pass the Bill with such amendments as may be necessary, and with our blessing. Perhaps the Government might secure a limited amount of funds to establish reformatory prisons in suitable localities. The Government, if they are to make

a start, must be given the powers which they seek under this Bill. The measure will be one upon which any Government can build if they have the inclination and the funds to do so.

Mr. LAMBERT: The member for Boulder is not altogether conversant with the respective positions of Boulder and Coolgardie. If he were, he would be aware that there are plenty of empty buildings even in Boulder which could be used as reformatories. If there are not now there soon will be. Coolgardie is in a different position, and I would like the Attorney General to make a note of that fact when considering this matter.

Amendment put and passed.

Mr. ROCKE: I move an amendment—

That the following words be added to paragraph (a):—"Provided that no part of the Fremantle gaol shall be deemed a suitable place for the purposes of this Act."

I do not wish to harass the Government in their endeavour to get along with the reformatory system they have in view. On the contrary, I wish to give them every assistance, and in endeavouring to keep this system quite apart from the Fremantle gaol, I am saving it from disaster. If the amendment is carried, it will not prevent the Government using out-gaols such as Rottneest, Coolgardie or Albany after making the necessary structural alterations. All I wish to do is to keep this thing away from the Fremantle prison because to take it there will defeat the intention of the Bill.

The ATTORNEY GENERAL: I would ask the hon. member to withdraw the amendment because it is embarrassing. I am told by the Colonial Secretary's Department that what is intended is to use some part of the gaol, that which is called the clearing station, and offenders can be sent there until there is a more suitable place for them to go to. This reform cannot be set in motion in a day. So long as the spirit of those administering the Act is on the lines indicated, nothing will be done that will interfere with that spirit of reform by associating those men with prison life which is repugnant to all of us.

Mr. ROCKE: I do not see that the amendment will in any way embarrass the Government.

The Attorney General: It will not be possible to use the place as a clearing station.

Mr. ROCKE: The Attorney General has already said that the superintendent has reported that he can do all that is necessary with the building he has, but in the interests of the unfortunates themselves, I wish this matter to be removed from that officer's supervision.

Hon. W. C. ANGWIN: I agree with the member for South Fremantle that the Fremantle gaol is not the place to send these people to, and anyone who has visited the gaol will realise that fact. The workshops are very small indeed, and will be shared by these young people with those who are undergoing long sentences. The Attorney General seems to be bringing in this Bill long before he can carry its provisions into effect. It could well stand over until he can find proper prisons.

Hon. P. COLLIER: We may as well throw the Bill into the waste paper basket at once and get on with more important work if it is proposed to utilise any portion of the Fre-

mantle gaol as a reformatory prison. I cannot conceive the superintendent of the gaol advancing the claims of that institution as being in any degree suitable for reformatory purposes, and it is clear that is what he has in mind. It will be only a new pretence at reform. I would prefer the Act to remain a dead letter until the Government are in a position to establish a reformatory prison on proper lines rather than they should start immediately in the Fremantle gaol. We know very well how difficult it is to get a Government department to break away from the routine of their departmental work and once they have established what they may be pleased to call a reformatory prison within the walls of the Fremantle gaol, they will forever afterwards say there is no necessity to make a start upon any other lines outside that institution. It is better to start on right lines five years hence than to start to-morrow on lines that are going to be futile so far as reformatory influence is concerned. Even Pentridge, unsuitable as it is for reformatory purposes, is infinitely better situated than is Fremantle, because it embraces a large area and it would be possible to set aside a considerable portion of that area for this purpose. The Fremantle gaol area, however, is small and circumscribed, and too small even for the large number of prisoners already there. I remember when they attempted some years ago to make a start at Fremantle to provide separate treatment for first offenders. They then built a new wing which cost £86,000. The design was submitted by the late superintendent after he had visited the gaols of the Continent. Even then they had to utilise a portion of the gaol yard which could ill be spared. Now I believe that wing has been abandoned.

Mr. Rocke: It is used as military detention barracks.

Hon. P. COLLIER: That is worse still. I am shocked to hear that is being done. It was admitted that the attempt to provide separate treatment for first offenders was more or less a failure, and now it is proposed to start a reformatory prison where there is no room and where there will be no opportunity for teaching the inmates the trades it is desired they should learn. The whole thing is doomed to failure if the Fremantle prison is connected with it in any way.

Mr. PICKERING: In introducing a measure of this nature it would have been well if the Minister in charge had given us clearly to understand what was the intention of the Government in connection with these reformatory prisons. What we want to know is what care is going to be exercised over these people who are not criminals. Is it intended to give them absolute freedom and will there be some system of control which will prevent them escaping? What is the system underlying this movement? This measure has been brought before the Committee, and we find the Minister accepting amendments of a radical nature.

Hon. P. COLLIER: The Minister has not accepted any radical amendment as yet.

Mr. PICKERING: Before we proceed further the Minister should give us a clear definition of what is intended by reformatory treatment. We would then know what steps to take in the interests of those we represent. I want

to see that the people not needing reform are properly and adequately protected.

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

Ayes	14
Noes	15

Majority against ..	1
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AYES.

Mr. Angwin	Mr. Munslie
Mr. Chesson	Mr. Pilkington
Mr. Collier	Mr. Rocks
Mr. Davies	Mr. Troy
Mr. Draper	Mr. Walker
Mr. Green	Mr. O'Loghlin
Mr. Lambert	(Teller.)
Mr. Lutay	

NOES.

Mr. Foley	Mr. Mullany
Mr. George	Mr. Nalra
Mr. Harrison	Mr. Pickering
Mr. Hickmott	Mr. Picasse
Mr. Hudson	Mr. R. T. Robinson
Mr. Icfrey	Mr. Teesdale
Mr. Maley	Mr. Duff
Mr. Money	(Teller.)

Amendment thus negatived.

Hon. W. C. ANGWIN: I want to again protest against the drafting of the Bill. Under Clause 3 are grouped 13 distinct proposed new sections. It is not usual to put an entire new part under one clause, thus affording an opportunity to rush the new part through without consideration.

The Attorney General: I have no desire to rush it through. You can deal with the various provisions as they are reached.

Hon. W. C. ANGWIN: I wish to refer to proposed new Section 64C.

Mr. PILKINGTON: I have an earlier one. Paragraph (b) of 64A provides that the Governor may by proclamation set apart any reformatory prison for the detention of habitual criminals or persons of any prescribed class. A later provision empowers the Governor-in-Council to make regulations prescribing classes. Apparently these people are to be placed in reformatory prisons, and once they get there they are to remain there until the Governor-in-Council lets them out; for under proposed Subsection 2 of 64A it is provided that persons detained in a reformatory prison shall be detained during the Governor's pleasure. It is giving extraordinary power of legislation to the Executive. Unfortunately it is becoming common, not only in Australia, but elsewhere, for the Government to take this power to make regulations. It was fairly common in England a few years ago, but it has been stopped now, and I hope it will be stopped here also. Here we have a provision enabling the Governor-in-Council to enact very important legislation. It is Parliament alone that should make legislation. That power of delegation to the Executive should be jealously watched. It is fatal when the Executive oversteps its power and takes on the work of the Legislature. It is the difference between an autocracy and a democracy. I would like to know what is intended by these

provisions and what provisions, if any, are to be found elsewhere, in other statutes, which limit the very wide powers given here. When the Governor-in-Council shall have made these regulations, apparently any person of a prescribed class becomes automatically, without trial, liable to be transferred to a reformatory prison, there to remain until the Governor-in-Council thinks proper to let him out.

Mr. Draper: But he must have been convicted, to have an indeterminate sentence.

Mr. PILKINGTON: No. Apparently he has only to be placed in a prescribed class. I am asking for an explanation, before we pass these words "or person of any prescribed class," as to how it is intended they should operate.

The ATTORNEY GENERAL: Already there are gaols regulations under the present Act, in which several classes of persons are prescribed. Under one section regulations are contemplated dealing with indeterminate sentences. One can readily imagine several classes of such persons. There will be first offenders, for instance.

Mr. Pilkington: Can a first offender get an indeterminate sentence by reason of the regulations?

The ATTORNEY GENERAL: He can under proposed Section 662.

Mr. Pilkington: If he is in gaol as a first offender, and a regulation is made which brings him into a class which goes into a reformatory prison, there he must go.

The ATTORNEY GENERAL: There may be set apart any reformatory prison, or any part thereof, for the detention of habitual criminals or persons of any prescribed class. The prescribed class will be such as first offenders, male prisoners, female prisoners, sexual cases, and so on. There are some others in connection with first, second and third class prisoners.

Mr. Pilkington: These persons will get an indeterminate sentence merely by reason of the regulations?

The ATTORNEY GENERAL: I am dealing with persons who have been given an indeterminate sentence by the court. It is quite possible there may be some persons who have been sentenced by the court to serve for six months in a reformatory prison, but not an ordinary prison.

Hon. P. Collier: Ordinary prisoners under an indeterminate sentence may be brought under the Act?

The ATTORNEY GENERAL: Yes.

Hon. P. Collier: A person may be transferred to a reformatory prison under the authority of the board?

Hon. T. Walker: And it becomes a life sentence.

Mr. Pickering: Without his having any voice in it.

Hon. T. Walker: I think the Attorney General had better move to report progress.

The ATTORNEY GENERAL: I do not. The prescribed class covers the cases I have mentioned, and those who may have an indeterminate sentence or a fixed sentence. The court has power under the Criminal Code to send prisoners to work in a reformatory prison.

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

The ATTORNEY GENERAL: I do not see that.

Hon. T. Walker: That is quite so.

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

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

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

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

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

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

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

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

Mr. Draper: No one ever reads them.

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

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

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

[The Speaker resumed the Chair.]

Progress reported.

House adjourned at 10 p.m.

Legislative Assembly,

Tuesday, 8th October, 1918.

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

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

BILL—CRIMINAL CODE AMENDMENT.

Report of Committee adopted.

BILL—DISCHARGED SOLDIERS SETTLEMENT.

Message.

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

Second Reading.

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