

# Legislative Assembly,

Thursday, 21st January, 1915.

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

## QUESTION—WHALING LICENSE.

Mr. HOLMAN (without notice) asked the Premier: In view of the fact that a motion is on the Notice Paper for the disallowance of a whaling license about to be granted, and in view of the further fact that the proposed license is now lying on the Table of the House, will the Premier withdraw the license in order to allow an opportunity for the discussion of the matter by the Chamber before the license is granted? The Fisheries Act, 1911, provides that such a license shall lie on the Table of the House for a period of 14 days. It is an absolute impossibility to deal with the matter before the expiration of that period of 14 days, and it is always wise to allow such a question to be discussed before it is finally decided. I should be glad to have from the Premier an assurance to the effect I have indicated.

The PREMIER replied: I can give the hon. member an assurance that no decision will be arrived at before the motion tabled has been discussed. If under the Fisheries Act, 1911, it is necessary, in order to allow of that, to withdraw the license now lying on the Table and present it again, that course will be followed. I assure the hon. member that there is no intention on the part of the Government to issue the license until

such time as the matter shall have been discussed by this House.

## QUESTION—MATERNITY HOME, TEMPORARY PREMISES.

Hon. J. D. CONNOLLY (for Mr. Smith) asked the Premier: As the maternity home, for which plans are now being prepared, will take some time to complete, will he arrange to open a temporary home in proximity to the City?

The PREMIER replied: The plans and the erection will be expeditiously proceeded with, and in the meantime the existing arrangements for relieving maternity cases will continue.

## QUESTION—WORKERS' HOMES, GERALDTON.

Mr. HEITMANN asked the Premier: 1, Is he aware (a) that trouble has arisen between the occupiers of workers' homes in Geraldton and the municipal council because of the refusal of the latter to provide roads through the workers' homes blocks; (b) that the council contends it is an obligation on the part of the Workers' Homes Board to provide roads the same as private owners when a subdivision takes place; (c) that the occupiers of workers' homes are refusing to pay rates because of the refusal of the council to provide roads? 2, What is the position of the occupiers in regard to rates? 3, Will he cause inquiries to be made with a view of settling the differences and providing the necessary roads?

The PREMIER replied: 1, (a) Yes; (b) Yes; (c) I have been so informed. 2, A lessee is responsible for the payment of rates. 3, The roads in question are public streets, and are, therefore, under municipal control; and it is not proposed to make further inquiries at present.

## LEAVE OF ABSENCE.

On motion by Mr. HEITMANN, leave of absence for three weeks granted to the hon. member for Albany (Mr. Price) on the ground of urgent private business.

## BILLS (5)—THIRD READING.

1. Industries Assistance.
2. Government Electric Works.
3. Loan Acts Amendment.
4. Postponement of Debts Act Amendment.
5. Naval and Military Absentees' Relief.

BILL—CONTROL OF TRADE IN  
WAR TIME ACT AMENDMENT.*Third Reading.*

The PREMIER (Hon. J. Scaddan—Brown Hill-Ivanhoe) [4.43]: I move—

*That the Bill be now read a third time.*

Hon. FRANK WILSON (Sussex) [4.44]: There is a matter which has been brought to my attention in connection with this Bill, and which I think is deserving of some consideration. It appears to have been overlooked by most of us when this measure was being considered. The point is that we do not give to the Royal Commission any power to regulate prices to distributors. The Commission fix selling prices, the prices which no person can exceed in offering commodities for sale; and the measure makes it penal to demand more than such prices. Thus, if the Commission fix one selling price only, the effect is likely to be to shut up the intermediate men, the distributors. We were discussing wheat very largely in the debate on the measure. Notwithstanding that the wheat in the first place comes from the farmers, we know the bulk of it is sooner or later handled by intermediate men. Produce merchants and others will cease to be able to transact their business. If we fix the price of wheat at, say, 6s., the farmer will require 6s. from the produce merchant, and the produce merchant in turn can only ask 6s. from his client. The same thing may apply if it ever becomes necessary to fix the price of bread.

Mr. James Gardiner: Would they not rather treat it as they do butter—make it the wholesale price?

Hon. FRANK WILSON: Have they the power under this measure?

The Premier: I think so.

Hon. FRANK WILSON: Well, I am just drawing attention to the point, in order that it may not be overlooked. Personally I do not think the Bill covers it. We cannot ask a man to buy and sell at the same price, and I think the Commission should have power to fix both wholesale and retail prices.

The Premier: I think they have.

Hon. FRANK WILSON: Paragraph (a) of Clause 2 provides that they may fix and declare different maximum prices according to differences in quality or description of the necessities of life, or in the quantity sold. I do not think that covers it.

The Premier: The reference to fixing prices for different quantities sold will surely cover wholesale and retail quantities.

Hon. FRANK WILSON: But to fix the quantities they would have to stipulate one loaf, 50 loaves, 100 loaves, and so on.

The Premier: I think they could provide for wholesale and retail quantities.

Hon. FRANK WILSON: At all events it is worth the Premier's consideration to see if it is necessary to amend it in the other House. The Commission ought to have power to discriminate between retail and wholesale, between the producer and the distributor.

Mr. James Gardiner: I take it the Commission will control retail prices as well as wholesale prices?

Hon. FRANK WILSON: It may have that effect, and undoubtedly that is what we are aiming at. One starts to control the retail price by controlling the wholesale price. The very fact that the producer is approached as the first man whose price is to be fixed suggests this. It will be seen how hard it would bear upon those concerned if the question is not provided for.

Mr. James Gardiner: The price will probably be fixed by the other board, the purchase board.

Hon. FRANK WILSON: No, I do not think so. They only fix the price at which the Government can seize, and do not control the price as between retailer and wholesaler.

The PREMIER (Hon. J. Scaddan—Brownhill-Ivanhoe) [4.50]: No doubt there is something in the point raised, although personally I am of opinion that the power given in the Bill is sufficient to cover it. There can be no object in fixing the price in regard to the quantity sold unless for the purpose of discriminating between wholesale and retail prices. For instance, the Commission would not name 4d. for a single loaf and 3¾d. for 100 loaves. However, the point is worth considering, and I will have the matter looked into, and if necessary an amendment moved in another place. In respect to many articles it is essential that we should have the power to fix the prices from the first purchase to the last sale. Take the price of bread: if we had no control over the price of wheat to the miller, and the price as between the miller and the baker, it would be of no use trying to control the price of bread. We require the power to fix prices from the first transaction to the last, from the producer to the consumer. If we have not that power under the Bill I will have an amendment inserted in another place to meet the case.

Question put and passed.

Bill read a third time, and transmitted to the Council.

#### BILL—PUBLIC SERVICE (TEMPORARY).

Report of Committee adopted.

#### BILL—DIVIDEND DUTIES ACT AMENDMENT.

##### *Second Reading.*

Debate resumed from the previous day.

Hon. FRANK WILSON (Sussex) [4.53]: I need hardly say that I am in accord with the principle that all should pay on the same basis in regard to income tax or dividend tax. As I have on

many occasions asserted, it was my intention, had we remained in charge of the Treasury benches, to repeal the dividend duties tax altogether, and to bring all companies, corporations, firms and individuals under one system of income tax. I am sorry that the Premier has not seen fit to adopt that line of action, but has taken the course of amending the Dividend Duties Act, while still keeping the dual system in operation.

The Attorney General: Our income tax Bill, the war emergency measure, was rejected.

Hon. FRANK WILSON: That was not an income tax Bill, that was a robbery tax, and the Attorney General knows it. It was a proposal to rob.

The Attorney General: That is a reflection on this Chamber, which passed it.

Hon. FRANK WILSON: It might be a somewhat severe criticism of the Government, but it shows the control they had over their members at that time. I do not know how they stand now. However, in my opinion we ought not to differentiate between any sections of the community if we can avoid it. I admit that years ago it was done. It will be remembered that the first proposal to tax companies in Western Australia was made with one object and one only. When Sir John Forrest brought down his measure, it was in order that we might derive some revenue from goldmining companies in Western Australia, who had undoubtedly received a very rich asset from the State, in consequence of which it was thought reasonable that we should get from them something in the way of a dividend duty tax or an income tax, a tax on the profits or dividends earned from their leases. That was in 1899. The Act provided that local companies should pay on dividends, while companies operating not only in Western Australia but outside also, should pay on their profits. That legislation led to any amount of confusion; more especially was great trouble experienced in fixing the depreciation on mining properties. That trouble, I presume, will arise again. Nevertheless, we have to face it. There was a lot of trouble, and it went on until

1902, or 1903, when the then Treasurer repealed the Dividend Duties Act and passed another one, collecting on dividends. There was another amending Bill later on, but it was not of vital importance, being merely an amendment to collect tax from companies operating outside the State. Whilst we were attacked at that time, and have been attacked on subsequent occasions, for asking to have some special return from the mining industry of Western Australia, yet at the present juncture we have to be very careful how we increase its contribution. The Commonwealth is already making inroads on the industry. A Bill recently passed, the Land Tax Bill, which includes a tax on mining leases, is likely to bear heavily on our mining companies.

The Minister for Mines: It is a very absurd measure, too.

Hon. FRANK WILSON: Unfortunately, it is the law of the land.

The Minister for Mines: How are they going to arrive at the unimproved value?

Hon. FRANK WILSON: The unimproved value of mining leases is to include the value of the minerals contained.

Mr. Willmott: Is there not a recent ruling by the Chief Justice in England that there is no such thing as the unimproved value of land?

Hon. FRANK WILSON: I am not aware of it. At all events the unimproved value is something which our friends opposite are always standing up for.

Mr. Foley: It is a knotty question when it comes to a mining lease.

Hon. FRANK WILSON: Yes, and it frequently provides food for lawyers. The fact remains, that the mining companies will be hit very heavily by the land taxation measure recently passed by the Federal Parliament.

The Minister for Mines: I think it will be knocked out. I consider it unconstitutional.

Hon. FRANK WILSON: That remains to be seen. In the circumstances we ought to deal as gently as we can with this, and indeed all other industries in this State at the present juncture. We

ought, above all, to legislate fairly to all parties and to avoid, as far as we can, basing our legislation upon extreme cases. Unfortunately there seems to be a tendency, and this is not confined to the Government side, to always quote an extreme case. This does not matter very much when it is merely quoted during a debate, but when we begin to frame legislation on extreme cases we are apt to do great injury to the bulk of the people.

The Minister for Mines: What about the member for Perth wanting to inflict a burden in connection with the renewal of leases?

Hon. FRANK WILSON: The hon. member simply wanted to know why the Minister had not concluded negotiations proceeding when he took office that the mines earning profits should pay some extra consideration for a renewal of their leases.

Mr. Foley: The fact remains that he thought they should be paying £20,000 a year to the State.

Hon. FRANK WILSON: The Federal measure may bring in many times £20,000.

The Minister for Mines: How much do you think?

Hon. FRANK WILSON: I do not know.

Mr. Foley: The proposal of the member for Perth would tax the industry of these companies, according to his idea.

Hon. FRANK WILSON: I am not allowed to discuss a renewal of the mining leases at this stage. I again emphasise that we ought to treat all alike. We should bring all companies, firms, and individuals under the income tax. It would be much preferable. They would come under the graduated tax, or we could differentiate if we wished in that Bill. I would prefer not to differentiate. We would thus simplify the work of the Taxation Department enormously, we would effect economies, and would do away with the dual system prevailing at present, and under that system we would collect almost as much additional revenue as under this Bill if it becomes law. I wish the Premier even at this stage could see his way

clear to withdraw this Bill, and introduce one on the lines I have suggested. There is one very strong objection to this Bill, and that is the provision for collecting the tax on undistributed profits. If members read Clause 5 they will find that it would apply to all profits which have accumulated since the inception of the concerns which are being taxed.

Mr. Thomas: That is when they distribute them.

Hon. FRANK WILSON: Yes. It is always bad to make legislation retrospective, and very good grounds ought to be shown before we do so. Will the hon. member tell the House what good grounds there are for going back even prior to the time when we first initiated legislation of this description, and asking the people now carrying on the trade of this State to pay duty on their accumulated profits during the whole of that period when other firms have had their day and passed out without paying anything? It is not a reasonable proposition, even if we state, as is laid down in this measure that payment shall only be made when such profits are distributed. But the Bill goes much further than to deal with the distribution of profits. It lays down that when profits are distributed or transferred to capital in any way, even if it is expended to extend the works of the industry, duty would have to be paid.

Mr. Thomas: That would bring it into line with the income tax.

Hon. FRANK WILSON: The expenditure of profits in the capital of a concern increases the earning capacity of that concern. Therefore, in view of the increase in the profit-earning capacity the concern would subsequently pay to the Treasurer more in duty, we should encourage the expansion of our industries, and the use of their profits for extending operations. But the Bill goes even further than that, and includes profits applied in any way in the reduction of assets. What does that mean? If I have accumulated profits for the last 50 years in this State and apply any of them in any way in the reduction

of assets, I would have to pay duty on the amount.

The Premier: For how many years?

Hon. FRANK WILSON: Fifty years, from the inception of the industry.

The Premier: From the inception of the Act which was passed only in 1902.

Hon. FRANK WILSON: This Bill will go beyond that. It refers to the profits of any time standing on the books of the concern. What does the reduction of assets mean? If a concern is writing off depreciation on plant and machinery, it is reducing the value of its assets, and duty would have to be paid on such bookkeeping transactions as that. If I had accumulated profits standing to profit and loss account and wrote £5,000 off plant account, I would thus reduce the value of my assets and the Commissioner would insist on the duty tax being paid on that £5,000.

The Premier: We have not altered the law in that respect.

Hon. FRANK WILSON: I am merely pointing out the position. The law already may be wrong.

The Premier. We are only continuing the Act.

Hon. FRANK WILSON: There is a grave danger here. It would be very unfair if this clause bears the interpretation which I think it does, and is retrospective as I maintain it is. I hope the Premier will have it amended to make it fair to all. I would like to see the Bill amended by making it operative from the 1st January, 1915, instead of 1914. I do not see why we should go back 12 months in this connection, and the amendment would, to a considerable degree, provide a safeguard.

Mr. B. J. Stubbs: That would be really postponing it for a year.

Hon. FRANK WILSON: No, it would not. I do not see why different companies who have paid dividend duties during last year should have these transactions reopened. Why make the Bill retrospective? Let it take effect from the present time.

Mr. B. J. Stubbs: They would get credit for what they had paid.

Hon. FRANK WILSON: They may have distributed their profits. Why come down on them again? They have declared their dividends and paid their dividend duties, and distributed their profits, and why reopen the transaction? Why make the Bill retrospective? The amount would be a mere bagatelle. We do not want to act unfairly to any section of the community. I do not know whether Clause 6 already appears in the existing Act. I do not remember it, but the Commissioner at his discretion may compromise in regard to profits by stating a percentage on the turnover of the concern. We ought to be in a position to fix a percentage or, say, a range of percentages, which should not be left entirely to an official because that is what it will amount to. At the present time when those concerned cannot arrive at the profit a company has earned, the Governor-in-Council may declare an arrangement to charge 5 per cent. on the turnover. That is done in many instances, and some fixed maximum rate ought to be inserted, say, not exceeding 5 per cent., or something of the kind, to provide a safeguard in such cases. I wish the Premier would adopt my suggestion to bring all under the income tax provisions and treat them alike, regardless of whether they are companies, firms or individuals.

The Premier: Under the present graduated income tax, that really happens after passing a certain limit.

Hon. FRANK WILSON: Yes, but the present system is complicated, and my proposal could be more cheaply worked in the department, and more easily administered, and the Treasury would receive almost the same amount as at present.

Mr. Male: And there would be only one Act to work under.

Hon. FRANK WILSON: Yes, only one Act instead of a complication of forms and regulations.

Mr. ROBINSON (Canning) [5.15]: I do not think there is anyone in this House who will not agree with the principle that taxation should be equally distrib-

ted over our companies as it is over the incomes of private individuals, and I therefore regret, with the leader of the Opposition, that some method similar to that in connection with the taxation of incomes of individuals is not being adopted in the taxing of companies. When the Dividend Duties Act was passed the legislature in effect said to the companies "we think it is a good thing for you to have reserve funds and reserve accounts in order to make your companies more solid, more solvent, and more progressive in this growing country, and we will only tax you on the actual dividends that you declare." Consequently companies in Western Australia have carried on for many years on that basis. It appears to me from a business point of view that this House should encourage companies to form a good solid reserve so as to give themselves stability. A reserve is formed for many contingencies. First of all it is created for the purpose of forming a fund to meet what is described as "obsolescence." That is not the wearing out of the material part of the company but the necessity for renewing the plant of a company by reason of something new which has just come upon the market. Take for instance electrical machinery. A piece of machinery is patented to-day, and it will do the work at half the cost, and in half the time, of the machinery that was in use last year. We think what a fine thing it is; it is displayed in the window of some big shop, and everyone flocks to see this labour-saving appliance. In two or three years, however, we find something else that is in its way even better, and the machine we thought so good and displayed so freely has to be scrapped. That is a system that is known as "obsolescence." To provide for this companies have to create what is known as a reserve fund. Furthermore, in many cases, as in private undertakings, goodwill has had to be paid for. Goodwill should be written down, and if extending over a series of years should be eliminated altogether. This can only be done by means of a reserve fund. As this country grows so must the companies and individuals in it expand and branch out into

fresh avenues in connection with their enterprises. It is only where they have a good reserve fund that they can successfully meet the demands placed upon them, and provide additional working capital instead of increasing their capital by a fresh call. Finally that reserve provides for depreciation and for good shrinkage of values, so that a company doing business in this country may carry on in a good solid way. Those of the community who desire to invest in shares, and have their businesses carried on by capable men, know that they will get a good and safe return for their money. That applies in many instances in the cases of trustees, widows, doctors, and others who are not business men, but who know that such and such a bank, or such a company is well controlled and capably managed. They say, "We know nothing about mortgages; we will take shares in this company." There is a good deal of this done both in this country and in other countries. Western Australia is justly proud in that it is very rare indeed for one of our companies to be wound up as a result of fraud or dishonest practices. We may well be proud in Western Australia of our commercial community and of the companies existing in it. That being the state of affairs I wish to point out in respect to all these companies that the Statute deliberately takes away from the local companies the exemption which the Dividend Duties Act expressly provided for; that is the reserve fund. If that is taken away, and changes take place in the value of shares, in many cases this will not react on the company itself but will react upon and affect the class of people I have just described, namely our clergymen, our doctors, our widows and our trustees who put their money into such concerns. I hold that it is the business of this legislature not to interfere with the pulse of trade or the pulse of commerce in such a way as will cause injury when we should only be seeking to do that which is good. I admit that the object of the Bill is a good one. If I occupied a position on the

other side of the House I would be one of the first to advocate the bringing in of a Bill for taxing the profits made by companies. I am only dealing with the method by which it is proposed to put this Bill into effect. I think that this Bill, whilst it places all companies on the same basis for the future, does an injustice to the companies in that it carries its incidence right away back—how far I am not prepared at this moment to say, and I doubt whether the Premier is prepared to say how far either. If it only goes back as far as the Dividend Duties Act, that would be quite far enough. It is going to tax reserve funds which have been created, and which have been worked up probably for the last ten or fifteen years, and this amounts to a dislocation of commerce, and an interference with it, which I am sure the Government have no desire to bring about.

The Premier: We are not doing it.

Mr. ROBINSON: They think they are not doing it. Here is a Bill which I am sure the Government do not intend shall be harmful. I am merely pointing out that it may do harm in that direction. If it were only to tax last year's profits so much might not be said against it, but the taxation, as it appears to me, is taxation from the inception of a company, right up to date, because we are going to tax its reserve fund.

The Premier: No, we are not.

Mr. ROBINSON: But the reserve fund keeps growing, and is required for increasing the assets or for depreciation or other purposes. But it becomes liable to taxation. All this controversy would have been avoided if the Premier, instead of devising this method of taxation, had been content to tax the profits. No one would have objected if from to-morrow morning, or from the first of next month, or at any other specified time, the law of the land was to be "all profits of companies are to be taxed." Then the matter would be clear and everybody would know the position. In order to show the House how great an injustice might be worked by taxation running back over a period of years, I desire to bring forward some instances.

Mr. SPEAKER: Order! There is too much conversation.

Mr. ROBINSON: There may be a number of small shareholders who may hold shares in a given company. The Premier has instanced a case in which some few individuals held a large number of shares in certain companies. Let me ask this question? How long have these individuals, these doctors, clergymen, and trustees whom I referred to as the small shareholders, held these shares? It is well known that people are buying and selling shares every day on the market value existing at the time. If this Bill was to become law there are many companies the stocks of which would depreciate right away, and where, if this happens, we should be doing an injury, not to the company, which the Premier wants to get at, but to the widows, the orphans, the doctors and so on.

The Premier: You are drawing the long bow now.

Mr. ROBINSON: I am talking about the whole of the community of Western Australia. Those on the Government benches are laughing at the people of Western Australia to-day, but the time will come when they will laugh no longer.

The Minister for Mines: That would sound all right in the Young Liberals Society.

Mr. ROBINSON: If the rules of debate were as good in this House as they are in the Young Liberals Society there would not be going on the laughing that is going on here to-day.

The Premier: There is, of course, nothing to laugh at about the Young Liberals.

Mr. ROBINSON: I hope hon. members will listen to what I have to say on this matter. I bring it forward in a helpful way to this House, and not by way of destructive criticism, because I am in favour of the principle of taxation.

The Minister for Works: For the other fellow?

Mr. ROBINSON: I am in favour of the principle of taxation, but the method

by which we are setting about it is wrong, and wrong in every possible way.

The Minister for Works: You will amend it in Committee.

Mr. ROBINSON: It cannot be amended in Committee. The whole Bill is wrong from beginning to end.

The Minister for Works: Just leave the title.

Mr. ROBINSON: I agree that taxation on these lines should be brought in, but it should not be brought in by keeping a number of systems running parallel to each other, and some overriding others so that people do not know where they are. Have one system of taxation and the people will then know where they are. Take the case of the company which has got together a large reserve fund and say a month, twelve months, or two years ago has effected changes in the ownership of its shares at the then value. If that company is to pay taxation on the accumulations of years the men who owned the shares, say, five years ago, would escape, whilst the poor individuals who bought the shares as investments to-day will be made to suffer.

Mr. Foley: Does not part of this reserve fund belong to the then shareholders?

Mr. ROBINSON: I am not dealing with a possibility of this nature. I am taking the general principle. I am taking the case of the companies which form the backbone of Western Australia, and without which the trade of this country could not be carried on. These companies must be considered. Hon. members opposite know where to go in respect to some of these companies when they want money. We must be fair, and the only way to deal fairly with these, if we are going to impose taxation, is to impose it in a fair manner, and to say from the first of June next, or any other date, they are going to be taxed on their profits. I am with the Premier here and in that respect I will help him with the Bill. I agree with the principle but I think the machinery is bad.

The PREMIER (Hon. J. Scaddan—Drownhill-Ivanhoe,—in reply) [5.27]: I



would just like to say a few words in reply to the hon. member who has just sat down. I wish to point out that we are not going to call upon companies to pay duty upon their accumulated profits or reserve funds unless they do in the future as they would do if this law is not passed. We are not altering the law in that respect. The Bill merely provides that in future they shall pay on their profits instead of on their dividends. There are two and a half millions of money in accumulated profit standing to the credit of the reserve funds of companies which came under the Dividend Duty Act. Do hon. members ask that these companies should pay no duty at all on this two and a half millions, when they come to distribute the money? Surely the hon. member does not desire that. No fair-minded man would suggest it. That is all the Bill is providing for, namely, that in future they pay on their profits. But if in future they distribute their reserve fund—profits not declared in the nature of dividends prior to the passing of the measure—they shall still pay the dividend duty as though the Bill had never been passed. We are merely continuing the operation of the Act so far as the distribution of profits made in the past is concerned. I agree with the leader of the Opposition that the existing Act only provides for the payment of duty by incorporated companies, with the result that if a firm carrying on business is merely registered as a partnership that firm only pays the income tax rate, whatever that might be, while an incorporated company has to pay a shilling in the pound on all profits, little or great. That is an anomaly I admit, but we are adjusting it to some extent, although not entirely, and I am prepared to accept the hon. member's suggestion that in future we should make provision for all firms paying on the same basis. I am trying to rectify one anomaly now, and when that is disposed of, if the House gives me the opportunity, I will endeavour to rectify the other.

Question put and passed.

Bill read a second time.

## BILL—GRAIN AND FOODSTUFF.

### *Council's Message—Money Bill Procedure.*

The following Message from the Council was received and read:—"The Council acquaints the Legislative Assembly, in reply to its Message No. 7, that without prejudice and on the understanding that the Council's action on this occasion will not be taken advantage of by the Assembly as a precedent, it is prepared to waive its right to press its request for amendment No. 4 in the Grain and Foodstuff Bill. The Council makes this reservation because the Assembly in its Message No. 7 has thought fit to copy and to use as a precedent a Message which was sent by the Assembly to the Council at 1.30 on the morning of the last day of the session 1911. That Message had reference to a trivial amendment in the Agricultural Bank Act Amendment Bill, the principle of which Bill was approved of by all parties in both Houses. To that Message the Council returned at 3 a.m. a similar reply to that contained in this Message."

The MINISTER FOR LANDS (Hon. W. D. Johnson—Guildford) [5.34]: Hon. members will be pleased to find that we have come to an understanding in this respect. I do not propose to take up any time in dealing with the Message. I move—

*That the following message be transmitted to the Legislative Council:—"The Legislative Assembly acquaints the Legislative Council in respect to its Messages Nos. 7 and 10 that as the Legislative Council and the Legislative Assembly are now in agreement as to the amendment requested by the Legislative Council in regard to the Grain and Foodstuff Bill, the Legislative Assembly requests the Legislative Council to pass the Bill as agreed to."*

Question passed.

## BILL—VERMIN BOARDS ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the previous day.  
Mr. GILCHRIST (Gascayne) [5.35]: I

have to crave the indulgence of the House in regard to this matter, as it does not directly affect any electorate except those of Roebourne and Gascoyne, chiefly the latter. The peculiar position is that I am making an appeal on behalf of only 36 people, who, however, find themselves in the unfortunate situation of being responsible for no less a sum than £76,000, which is owing by them to the Government; and not only that, but they are responsible for an annual charge on their incomes of considerably over £3,000. In 1909 a meeting of pastoralists in the Gascoyne district was held to consider the question of keeping back a threatened invasion of rabbits. At that meeting the then member for Gascoyne (Mr. Butcher) was deputed to ask the Government to construct a fence from Shark Bay, just about Wooramel, almost directly east to the No. 2 barrier fence. I am sorry to say that the then Minister for Agriculture (Hon. J. Mitchell) met the request in most unsympathetic manner. It seems to be a moot point whether the pastoralists in the Gascoyne district were justified in asking for this fence, for many hold the opinion that the rabbit scare had no foundation, and that even if the fence had not been erected no harm would have accrued to the Gascoyne district. However, I have been informed by some of our experts, and particularly certain officers in the public service, that at the time the meeting was held, one travelling along the outer barrier fence east from Peak Hill would drive thousands of rabbits before him. To-day I understand, a traveller passing the same point would see very few rabbits indeed, although perhaps their tracks would be in evidence. It is said that the absence of rabbits from the North-West and other parts of Western Australia during the past few years is due, not to the rodents having gone elsewhere, but to the fact that the drought has reduced their numbers, just as it has reduced the flocks of sheep. It will be generally admitted that the curse which has swept over Victoria, New South Wales, and South Australia during the past few years should be checked in this State if it is possible to do it by barrier

fences. The request of Mr. Butcher that a fence be constructed east from Wooramel to the second barrier fence was very unsympathetically met. On his return to the Gascoyne district Mr. Butcher laid the position before the settlers. They felt that the matter was so urgent that it was necessary for some of them, who had the money, to group together and construct a fence for themselves around a certain number of holdings. However, others wished to come in also, and it was agreed that a longer barrier fence should be constructed from the Wooramel up in the direction of Exmouth Gulf. The existing Vermin Boards Act was passed by this Legislature, and a board was appointed. A vermin board district was proclaimed by the Government, but for some unexplained reason the board took an early opportunity to considerably contract the area, so that, instead of some 76 ratepayers bearing the burden of the construction of the fence and of its maintenance, it has been confined to the 36 persons already mentioned. The fence is 327 miles in length, and has cost no less than £66,000, or an average of £200 a mile. The Government officers tell us that the average cost of the State barrier fences is £167 per mile, and that for a number of sections it has been as low as £80 or £90, ranging at other parts as high as £230 or £250. An officer who recently inspected the Gascoyne barrier fence holds that it should have been constructed for £125 per mile. However, that is beside the main point. We now have a fence that has cost us £66,000, and the cost of maintenance, leaving out the interest payable on that amount and the sinking fund, runs into £10 per mile per annum. The Government officers estimate that it should cost not more than £5 a mile to maintain. This £10 per mile is the cost in drought time, but what will it be in good seasons? We are getting reports every day of heavy downpours and floods in the Gascoyne district, and we have no doubt that a great many panels of that fence have been washed down. Unfortunately, if the present method of administration is continued,

the cost of maintenance of the fence will be considerably above £10 per mile. Here is the first big difficulty we have met besides what I have mentioned. Thirty-six ratepayers within that vermin board district are supposed to be bearing the burden of the heavy cost of the construction of the fence and its upkeep, and out of that 36 only 10 men are paying. The result is that we are over £8,000 in arrears to the board and I understand that the board are £10,000 in arrears to the Government.

Mr. J. P. Gardiner: Would you favour a stock tax?

Mr. GILCHRIST: The Government find themselves in this position, that the board owes them £10,000. They have forced the board to pay and this Bill intends that they should have power to do so, and if the board forces the ratepayers to pay up the £8,000 arrears, it will mean that a number of them will be in the bankruptcy court and a lot of worthy people, who have been struggling on their holdings for some time, just as the farmers have been doing, will have to give up the work of some years and go back to any occupation they can secure. A deputation waited upon Mr. Bath when Minister for Lands and asked him for some relief and he agreed that those persons who were not able at present to pay the tax should be allowed to give promissory notes with a currency of 18 months. It seems to me that this was an absolutely illegal suggestion to make and it certainly was quite ineffective as far as the board's and the Government's position was concerned, because not one of those promissory notes has been met. This meant that if the promissory notes were not met, the Government must give further relief by the renewal of the promissory notes to the persons who were not paying, and still continue to insist that the 10 people who had been paying must continue to pay.

Mr. J. P. Gardiner: The 10 people who have been paying have had their runs fenced.

Mr. GILCHRIST: They fenced their runs themselves. Some people are a good

70 miles from the fence toward the coast. These men who have been paying and are willing to continue to pay, although it is a heavy burden, forced the board to sue for some money owing to them, and the board found, when they went to the court, that it was impossible, under the Vermin Boards Act, to recover rates owing to them. With such a position every ratepayer in the district refused further to pay his rates. There was no money coming in and the board called in all their employees, and the position now is that there is a fence from the Wooramel district 300 miles up to Exmouth Gulf, a fence which cost £66,000, and now it is getting into disrepair. If the Government or the board, or anybody else, were to take up the maintenance of the fence at the present time, an expenditure of £4,000 would be necessary before it would be rabbit-proof. There is this position to be faced, whether the Government or the board are justified in asking for the rates to be paid during the period that that fence has not been rabbit-proof; and it has not been rabbit-proof, not only during the time when there have been no boundary riders on the fence, but for a considerable time before.

Hon. R. H. Underwood (Honorary Minister): Are there any rabbits there?

Mr. GILCHRIST: There is an inspector employed by the Government who recently inspected the fence, and he can assure the Honorary Minister that rabbits are there. Here is the crisis with which we are faced. We have this great fence and we have not the money to maintain it. We had hoped that the Government were going to meet our case by granting us some relief in the Bill they have introduced, but I find it is merely a Bill to validate certain proceedings of the board, and to correct some omissions in the principal Act. The Minister informs me that the principal Act gives him the right to supersede the board, and if that would mean any relief to the settlers within that area, we should be very glad if the Government would take advantage of Section 55 of the principal Act. If it is true that the fence can be maintained for half what

it has cost in the past, by all means let the Government take the fence over and maintain it for us. Many members might not be aware of the fact that the vermin tax is 2s. on every 100 acres, or 20s. on every 1,000 acres, twice the amount of rent that the settlers have to pay to the Government for the leases. Surely that is unique in the history of taxation.

The Minister for Lands: It goes to prove that the rents are too low.

Mr. GILCHRIST: It does nothing of the kind. It goes to prove that someone has blundered seriously and it is time that this House faced the position and did something to relieve the unfortunate settlers who are within that barrier fence.

Mr. Munsie: They blundered in erecting the fence in the first place.

Mr. GILCHRIST: A serious blunder was made in constructing a fence that would protect such a small area. The fence should have been constructed directly east, so as to meet the No. 2 fence and so that a larger number of people would have been bearing the burden than are bearing it to-day.

The Minister for Lands: What relief would be given if you increased the mileage and did not increase the number of ratepayers in proportion?

Mr. GILCHRIST: The Minister understands that if we increase the length of the fence we also decrease the cost of construction per mile and the average cost to each ratepayer in the district. Office administration would have cost no more. This burden of £66,000 upon the 36 settlers, and incidentally upon the whole of the district and upon the people of Carnarvon, is a veritable nightmare, and I ask that the Government should do something in order to relieve us of this serious burden. I would like to ask who it is that bears the burden of the splendid foreshore construction work in Perth, or the work that has been done in connection with our King's Park close by? Are the people of Perth bearing the whole burden of

these works? Who is bearing the burden of the Esperance railway line that will, I hope, soon be constructed?

The Minister for Works: And which will pay for itself.

Mr. GILCHRIST: The Minister, or at any rate a good many members on that side of the House, and on this as well, are convinced, to use their own words, that the Esperance line will not pay axle grease for some time to come. I supported the construction of that line, not because I thought it was going to pay, but because it is going to open another port, and do an act of justice to the people of the State in that locality. The people of the whole State are going to bear the burden of the Esperance railway. Take the present Government rabbit fence of over 2,000 miles in length which has been constructed inland. Who is bearing the burden of that? Is it being borne only by the people who are carrying on agricultural or pastoral pursuits within those fences? Certainly not. All the people of the State, including the people living in Esperance and on the goldfields, are assisting toward its maintenance. If these Government fences are now being maintained at the expense of the people of the whole State, it is only justice that we should ask that at least some of the burden should be taken from our shoulders for this fence that has been constructed to save us from the rabbit evil. We have to bear the responsibility for those who went to the previous Government and asked that the fence should be constructed.

Hon. R. H. Underwood (Honorary Minister): And who promised to pay for it.

Mr. GILCHRIST: And, as the Honorary Minister says, who promised to pay for it. I would make an important point and it is this, that the Government of the day allowed that fence to be constructed, knowing the burden that was being placed, not on the persons who wanted the fence constructed, but on the whole of the people of the district. The member for Irwin raised the point, as I think all the members of the Country

party did during the discussion on the Esperance Railway Bill, that if the Government accedes to the request of—

Hon. R. H. Underwood (Honorary Minister): This is totally different from a railway Bill.

Mr. GILCHRIST: Excuse me, I am addressing the House. If a person goes to the Government and says, 'I am prepared to go out and take up one of these areas that have been thrown open for settlement,' and the Government allows him to go out, then the Government is responsible for that man's future, and must provide means of communication for him. In other words, the Government, equally with the man who makes the request, take upon their shoulders some of the responsibility for the man's future, and the Ministry, which happens to be the Ministry, the members of which are now sitting on this side of the House, full well knowing that the request had not come from all parts of the district that had been proclaimed, allowed the board which was formed, not elected but nominated, to seriously curtail the area. What is more serious still, they allowed the affairs of the board to be conducted for some years without insisting, as the Minister was required by the Act to insist, that balance sheets of the board's affairs should be published in the newspapers, in order that the ratepayers should know whether the money that was being expended was being expended wisely or not. Although many attempts were made by ratepayers to obtain facts with regard to the expenditure of their money, these facts could not be obtained, and because the Minister did not carry out the provision of the Act requiring him to see that the board published balance sheets of their affairs regularly every year, the Government must take some responsibility for the extra expenditure said to have been wasted by the construction of that fence. I intend to make a request which might not be received sympathetically at once, but which I hope will be earnestly and favourably considered by the Government. It is that the Government should

take over the fence and maintain it in the same way as they are maintaining other barrier fences in the State at the expense of the general taxpayer, excepting so far as the cost of the actual construction of the fence is concerned. The settlers within that fence are prepared to meet the Minister and discuss the position candidly with him, and make an offer to pay interest upon the fair cost of construction, whatever is fixed as the fair cost.

The Minister for Lands: Could you get the contractors who erected the fence to make a refund?

Mr. GILCHRIST: I wish I could. I ask the Minister to consider the question of maintaining this fence at the cost of the general taxpayer, and that an arrangement be made with all the settlers within the fence to leave upon their shoulders the responsibility for the cost of its construction. They have assured me that they are ready to pay interest and sinking fund extending over 30 or, if possible, more years. I hope the Minister will give the matter very serious consideration. I know he is sympathetic, but not insofar as relieving us of all the burden is concerned, but as settlers, we have exactly the same claim as the farmers for assistance. We have been suffering for four years the effects of the most terrible drought in the history of the North-West, and these men, with one or two exceptions, are not wealthy, but are struggling men, and it is absolutely impossible for them to meet the amounts required in the way of arrears.

Mr. Taylor: That is a different tale from what they told when we were considering the Bill.

Mr. GILCHRIST: I have no doubt it is. Very good seasons, such as prevailed before the drought, always evoke the very greatest optimism, but we are not here in a spirit of pessimism born of the drought but as reasonable men, and we ask that the Minister should grant us some relief so that the settlers within that area should not be burdened to the extent they are at present.

Mr. J. P. Gardiner: Will you support a stock tax?

Mr. GILCHRIST: I intend to meet the Minister on Monday, and discuss the question of a stock tax thoroughly.

Mr. J. P. Gardiner: Do not sit on a rail.

Mr. GILCHRIST: I am not sitting on a rail. Justice should be done to all the taxpayers in the district, and if it is considered better to have a stock tax than the present tax on the acreage, I will support it.

Hon. J. D. CONNOLLY (Perth) [6.5]: Like the member for Gascoyne, I do not approve of the conditions laid down in this Bill, but I view the matter in a different light from him. The hon. member said—

The Minister for Works: He said you made a very bad job of the fence.

Hon. J. D. CONNOLLY: The Government did not erect it.

Mr. Bolton: They would have saved £20,000 if they had done so.

Hon. J. D. CONNOLLY: I hold a different opinion. The member for Gascoyne, in giving the history of the erection of this fence in 1909, said the deputation from Carnarvon, headed by the then member for the district, Mr. Butcher, waited on the then Minister for Lands, the present member for Northam, to request that the fence should be erected. The hon. member said the then Minister did not meet them sympathetically. Knowing at least as much of this matter as the hon. member, because I visited the district when the construction of the fence was first mooted and followed the progress of the Bill through Parliament, I deny that the then Minister met those people in an unsympathetic manner. He was quite sympathetic, and thought something should be done to prevent the incursion of rabbits to this part of the State. Mr. Butcher and those with him were undoubtedly making very very large incomes from their holdings during a number of years prior to this. So good were their incomes that they were not prepared to take the least risk of the rabbits overrun-

ning their property. They were suffering from the rabbit scare, and were prepared to put their hands into their pockets to any extent in order to save their stations from the depredations of the vermin. Because they did not receive an answer from the Minister that he would immediately construct 300 miles of fence at the cost stated and for the protection of 36 squatters for the reason that he desired to consider the pros and cons of the question before spending the country's money, he is now accused of having been unsympathetic.

Mr. Gilchrist: I meant he received their request, not them, in an unsympathetic manner.

Hon. J. D. CONNOLLY: Of course I am speaking of the request. So convinced were these men that a real danger confronted them, that they asked for the introduction of a Bill which became the Vermin Act of 1909, to provide the necessary powers for the Government to lend them money to erect the fence. The member for Gascoyne said somebody blundered. If so, it was the people themselves. All that the deputation asked for was power. They said in effect—"We do not want the Government to do anything. We will erect the fence if you give us the power."

Mr. J. P. Gardiner interjected.

Hon. J. D. CONNOLLY: Mr. Butcher had to pay his share, the same as the rest. We are told that the Ministry of the day blundered, because they did not erect the fence, so that if there was a blunder it was of no assistance to Mr. Butcher.

Mr. A. A. Wilson. The deputation promised to pay all expenses.

Hon. J. D. CONNOLLY: Yes, and they also asked for the measure passed at that time, giving power to erect the fence, for the Government to lend the money, and to levy taxes for its upkeep, etc.

Mr. A. A. Wilson: Did your Government do that?

Hon. J. D. CONNOLLY: They acceded to the wishes of the deputation.

Mr. A. A. Wilson: Did they levy taxes?

Hon. J. D. CONNOLLY: The board did. This was in 1909 when the seasons were particularly good. The provision in the Act was that they should levy a rate, not exceeding 2s. per hundred or £1 per thousand acres on the pastoral leases.

Mr. J. P. Gardiner: A pound a thousand and is double the rent.

Hon. J. D. CONNOLLY: Compared with the rent they paid it cannot be considered as other than a very heavy tax. I will not say whether the rent is reasonable, or whether it should be higher. It is not a question for comparison. It was estimated that 2s. per hundred would be required, and all concerned were agreeable to that rate. I was in Carnarvon after the Act was assented to, and the people were well pleased with it; no exception was taken to it. Yet, the member for Gascoyne said the then Minister agreed to the proposal though he must have known it was not agreeable to a majority of the people within that fence.

Mr. Gilchrist: No, I said the Minister agreed to it, although he knew that the feeling of a majority of the people affected by the Bill had not been asked for. The people beyond the present fence who are still within the proclaimed area of the board objected, and I think that was one of the reasons why the district was afterwards contracted.

Hon. J. D. CONNOLLY: The hon. member says the Minister was aware that all the people concerned were not in accord with the proposal. If any one misstated the case, the blame must be accepted by the then member for the district, Mr. Butcher, because the Minister agreed to his suggestion. If a Minister cannot accept the word of the member for the district, on whose word can he rely?

The Minister for Works: I wish you would lend my district £66,000. I would advocate the expenditure.

Hon. J. D. CONNOLLY: It was not a question of expending £66,000 of Government money, but of giving these people the necessary legal powers to expend their own money, and make them liable for the expenditure, and Mr. Butcher, himself one of the ratepayers, put the request before the Minister.

Mr. B. J. Stubbs: Do not you think it was the Minister's place to satisfy himself that a majority of the people were in favour of it?

Hon. J. D. CONNOLLY: Only 36 squatters were concerned, and there were a good number in the deputation. The member for Gascoyne said the fence was contracted, and taken nearer to the coast because several people would not otherwise agree to it. I venture the opinion that the fence was taken nearer to the coast and made to enclose fewer people because this suited the people along the coast. They were afraid that if the fence were erected further east, some of the rabbits might be enclosed, and they wanted to make sure that this would not occur. They were prepared to take the greater financial risk consequent upon enclosing only 36 squatters instead of 60 or 70.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. J. D. CONNOLLY: My remarks are being made in defence of my late colleague the member for Northam (Hon. J. Mitchell) who is not here this evening. I wish to defend him against what I may call the attack which has been made upon him by the hon. member for Gascoyne (Mr. Gilchrist). I only wish to repeat this, that the fence was constructed under the Act of 1909 at the request of the squatters in the Gascoyne district. They approached the then Minister for Lands and requested that they should be allowed to construct this fence, and that a Bill should be provided giving the Government in the first case power to loan a sum of, I think, £60,000 for the construction of this fence upon which loan they were to pay five per cent. In connection with this fence, they were to levy a rate for its maintenance and to provide interest on the money that was loaned by the Government. Because the then Minister acceded to this request, we are told by Mr. Gilchrist that Mr. Mitchell was unsympathetic. Such is not the case. He was sympathetic enough—

Hon. Frank Wilson: He found the money.

Hon. J. D. CONNOLLY: When he found the money I think he was certainly sympathetic when he acceded to all their wishes. The fact was that this fence only went for the protection of a limited number of squatters. Undoubtedly the majority of the squatters who have had holdings up there for a number of years have drawn very handsome incomes from these holdings, and have been in enjoyment of good seasons for many years. Some of these have drawn such large incomes that they were not prepared to take any risks in the way of the encroachment of rabbits even if they had to spend £500 a year to keep them off. I readily admit that the rate of 2s. per £100, of which the hon. member for Gascoyne complains, is apparently a very heavy rate, but it is the rate that they agreed to pay. Representations were made by the then member for the district (Mr. Butcher), and if anyone misled the people, as Mr. Gilchrist says they were misled, then the blame must be attached to the late member.

The Minister for Works: I think Mr. Butcher was looking after the district very well when he got that money.

Hon. J. D. CONNOLLY: He was looking after the district very well, and I do not say he blundered there. It is the hon. member for Gascoyne who says that a blunder was made in giving this money.

The Minister for Works: He said it was a blunder on the part of the Government in not seeing that a proper balance sheet was prepared.

Hon. J. D. CONNOLLY: I will come to that later on. So much for the construction of the fence. The member for Gascoyne complains that this fence cost a great deal of money. I am very much surprised at the complaint made by him in this direction, because I know, and he must know, that there was a large number of well-known people of the Gascoyne who took the matter in hand, went on the board, and spent a great deal of time upon it. I venture to say from my knowledge of them and of the amount of time that they gave to the work and the practical knowledge

they possess that the fence could not have been constructed any cheaper than it was. I do not know the value of the fence, but I do say that these men deserve every credit for what they did, and the hon. member knows it. They devoted a lot of time to the work, but got nothing for it. The Government could not have constructed the fence as cheaply as these men who were on the spot did. These men spent their money, or rather money for which they were responsible.

The Minister for Works: That is a big difference.

Hon. J. D. CONNOLLY: They were obliged, of course, to return that money, but it was a mortgage or charge upon their stations. Therefore they were spending money that they were responsible for, just as if they had borrowed the money from Dalgety's or anyone else for the purpose of improving their stations or putting up fences and so on. In regard to supervision these men who were finding the money by the payment of rates were not likely to spend £10 a mile on supervision if £5 a mile would suffice. I have a knowledge of the good work that these men have done, and I say this on their behalf and on behalf of the late Minister for Lands. In regard to the question of the balance sheet, I know nothing at all about it. I do say that it is extremely unlikely that balance sheets were not produced. Does the hon. member for Gascoyne say that they were not produced?

Mr. Gilchrist: No, the public did not know what had been spent.

Hon. J. D. CONNOLLY: But the members of the board knew.

Mr. Gilchrist: There was no audited balance sheet put before the members of the board.

Hon. J. D. CONNOLLY: I am very much surprised to hear that, and to hear that these well-known men of the Gascoyne district, those who are on the board at the present time, and those who were on it then, did not insist on having an audited balance sheet placed before them. I am not surprised that it was not published, because there were only 36 persons on the executive who were interested. After all, it is no concern of mine. I am



only speaking in defence of the late Minister for Lands and the members of that board who undertook a very arduous and thankless task. In regard to the construction of the fence, I say that the late Minister for Lands was sympathetic. He clearly told them in my presence that he believed they were taking on too great a burden. But they did not think so, and were quite satisfied to take it up. The member for Gascoyne blames him for allowing the fence to be taken too far west. There again no blame can be cast upon the member for Northam. I venture to say that these 36 men, who were most anxious to make a greater certainty of keeping the rabbits out, were nervous about taking in more of the rabbit country than was necessary, or than would suit them to do. What they did, therefore, was to suit their own stations. I am at a loss to understand why the late Minister for Lands should be blamed. The seasons had changed somewhat before he left office, but he again told them that if they felt the burden too great and applied to him for relief he would give them relief to a certain extent. It was Mr. Mitchell's intention to give them relief three years ago if they applied for it. They were about to apply at the time, but I do not know if they applied to the subsequent Minister for Lands (Mr. Bath). Times have now changed and I have every sympathy with these people for the bad seasons they have had during the last three or four years. The burden upon these people has undoubtedly been a heavy one. Take the case of the small squatter who holds 200,000 acres of land, which is about the minimum.

Mr. Gilchrist: The minimum is about 70,000 or 80,000 acres.

Hon. J. D. CONNOLLY: I thought no one could exist on less than 100,000 acres.

Mr. Gilchrist: 150,000 acres would be considered a fair sized station.

Hon. J. D. CONNOLLY: These small squatters could only carry 5,000 sheep year in and year out in fairly good times. Take the man with 200,000 acres. He has to contribute to the upkeep of the fence £200 a year. That man would carry in good times 10,000 sheep upon his place,

but he may now be down to a very few thousand indeed. On top of that, he probably has a very heavy mortgage on his station. He has very little income and has probably had very little for the last three or four years. In addition to what he has to pay the Government, there is this contribution of £200 a year on the rabbit-proof fence, and this must come very hard upon him. Undoubtedly these people have a right during the bad seasons to some measure of relief. The member for Gascoyne has asked—why should they contribute to the upkeep of that fence when the people on the Murchison and those others who have the protection from the fence do not contribute anything at all? There is a great deal in that argument. I regret that the Bill has not given these people the relief that they are entitled to. I am not prepared to say that they should be put on the same basis as the other people. I think the Minister should, if possible, give some measure of relief at least for the past three or four years when they have had indifferent seasons. This season, I believe, will be a good one, and, if it is, a few hundred pounds would not be a very great tax upon the squatters. A £1,000 is no more in a good season than £100 is in a bad season. If the Minister could give some relief in connection with past debts I am certain they would be very grateful for that help. But in this measure the Minister is not affording any measure of relief at all. In fact, it is provided that they shall pay, and be under very heavy penalties if the charges and rates that they have entered into under the Act of 1909 are not paid up. The penalties are very severe indeed. The Minister can at very short notice take their stock and other belongings, or make the rate a first charge on their properties or add it to their mortgages. Whilst they are likely to have a good season this year, I would still ask the Minister, in the light of my knowledge of the district, to give them some consideration. I would ask the hon. gentleman to put forward the rents two or three years and so allow those men an opportunity of paying. I positively know that

the small squatter is not in a position to pay to-day. The larger squatters, who represent the minority, probably can pay easily enough, because they have resources outside their stations. The rate, however, undoubtedly constitutes a very heavy burden on the small man. If the Minister will afford the small squatters some measure of relief—I do not know what promise they have—it would be a wise and equitable action. This measure will give them no relief whatever, but will only make their burden, if it is possible, still heavier. If the cost of upkeep of the fence is too great, I would ask the Minister to state whether he has received from the people of Gascoyne in the particular area affected a request that he should take over the administration of the measure. To me it appears passing strange that if the matter is such a costly one in the hands of the board, the ratepayers, who number only 36, should not have petitioned the Minister to exercise his right under Section 55 of the principal Act and take over the fence. I do not know whether the hon. gentleman has received any such application, but if he has, then I would certainly ask him to accept the responsibility of his office, and take over the administration of the measure. If it is possible to maintain the fence at a cost of £5 per mile under Ministerial administration as against the cost of £10 per mile under the board's administration, then I would ask the Minister, on behalf of those people, to accept the responsibility of his office and take over the administration.

Mr. J. P. GARDINER (Roebourne) [7.47]: My remarks on this measure will necessarily be brief, because I have not gone into the matter as thoroughly as I should have liked to do. The measure, I realise, is designed for the purpose of enabling the Vermin Board to enforce, as it were, payment of rates. Having listened attentively to the member for Gascoyne (Mr. Gilchrist), I realise that even he has not grasped the true trend of matters, inasmuch as the great difficulty is that those people who have taken up second-class land are being unduly taxed—I might almost say, are being victimised.

Hon. R. H. Underwood (Honorary Minister): That is the point.

Mr. J. P. GARDINER: That is the position, inasmuch as those people, although they pay only 10s. in the pound for the country they have taken up, are compelled to pay vermin tax at the rate of £1 per thousand, or, as the member for Gascoyne stated, 2s. per hundred. Those who have gone thoroughly into the question realise that many of the people who are paying the greater proportion of the tax are in no way benefited by the rabbit-proof fence. According to the member for Gascoyne, and I am with him on this point, probably not more than ten of the people who are paying the tax benefit by the fence. Pastoralists who are situated hundred of miles away from the fence have derived from it no advantage whatsoever, and yet they are called upon to pay this exorbitant tax. I should like the Minister for Lands to consider whether it is possible to introduce into the measure a clause which would ameliorate the unfortunate position of these people. My suggestion is that the pastoralists who own the greater number of stock should pay the greater proportion of the tax. I do not mean this to be a tax on the industry, as has been asserted by various members of this Chamber. It is plain that the pastoralists who have the larger number of stock are reaping the greater proportion of the benefits derivable from the existence of the fence; and therefore they should be prepared to pay correspondingly.

Hon. J. D. Connolly: But some of the other people may have good land not stocked up.

Mr. J. P. GARDINER: Such is not the case. Unfortunately the people on the coast have the best land, and they keep it reasonably well stocked, while the people out back, who have taken up second-class land and are endeavouring to work along with comparatively small numbers of stock, are paying the greater proportion of the taxation for the rabbit-proof fence though reaping absolutely no benefit from the fence. As regards the meeting of which the member

for Perth (Hon. J. D. Connolly) spoke, I am in a position to state that only ten legitimate pastoralists attended that meeting. I think I could give the names. Those ten pastoralists agreed that the fence was necessary. Other people have since gone out into the back country and taken up land there; and those people are compelled under this tax to pay double the amount of their rent. Therefore I consider the Minister should if possible frame some clause compelling Messrs. Butcher, Uhr, & Co. and the other large pastoralists to bear taxation corresponding to the stock they run on their country. This question vitally affects my constituency. Unfortunately, the position is that all my constituents hold second-class country, and run small numbers of stock.

Mr. Gilchrist: Your constituents are against the coast, and not outback. It is my constituents who are out back.

Mr. J. P. GARDINER: My constituents are mainly on the Exmouth Gulf and in its vicinity, and I say they are out back in the sense that they are distant from all means of communication, that they are utterly isolated. Yet it is my constituents who are called on to bear the greater portion of this taxation. As regards the Vermin Board, I contend that it has not been conducted on reasonable lines. While not desiring to speak at any length, I would request the Minister to consider my suggestion, even if in order to allow of this an adjournment is necessary. My suggestion, I consider, offers the most equitable means of adjusting the difficulty. If something of the kind is not done, I can see this position sticking out: the people who are holding, say, 100,000 or 200,000 acres, and who have that country not stocked up to the extent it might be, will be forced to abandon their holdings; whereupon the Government will lose not only the taxation enforced by the Vermin Board, but also the leasehold rents. Those pastoralists who have their runs almost fenced instigated this measure.

Mr. Gilchrist: Who has his place fenced?

Mr. J. P. GARDINER: One place the hon. member knows of is almost fenced.

Mr. Gilchrist: I do not know of any such place.

Mr. J. P. GARDINER: The hon. member knows it as well as I do.

Mr. Gilchrist: No; I do not.

Mr. J. P. GARDINER: The late member for Gascoyne had a station——

Mr. Gilchrist: The station of the late member for Gascoyne is right against the coast, and at least 70 miles away from the fence.

Mr. J. P. GARDINER: But he derives some benefit from the fence. I have reason to believe that the erection of the fence was instigated, or I will say engineered, by people who expected to derive some direct or some indirect benefit from the work. For that reason alone, the Minister should take into consideration the advisability of making the people who reap most benefit from the fence bear taxation according to the number of stock they hold on their runs. I reiterate my request to him to frame some clause which will bring about an equitable position in that respect. I trust the Minister will take measures to ensure the alleviation of the troubles of the small squatters who have recently taken up second-class country. Those squatters should not be compelled to bear the burden of taxation which they now carry. I hope the Minister will be prepared to frame a clause which will meet the difficulty.

Hon. R. H. UNDERWOOD (Honorary Minister) [7.57]: The arguments put up in regard to this Bill are similar to arguments which have been advanced under similar circumstances in practically every State of Australasia at various times. Someone comes along with a proposition under which the Government will spend a considerable sum of money in a given district, and everybody in that district agrees with the spending of the money. After the money has been spent everybody objects to paying interest and sinking fund. This position has arisen not only in Western Australia

but, I believe, all over Australia. I have a considerable degree of sympathy for a considerable number of settlers in the Gascoyne district; but, at the same time, there are in that district men with whom nobody could have any sympathy, if he has due consideration for the taxpayers of the State. The member for Roebourne (Mr. J. P. Gardiner) said this Bill had been engineered. I do not think the term engineered is warranted. Still, there were in the district men who knew they would receive from the proposition greater benefits than would accrue to the large majority of people in the district. For the information of the House, I may mention that the principal Act was introduced by the Moore Government at the very end of a long session. Its introduction at that late stage was protested against by several members who were then sitting in Opposition, on the ground that the question was an intricate one and required more consideration than could at the time be given to it, and more information than was furnished.

Mr. Taylor: The Bill was introduced on the 25th November, 1908.

Hon. R. H. UNDERWOOD (Honorary Minister): Yes. It was getting hot then.

Hon. Frank Wilson: It was not so hot as it is now.

Hon. R. H. UNDERWOOD (Honorary Minister): The leader of the Opposition feels the heat more where he is sitting now.

Mr. Taylor: When we were over there, we found it very cold.

Hon. R. H. UNDERWOOD (Honorary Minister): The member for Gascoyne (Mr. Gilchrist) in making his appeal overlooked the people who are practically responsible for the principal Act, who rushed as hard as they could rush, like a lot of bullocks getting off a camp, to get the measure passed because it meant the spending of money in their district, because some of them would have the control of the spending, and because others, while not controlling the spending, were running businesses in

Carnarvon and thus were assured of getting the great bulk of the pay to be earned by the men who would construct the fence. This sort of thing has occurred all over Australia. The then member for Gascoyne, in speaking on the second reading of the Bill, which is now the existing Act, said—

I do hope that members, realising the urgency of this measure, will not put up any unnecessary obstacles that will have the effect of keeping the measure back. I, as one of those most deeply interested in this matter, am quite prepared to accept the Bill as it is for a beginning, feeling sure that it will lead to the immediate checking of the advance of rabbits into our best pastoral areas. I realise that at a later date we will be able to make the necessary alterations if the measure be not found altogether workable.

The necessary alteration to-day is that the Government should wipe off the £66,000 and take over the fence and maintain it.

Mr. Gilchrist: I am not suggesting that the £66,000 should be wiped off.

Hon. R. H. UNDERWOOD (Honorary Minister): But you are suggesting that they should continue to owe it to us, which is much about the same thing. The Minister in charge of the Bill proposed that he should bring down an amending measure, if necessary, the first thing next session. He was in office for three or four years afterwards, but he did not pay any further attention to it. The money was granted, and the people of Gascoyne, particularly those in Carnarvon, had a good time while it was being spent. Now they find that many of them cannot possibly pay the interest and sinking fund on the money expended on the fence.

Mr. Gilchrist: They have paid £12,000.

Mr. UNDERWOOD (Honorary Minister): In speaking on the Bill I pointed out, and it is equally true to-day, that vantage under the measure. Those are vantage under the measure. Those are the people whom the member for Roe-

bourne has just referred to. They own the poor land and are further from the coast. Those are the people who to-day have my sympathy and, I believe, that of the Minister in charge of the Bill. On that occasion I said, among other things—

The member for Gascoyne (Mr. Butcher) would like to see the Bill brought in at once. The various principles set out in the Bill will, I think, work a hardship for many people but will work well for the member for Gascoyne. I am casting no reflection on the hon. member, but it must be recognised that his land is favourably situated under the Bill.

There are one or two others whose land was favourably situated, but there are others again out beyond them, and those in the northern portion of the district, who have poorer country and who find now that, if the Government or the board were to enforce payment, it would drive them off their holdings. That is what I foresaw when the existing Act was under consideration for the first time. It is a bit late now to propose to entirely relieve the people of taxes due to the board. At the same time I think the Government should take the last penny which is due to them from those people who practically forced this measure and this board upon their fellow settlers in that district. I am speaking of those people in the northern portion of the board's area, around the North-West Cape, from some knowledge. They are in indifferent country, they have had very great difficulty in obtaining water, they are paying as much for the land as is paid for the stations round about Carnarvon, such as Brick House and others, and they are asked to pay equally as much for this fence. Those on the extreme point of the North-West Cape could have furnished out of their own money a fence running from the west coast into Exmouth Gulf at an infinitely less cost than their share in this fence, which protects the property of other people far more favourably situated. I do not know that the Bill meets the case. It seems to me hard to even

suggest legislation which will meet the case of those people. At the same time I realise, and I have previously impressed upon the present Minister, and the late Minister for Lands, the difficulties these people are under. I realise that unless some relief is afforded many of them will have to throw up their holdings and, as the member for Roebourne (Mr. J. P. Gardiner) has just said, we will not only lose our interest and sinking fund on the fence, but also the rent of the land they now occupy. I trust the measure will be passed, because it is necessary to give the Government some power of taxation before they take over the works of the board. But after they have taken over those works I am certain that many of the settlers within that area will be justified in coming to the Minister and asking for some relief from the taxation proposed in the Bill.

The MINISTER FOR LANDS (Hon. W. D. Johnson—Guildford—in reply) [8.9]: It is necessary to reply to some of the statements made by the member for Gascoyne (Mr. Gilchrist). At the outset he seemed desirous of conveying to the Chamber that under the Bill the Government were seeking power to enforce the payment of arrears now owing to the board by the pastoralists whose holdings are protected by the fence. That is not so. The position is that the ratepayers are in arrears to the board, and the board, in endeavouring to get payment from those whom they considered able to pay, were informed by the court that they could not enforce payment under the Act, because the Act was faulty. Consequently it is necessary to secure power to enforce payment where it is possible for the pastoralists to pay.

Hon. J. D. Connolly: Did the board ask for these additional powers?

The MINISTER FOR LANDS: No. I believe that when they found, as the result of the case, that the Act was faulty, they did ask for amendments to be made. I remember that the solicitor to the board, Mr. Marmion, wrote to the department and proposed certain amendments which he deemed necessary. His proposed

amendments were on all fours with the provisions of the Bill.

Mr. Gilchrist: Is not the Bill a copy of that introduced by Mr. McDonald in September, 1913?

The MINISTER FOR LANDS: I cannot say. If it is so, I think the Bill introduced by Mr. McDonald was drafted by Mr. Marmion. At all events that gentleman's proposed amendments were almost identical with the provisions of the Bill. The hon. member suggested that the rates should not be payable during such time as the fence was not rabbit-proof. That is an extraordinary proposal. Inasmuch as the board controlling the fence represents the pastoralists served by the fence, if we took up the attitude that when a panel was washed out, the rates should not be payable, a panel might be left down for a long time and we would not get much rates. If the fence is down it is due to the neglect of the board. True, the board has been helpless for want of funds, but nevertheless they must take the responsibility of the fence being down. The hon. member raised another argument in support of the proposition that we should wipe off portion of the arrears, namely, that the Government should have protected those people against themselves. He says the Government knew that the fence would be too great a burden. I do not think that is altogether the position. Had the board exercised proper precautions and studied economy in the erection of the fence, they would not have been in the position they are to-day. There was gross extravagance, indeed other terms have been used, in connection with the erection of this fence. Publicans and sinners in Carnarvon had a glorious time while the fence was under construction. There was plenty of money flying about, and I understand there were commissions galore. While the fence was going up they had a roaring time, and the Government were extremely popular with them. It is not correct to say that the Government should have seen that the fence was too costly for the pastoralists to carry. What is wrong with the position is ex-

actly what was pointed out by my colleague and other members, namely, that the Act is wrong, that the incidence of the tax is unfair and unjust. Undoubtedly the tax should be on the stock, and not on the holdings. As pointed out by various speakers, the position to-day is that the small man cannot possibly bear his share. It is no great burden on the big man, heavily stocked. We have the tax on the land, but the land cannot pay it unless there is stock on the land. Consequently the man who has the stock does not feel the burden. But the small man who has not the stock has to pay on the land, and, not having the stock, he cannot raise the money to meet his obligations. Possibly hon. members will say, "Having that opinion, why do you not alter the incidence of the tax?" But that is not the responsibility of the Government. Under the Bill we have a board, in the first place appointed by the Government and afterwards elected by the 36 pastoralists referred to. These men have had control of the administration, and as far as I can learn they have never once suggested that the incidence of the tax should be altered. The only representations we have received are somewhat on the lines of the speech of the member for Gascoyne to write off the liability. To show that the position to-day is unfair, so far as I can gather and I am speaking without the book, those who could pay continued to do so for a while, and those who could not pay fell into arrears, whereupon those who could pay ceased to do so, and lately no payments at all have been made. Those who could pay should have continued to do so, seeing that their stock was protected and their holdings were returning them sufficient to meet their obligations.

Mr. Gilchrist: What about the man who had stock that was being protected, but who refused to pay because he had not the money with which to do so.

The MINISTER FOR LANDS: There might be a number of people whose stock was not sufficient to enable them to meet their obligations, but on the other hand a number of the pastoralists could have

met their payments to the board without feeling it to a very great extent.

Mr. Gilchrist: Very few.

The MINISTER FOR LANDS: The hon. member argued that the provisions of the Act had not been complied with inasmuch as balance sheets had not been published. The fact that balance sheets were not published, he contended, was justification for making demand upon the Government to strike off arrears. The arrears accrued early in the proceedings. It is only six years since the work was undertaken, and the trouble occurred during the time the fence was under construction. It was impossible to present balance sheets then and all the damage was done during that time. The cost of the fence was piled up by huge figures of expenditure for the contracts, and it would be most interesting if we had the history of how the contracts were let, and to whom they were let. There was a right royal time in Carnarvon at this period. The Government were paying all the time. When the fence was finished and it was realised that the cost amounted to £66,000, those concerned began to calculate exactly where the 36 pastoralists came in. A balance sheet could not be produced until the damage had been done, and consequently this fact has no bearing on the liability of the Government. I suggested, by interjection to the hon. member, that he should get a refund from the contractors. Under this Bill we merely ask for some guarantee on behalf of the people of the State to protect the money they have expended on this fence. The board should have power to collect the arrears owing, not necessarily to enforce immediate payment, but to have a guarantee under the measure that they will be able to collect.

Hon. J. D. Connolly: Why not alter the incidence of the tax and take the fence over?

The MINISTER FOR LANDS: I have no objection to an alteration in the incidence of the tax, providing the board take the responsibility of suggesting it, but the board have not suggested it. Had we introduced an alteration in the incidence of the tax, it would have been a

justification for defeating the measure. It is fair to assume that the board would have opposed it, and would have influenced a section of Parliament to reject the Bill. As an individual I say the present incidence is unfair, but a request for an alteration should come from the board. If such a request is made by the board I can promise in behalf of the Government that it will receive favourable consideration.

Hon. J. D. Connolly: It is not likely to come from the board.

The MINISTER FOR LANDS: The member for Gascoyne suggested that I should receive a deputation. If they will agree to alter the incidence of the tax I will recommend to the Government that we agree to an amendment being made in another place, but so far all we have to do is to protect the funds of the State, and if any alteration in the tax is to be made, the board should take the responsibility of proposing it. We have been requested to afford some relief. I am prepared to recommend to the Treasurer that we add the arrears to the capital, but the difficulty if we do so is that the arrears will carry interest, and the man who has paid his share will have to pay his proportion of interest on the amount which the other fellow should have and has not paid. Consequently the man who has paid might raise objections. Those most favourably situated, and having the greatest protection from the fence should agree to adding the arrears to the capital, and paying the little increased interest which would be necessary. If this were done, there would be a clean sheet to start with, and the Government having arranged through me for better seasons which have started already, these people will be able to meet their obligations and thus, I think, should be able to overcome all their difficulties. The Bill is a machinery one, and is essential to protect £66,000 of the State's money invested at the request of those to whose assistance we came, and we ask that the board should be given power to collect the arrears and any rates which may become due. As regards the question of the Government taking over the ad-

ministration, I am prepared to discuss it with the pastoralists on Monday next. I am not anxious to step in if the board feel that they can continue, but if it is felt that the board's administration is extravagant, and more costly than Government administration would be, the Government will be quite prepared to step in and reduce the expenditure to the utmost limit, and thus relieve the pastoralists to the best of our ability.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. McDowall in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1, 2, 3—agreed to

Clause 4—Amendment of Section 39:

Mr. GILCHRIST: I wish to refer to the statements made by the member for Roebourne, and the Minister, one that certain persons received benefits through the construction of the fence, and the other in regard to the pastoralists receiving most benefit from the fence. The member for Roebourne was quite wrong in stating that certain persons having holdings against the fence are using the fence as part of their boundary, and receiving a special benefit which others do not enjoy.

The Minister for Lands: I did not say that.

Mr. GILCHRIST: Was not your statement on the same lines?

The Minister for Lands: No.

The CHAIRMAN: The hon. member cannot now make a second reading speech.

Mr. GILCHRIST: I merely wish to point out that any person against the fence has to contribute 5 per cent. on the value of the fence to him as a pastoralist.

Clause put and passed.

Clauses 5, 6—agreed to.

Clause 7—Amendment of Section 48:

Hon. J. D. CONNOLLY: Did I understand the Minister to declare it his intention to add the arrears of rates to the capital?

The Minister for Lands: I said I was prepared to recommend it.

Hon. J. D. CONNOLLY: If that course is adopted it will relieve the situation because, in good seasons, these men will be in a position to pay. While it might be right to rate holdings on the stock, the Minister should remember that certain leases are held for speculative purposes and only lightly stocked, and that it would be as great a mistake to tax on the stock as on the acreage if he did not have regard to the carrying capacity of the different runs.

Mr. GILCHRIST: The addition of the arrears to the capital would afford some relief, but it would be unfair to add to capital the arrears accruing by some ratepayers and make all the ratepayers, including those who have paid, meet the interest and sinking fund bills.

Hon. J. D. Connolly: I take it they would have to pay eventually.

Hon. R. H. Underwood (Honorary Minister): The rate added to the rent, would put some of the country out of occupation.

Mr. GILCHRIST: I agree with the Honorary Minister. That is why I am endeavouring to obtain relief for these men.

Clause put and passed.

Clauses 8 to 16—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

**BILL—LUNACY ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the previous day.

Mr. SMITH (North Perth) [8.31]: When the Honorary Minister introduced the Bill he told us that the amendments were really intended to cover some flaws which had been discovered in connection with a case that recently came before the Supreme Court. While it is quite right, when we discover flaws in any Acts of Parliament, that we should immediately take steps to remedy these flaws, I think in a case of this sort we should be very careful to see that we are not interfering with the liberty of the subject. In glancing through the Bill as submitted, I see there are one or two clauses that in my



opinion are bordering on the dangerous. I for one would be reluctant to pass a few of these clauses which have been embodied in the Bill. I have often heard the Attorney General say that it would be better to let 10 criminals escape than to have one innocent man found guilty. On the same grounds it would be better that ten lunatics should have the right of appeal to the Full Court than that one sane man should be debarred from getting a hearing. Take Clause 4, which reads—

It shall not be necessary that the medical practitioners shall attend personally before the Justices unless they are specially ordered by the Justices so to do, and the Justices shall be deemed to have called such practitioners to their assistance, within the meaning of this section, if they have the certificates of such practitioners before them.

I maintain that that clause has nothing whatsoever to do with the case referred to by the Honorary Minister. In fact, I do not see any ground in the Hein case, which was recently before the Supreme Court, for the introduction of this amendment in the present Bill. Medical practitioners are well paid for giving their certificates, and it would be highly dangerous if they were allowed to give certificates without going before the Court so that the Justices who may be trying the case may be able to judge for themselves as to the value of the certificates. With all due respect to the medical profession, I say it is common knowledge that certificates have been granted without due consideration, to say the least of it. Here we have a loophole which might land a sane person inside the confines of the Claremont Asylum. Considering that medical practitioners are well paid they should be compelled to attend the court and give their evidence in person. We all know how easy it is to get a certificate from a doctor when anybody is ill. It may so happen that in obtaining a certificate of this sort a lax system may be introduced and the liberty of the subject may be endangered.

Hon. J. D. Connolly: It would if they knew they had not to go to the court,

Mr. SMITH: I see no good grounds for this clause, and when it comes before us in Committee I intend to oppose it.

Mr. B. J. Stubbs: The person who is alleged to be sane has the right to this now.

Mr. SMITH: He may be a person who, although not quite insane, is of a nervous temperament and may be unaware of the procedure of the court, and may not employ a solicitor to speak for him. We all know how things are done in the court. The case would be rushed through before the man would know where he was. As the Bill now stands the least we can expect from the medical profession is that they should attend in person in order to give their evidence before the court.

Mr. SPEAKER: Order! I would like to point out to the hon. member that the remarks he is making are remarks which should be made in Committee on the Bill. He can discuss the general principles without discussing the clauses.

Mr. SMITH: I did not know I was transgressing the rules of debate. There are one or two other clauses mentioned in the Bill which to my mind take away from the subject the right of appeal. These I intend to oppose. While patching up the Bill I would like to suggest an additional amendment, of which I have already given notice, and that is that Section 94 of the principal Act should be amended by the substitution of the word "three" for the word "two," and for the substitution of the expression "one of whom shall be a medical practitioner" by the words "two of whom may be medical practitioners, one male and one female." The object of that is to provide for a female medical practitioner being placed on the visiting committee. I am told on good authority that there are at least 300 women and children confined in the Claremont asylum. I think it is only right that we should place on the visiting committee a female practitioner. At the present time I understand that the visiting committee is composed of a medical practitioner and the resident magistrate. No doubt these two gentlemen are very competent and capable of carrying out their work satisfactorily. I maintain that where there is a large num-

ber of women and children one of the female sex should be allowed to visit the asylum so that she would be able to judge for herself whether these women and children were being properly looked after.

The Minister for Works: You do not find them offering themselves as honorary physicians to the hospitals.

Mr. SMITH: One or two members have said that they would not have women on the committee at any price.

Mr. B. J. Stubbs: That shows their want of judgment.

Mr. SMITH: When the matter comes before us in Committee I will express my views on the subject. I am sorry that the member for Perth has not seen fit to support my amendment, and sorry that he is so far behind the times. I hope in Committee, however, he will change his views and will become one of my most ardent supporters.

Mr. ROBINSON (Canning) [8.40]: I moved the adjournment of the debate last night in order that I might have an opportunity, which was not given to me before of comparing the clauses of the Bill with the sections of the original Act just to see where we were. I received a good deal of assistance from the amendments suggested by the Attorney General which appeared on the Notice Paper. I came to the conclusion that if there were two clauses that the Attorney General thought fit to withdraw from the Bill the Bill should be looked over a little more carefully than it had been. On looking at the clauses the Minister was going to withdraw, I saw that they had no right to be there, and I began to look more closely into the measure. I find that whilst I am prepared to support the Bill as a proper amendment of the law in the general terms as given by the Honorary Minister, there are two principles introduced into the Bill which are new in the practice of the law, even to men who are sane. It is a recognised principle that before a man is sent to gaol for a crime, or is incarcerated for any offence, he has a right to be tried, and the right of trial is always by oral evidence in court; so that the rights of examination and cross-examination may

remain, and that those who are giving evidence may have their demeanour judged and watched by those who are presiding over the case. Quite apart from what a man says, the manner in which he says it weighs a great deal with his judge or jury. If the magistrates are reprimed by statute of the privilege of seeing the demeanour of the doctors who are going, by signing two certificates, to commit a man to the hospital for the insane, they do not have the same means of judging them as our courts have of judging criminals or a man guilty of some offence. So, too, with reference to documents. I find that in dealing with documents, almost a similar provision is sought to be incorporated in this Bill. The regular rule about documents is that if the original document cannot be produced secondary evidence, as it is called, can be given, and that secondary evidence must be really of a first class character and must be the best evidence obtainable of the contents of the documents. Here, in the case of documentary evidence by which a man is committed to the asylum, the suggestion is not that we follow the ordinary rule of law as to lost documents, but that we should accept the certificate of some person as to his recollection of what was in that lost document. I venture to assert that where the liberty of a man or woman depends on certain documents, it is a fair thing to give that person, if the documents are lost—and this could not happen in many cases—a trial over again. If the documents are lost, let the procedure be gone through again. Get a justice of the peace and a couple of doctors to certify the person to be insane, and obtain a proper file of the proceedings. Surely that is much better than to depend on the certificate of some person to the effect—

Hon. R. H. Underwood (Honorary Minister): Would you let the person out meantime?

Mr. ROBINSON: No. The trial could be held immediately. As regards any question that may arise as to correction of documents, power is given under this measure to the Court, which means the

Supreme Court, a Court which I am always prepared to trust, since the judges are men of discretion, or they would not be in their positions—

The Minister for Works: It is an expensive Court, too.

Mr. ROBINSON: The course is laid down in this Bill, that where the matter comes before a judge of the Supreme Court and he is of opinion that although the papers may be wrong the man really is insane and should be kept under restraint, the judge may order the man's detention. I quite agree with the honorary Minister that the judge should have that power, and the judge is given that power. But what I object to is the introduction into this Bill of two principles relating to the admission of evidence in the case of, and relating to the trial of, persons charged with insanity, which are not allowed even with respect to sane persons. Then there is the last section of the Bill, which touches on a matter that perhaps can be better dealt with in Committee. I cannot help saying that the principal Act entirely ignores a principle that has asserted itself in our lives more and more as the years have gone by. That principle is the remembrance that women to-day take almost an equal place in the world with men. Where women are fit to perform duties, where their capacities will permit it to them, I see no reason why women should not be allowed an equal footing.

The Attorney General: When they are available.

Mr. ROBINSON: I do not purpose to enter into that matter in further detail now, because it is a matter really for Committee. I merely wish to affirm the general principle that the standard of women and the fitness of women for various positions is a feature which has come before all of us of this generation very much more prominently than ever before in the history of the world. In that respect I shall be very glad to see the measure amplified, and I feel sure the Honorary Minister agrees with me. In listening to the speech of the Honorary Minister I was pleased to hear the reference to the telephone nuisance that exists

in our midst to-day. Indeed, I very much regret that I can find in the Bill no provision on the lines of the suggestion made by the Honorary Minister. Perhaps, if he would introduce into the measure some provision to either do away with or remedy the telephone nuisance, he would receive support from every side of the House. At all events, I hope the Honorary Minister's reference will serve as a warning to those in the proper quarter, and that they will heed that warning.

Mr. B. J. STUBBS (Subiaco) [8.50]: This Bill, I think, affords the finest illustration we have had for many a long day of the necessity of a House of review. That necessity becomes self-evident when a measure is sent down here from another place in such a form as that in which this Bill appears.

Hon. J. D. Connolly: This is the Minister's own Bill. It is his department's Bill.

Mr. B. J. STUBBS: I do not know whose Bill it is, or who is responsible for the measure; but I want to say that never in my brief Parliamentary experience have I seen the like of this extraordinary Bill. For a start, the measure contains a provision allowing of the alteration by regulation of the forms set out in the schedule to the main Act. If those forms are to be entirely altered by mere regulation, there will be no necessity to have those forms in the Act, whereby they come within the purview of Parliament. Next, we find the Bill going even further, and giving to the department liberty to disregard the new forms, which the department may introduce, relieving the department of any necessity to comply either with the Act or with its own regulations. I can hardly conceive of such a pernicious system being embodied in a Parliamentary enactment. I am indeed pleased to see on the Notice Paper amendments by the Attorney General for the striking out of Clauses 7 and 8. Now, with regard to the position of the medical men before the Court. When the Bill was first brought forward in the form in which it was introduced in

another place, I was one of the members who took strong exception to the provision as regards the doctors. However, the amendment made by another place entirely alters the position. Under that amendment the position is that the accused person can, if he so desires, call the doctors before the court. They can be brought before the court either by the justice who tries the case or by the person alleged to be insane. That puts an entirely different complexion upon the affair. The member for North Perth (Mr. Smith), of course, stated that the medical men should be present at the hearing in order to give the accused person, even if he were of weak intellect, an opportunity of cross-examination. In my opinion it would not be much use to bring doctors before the court in order that they may be cross-examined by a person of weak intellect.

Mr. Robinson: Suppose he has counsel.

Mr. B. J. STUBBS: If he is represented by counsel, then of course his counsel if he has any doubt as to the insanity of his client will immediately bring the medical men before the court so that they may be put to the proof of the man's insanity and compelled to show that their certificates have been rightly given. No hardship whatever is cast on a person charged with insanity so long as he is represented by counsel.

Mr. Smith: But suppose he has no counsel?

Mr. B. J. STUBBS: If he has no counsel, it does not make much difference whether the doctors are called or not, because he would not be able to cross-examine doctors.

Mr. Smith: In that case the magistrates must take his part.

Mr. B. J. STUBBS: With regard to the point raised by the member for Canning (Mr. Robinson), I wish to say that this Bill seems to me to have been brought forward for the purpose of allowing those responsible for the proper carrying out of the procedure by which some poor unfortunate person is committed to an asylum to go about the matter in the most careless fashion. They

may proceed in the most slipshod manner, and when the case comes before the court and it is shown that they have done something wrong, something irregular, or something illegal, they simply apply to have it rectified, and there is an end of the trouble so far as they are concerned. I say if we introduce such a provision as that into an Act of Parliament, we shall be doing wrong. We should make it as difficult as possible to put any person into such an institution as a lunatic asylum, and we should make it as easy as possible for the accused person to go before some higher tribunal with a view to proving that he is not a fit subject for detention. I believe it is admitted, as I interjected when the member for Perth (Hon. J. D. Connolly) was speaking, by the doctors of the Claremont asylum that there are numbers of men in the institution who should not be there.

Hon. R. H. Underwood (Honorary Minister): The doctors could discharge such cases.

Mr. B. J. STUBBS: They are people who are not fit to be at liberty; but there should be for such people some home where they would not incur the stigma which attaches to detention in a hospital for the insane. They are people of weak intellect, but they are entirely harmless, and should not be detained in a place where their presence involves a stigma not only on themselves but also on their relatives and friends. I maintain that it behoves a humane Government to endeavour to establish an institution of a different nature for people who are simply of weak intellect—many of them so merely by reason of advancing years.

Hon. R. H. Underwood (Honorary Minister): There are scores of such cases at the Old Men's Home to-day.

Mr. B. J. STUBBS: Let them be placed in some such institution as the Old Men's Home rather than in an institution which casts a stigma upon them and their friends. I shall have a little more to say when the measure is in Committee. I realise that this is in the main a Committee measure.

Mr. E. B. JOHNSTON (Williams-Narrogin) [8.57]: I desire to add a few words of protest to those which we have already heard against the dangerous principles set up by this measure. On many occasions have I seen unfortunate people being committed to the lunatic asylum, and to me it is an astounding proposition that justices should be asked to decide such cases without the evidence of doctors, especially when one remembers—

The Minister for Works: That has never been done in the past.

Mr. E. B. JOHNSTON: In the past the evidence of two medical men has always been required. I am bound to say that to a layman many of these unfortunate people do not appear to be insane at all; and I venture to assert that not many justices will be found willing to administer the lunacy law under the amendments desired by the Government. Not many justices would be found willing to take the responsibility of committing patients to a lunatic asylum without first personally hearing and carefully sifting the evidence of two medical men, as prescribed by the existing Act.

The Minister for Works: I would like to see the honorary magistrate put his knowledge before that of the professional man.

Mr. E. B. JOHNSTON: The Government by this Bill are endeavouring to prevent the justices from hearing professional men's evidence. The Government want the power to have men sent to an asylum, possibly for permanent detention, without any trial at all. In the case of an offence for which a man may be sentenced to merely a week's imprisonment, every bit of evidence has to be given personally, as pointed out by the member for Canning (Mr. Robinson). It seems to me an amazing suggestion that men should be committed for long periods to an asylum without the precaution of verbal evidence being taken—a precaution which is absolutely essential. Personally, I dislike the retrospective character of this measure. If men and women have been illegally committed to the Claremont

asylum, it would be far better to go to the expense and trouble of putting their detention on a legal footing under the existing Act, rather than carry a measure like this, to validate their detention if it has been illegally effected under the existing law of the land. With regard to the general principle of the position of women, I am indeed pleased to see that it is proposed to make it possible under this measure to appoint women visitors to our asylums.

The Minister for Works: Under the measure we shall have only three women to choose from.

Mr. Smith: Choose the best of the three, then.

Mr. E. B. JOHNSTON: The Government will have the opportunity of choosing the best one of those three. However, this is a Committee point, or rather an administrative point for the Government. Whichever one of the three is chosen, the appointment must prove of great benefit to the women and children in asylums.

The ATTORNEY GENERAL (Hon. T. Walker—Kanowna) [9.0]: It is beyond question that the object of the measure is a perfectly good one. In times past there has been on the part of those concerned with the committal of patients to the asylum gross carelessness. That carelessness has existed from the time when the original neglect took place until now. Nevertheless, the patients who were the subjects of that carelessness are in the asylum now. It is held by the authorities, those who are students of the alienation of the mind, those who know something about the question they are dealing with, that those patients are insane. Nevertheless, strictly speaking from a technical point of view, they have been illegally detained. The original Act required that certain forms should be filled in by those who are taking part in the committal of patients to the institution. But certain necessary portions of the forms were not filled. Whether they were thought unnecessary, or whether they were forgotten, we cannot at this date ascertain, but the forms were not

filled in as required to strictly conform with the Act. As a consequence, when a person represented by counsel comes forward, even though that person be provably and unquestionably insane, yet because the forms that had to be filled in at the time were not filled in, he is allowed to go at liberty.

Mr. Smith: Could they not be filled in now?

The ATTORNEY GENERAL: Not according to the Act as it stands. That is why some amendment to the law is necessary. The original Act requires that the omissions, or the neglect, the technical errors, may be corrected by the original justice. But at this date the original justices in some instances are dead, and in others out of the State, or in such remote parts of the State that the patient would be at liberty a long time before he could be again placed in the institution. That would be unseemly.

Mr. Willmott: And in some cases dangerous.

The ATTORNEY GENERAL: Exactly. And, therefore we must take some speedy means to rectify the errors that exist. There are several cases where, if the patient appealed, as Hein appealed, he could obtain his liberty on the technical grounds on which Hein was released by Mr. Justice Burnside.

Mr. Smith: What about the clause requiring the doctors to attend the court?

The ATTORNEY GENERAL: That is an addendum. It is a thought that has occurred to those who are managing the asylum. I have no kind of fault whatever to find with Dr. Montgomery and his staff. I believe they are really not only capable by study and by actual experience to discharge their duties, but that they are sympathetically fitted for the work they perform. But at the same time I know it is the usual custom that any persons running any kind of institution desire to fortify it, and build themselves in, and give themselves the least friction, to follow in fact the line of least resistance. That is a natural human law. Neither Dr. Montgomery nor any of

those connected with the administration of the Lunacy Act, wants to be bothered with extraneous difficulties, or technical lawsuits, or the worry of being suddenly brought to book for anything. On the other hand they want to make their institution as self-contained and as free from the touch of what they might call unholy hands as possible. They do this believing that they are quite capable of managing that institution and that they will do right, and that they will keep nobody there who is not fit to be there, and that everybody who by their consent remains in that institution is fitted for it. That is the position, and therefore they want to avoid as far as possible in future all the possibilities of a Hein case. They want to make it so that when they are medically satisfied as experts that a man or a woman is fit to be there, and should be there, for his or her own good and protection, they should not be bothered and worried by outside people. Their motive is good, but they perhaps cannot look at the question outside the expert walls in which they have ensconced themselves. But we can. We know it is a possibility for people to get even into an institution of that kind unjustly, and we know, too, it is quite possible that even the most skilled expert may have errors of judgment in regard to that subtle entity we call the mind. I have given some little study to the question, and have been struck above all things with the possibility of doctors differing on the question of the mind, perhaps more than upon any other subject. And therefore I am one of those who say that before we place any one in an institution of this kind, where the walls close in upon him, and the outside world is blotted out, and he is imprisoned in his little area of exercise, perhaps for the remainder of his life, we should make every possible inquisition and be abundantly satisfied that the person should go there. I say that too, in spite of the fact that I fully recognise that these asylums in modern days are not intended to be prisons, are not what they were when I was a boy. For I can remember then the private in-

stitutions for the treatment of lunatics, which were homes of horror, as the descriptions of them read. I can remember that time when flogging and douching, baths, cold showers, all kinds of straight jackets and persecutions and ill-treatment were placed upon the lunatic, because it was somehow thought that there was a species of demoniac obsession in the lunatic, and that he presented a perversity of will rather than a disease of the nerves. But all that has changed. Science, though it is too often called cold, is the most beneficent friend of man. It brings to our aid that knowledge which substitutes pity for abhorrence, and prompts kindness even to the most repulsive, and teaches us that disease is not an object for abuse and penalty but an object for kindly humane sympathy, bringing back the lost nerve force, if not to its original strength at least to that strength which makes it possible for the human sufferer to be one whit more happy. That is what science has done for us, and therefore I know that the institution at Claremont is no longer a place where the nerves are purposely harassed, no longer a place where oppression and depression cut deeper and deeper into the heart, and cause despair to take a lasting root in a human being's existence. I know that it is not that, but on the contrary a place where there is as much light, as much joy, and as much comfort as is compatible under the circumstances with the laws of health. Hon. members who care to pay a visit to that institution, though they will be saddened by the knowledge that so many of our human fellow creatures are hereof of those blessings which guide us in the intricate pathways of life, yet they will nevertheless feel proud of the efforts of a young State like ours in building an institution upon such an immense scale, and at such an immense cost, with so many conveniences and up to date appliances for the purpose of doing all that human forethought can devise to render those creatures sinking more and more daily into forgetfulness, less unhappy, to restore to them some slight joy of existence.

Mr. Smith: Why not bring it more up to date still and allow women visitors?

The ATTORNEY GENERAL: We are doing all that can be done. I am pointing out that the institution is really a hospital. It is a place for cure, a place which no private institution can rival. Even the sympathy of a father and mother for their offspring could not do so much to help that bereft child as that institution can do.

Mr. Smith: Then why not allow women visitors, why oppose it?

The ATTORNEY GENERAL: I am not saying that we should not allow women visitors. The Bill does not touch that at all. The Act which regulates visitors to the asylum goes back to 1903, when we did not think of these things, when woman was not allowed to have her say even in the good things of life.

Hon. J. D. Connolly: You can appoint women under the Act of 1903. It says "any person" not "any male."

The ATTORNEY GENERAL: At all events, women have not hitherto been appointed. No serious attempt has been made to secure their appointment. But let me say that although we now recognise that this is an institution of a beneficent character, for philanthropic purposes, we must be very careful that we do not taboo with the ostracism of insanity those capable of safely moving about amongst their fellow men, even though their minds be weak. We must take care. There is no object in life, no principle for which humanity has so struggled, nothing that has so ennobled history as the one word liberty. It has been the inspiration of nations, the theme of the noblest-minded of mankind. To rob us of liberty would be to commit the greatest crime possible against the dearest and most sacred principle of British law. Therefore, I am at one with those who find fault with the Bill with a view to making it impossible to do wrong in committing people to the institution. We must not make it difficult for a man or woman needing scientific treatment for mental disease to be easily transferable to the institution because it is

for his or her good. At the same time we must not make it easy for callousness or indifference to send anyone there without adequate proof that the treatment is needed, and it is for that reason I have put amendments on the Notice Paper. I shall not and could not be a party to making it possible for anyone without form of investigation or preliminary inquiry to be put in that institution. Neither could I allow officers of the institution to prescribe such regulations as they might see fit for their own convenience chiefly, in order to be able to easily send a patient there or keep him there. The forms in future must be adhered to, and from the Crown Law Department there has already been sent a notice to every justice of the peace throughout the State as follows:—

The Lunacy Act, 1903. The attention of justices of the peace is drawn to the importance of observing that all certificates and orders under the Lunacy Act of 1903 are strictly in accordance with the schedule contained in that Act. Before any form is used it should be compared with the schedule whereby the form is prescribed. I would refer particularly to the form of medical certificate, Schedule 1, and the order for conveyance to a hospital, Schedule 2, and point out that after the words "satisfied that the said John Smith—or whoever he may be—is insane" in the order the words "and in indigent circumstances" or such one of the other statements contained in square brackets in the form in the second schedule to the Act must be inserted as is in accordance with the facts. The statement to be subjoined to the order must be in the form set out in the fourth schedule to the Act.

I know that will have a good effect temporarily on the justices of the peace, but it is quite possible that in the course of 12 months it will all be forgotten and they will revert to the same carelessness as in the past. Nevertheless, if they do, it is far better to have an occasional case like Hein's than to allow people to be careless and slipshod in regard to the misfortune of a fellow creature. There-

fore, I could not permit any departure from the strictness of the forms that commit a person to an asylum; neither could I be a party to the officers drawing up regulations to follow the line of least resistance. I think most of the amendments suggested will improve the Bill and are worthy of consideration. I beg the House not to consider this a measure for the purpose of enabling people to get rid of undesirables at their own sweet will by putting them in the asylum. It is a measure purely to validate the conduct of the authorities in the past which conduct has been technically incorrect—

Mr. Smith: You have to look to the future also.

The ATTORNEY GENERAL: And for the future to compel them to be more strict in their observance of the law when committing a person to the institution.

Hon. R. H. UNDERWOOD (Honorary Minister—Pilbara—in reply) [9.20]. There is very little to be said in reply to the debate on this Bill. Almost every speaker has dealt with matters which will be considered in Committee, and it is not for me to reply to their criticisms at this stage. The member for Subiaco suggested that we should supply some kind of institution for those whose mental condition is not so serious as that of others. At the present time cases which are not considered dangerous are sent to the Old Men's Home.

Mr. B. J. Stubbs: Not all of them.

Hon. R. H. UNDERWOOD (Honorary Minister): A considerable number are, but when it is suggested that other institutions should be provided, I say it is necessary to wipe off the deficit before that can be done. Until the deficit is liquidated I have not much hope of being able to provide a new institution. I am pleased that the Attorney General spoke in support of the Bill because I will not receive such a bad time during its passage through Committee as I would if he were opposed to it.

Question put and passed.

Bill read a second time.



*In Committee.*

Mr. McDowall in the Chair; Hon. R. H. Underwood (Honorary Minister) in charge of the Bill.

Clauses 1, 2, 3—agreed to.

Clause 4—Amendment of Section 7:

Hon. J. D. CONNOLLY: I oppose the clause. Members generally seem to agree that it is not only unnecessary, but dangerous. The risk of validating forms relating to present patients is not so objectionable to me because I realise that the doctors controlling the hospital are experts who can quickly detect whether a person is insane. There is no incentive for them to keep a person in the hospital if he is fit to be discharged because by discharging him they improve their records. The institution is a hospital in the true sense of the word, and has probably the best record of any in Australia for the number of cures effected. This clause, however, will open the door too wide for the admission of patients, and we cannot be too careful in this regard. If a person is charged with being of unsound mind the mere fact of being committed might immediately make his case worse. Under this clause the certifying doctors need not attend the court.

Hon. R. H. Underwood: Is not a doctor's certificate as good as his presence?

Hon. J. D. CONNOLLY: No; justices are not always *au fait* with the provisions of the Acts they administer. Doctors are liable if they give a wrong certificate. On that account they are given probably a larger fee.

The Minister for Works: If they do so wilfully.

Hon. J. D. CONNOLLY: They accept a certain liability, and they have always been given a substantial fee, at all events something better than they would get for writing an ordinary certificate.

The Minister for Works: They get a guinea.

Hon. J. D. CONNOLLY: Whether it is going to add to the expense or not is beside the matter. I think that Section 7 should be allowed to stand as it is, and that Clause 4 should be deleted.

Mr. SMITH: I support the member for Perth and I do not see any good reason for the clause. I know of a case in Coolgardie where a justice, without any medical evidence, committed a man to the Claremont asylum on the grounds of insanity, and three weeks afterwards he was back in Coolgardie as sane as the magistrate who committed him.

Mr. Male: That does not say much for him.

Mr. SMITH: Medical officers who are called upon to examine any person who is suspected of being insane, should go before a justice and give reasons, and submit themselves for cross-examination. No inconvenience to the doctors themselves should be allowed to weigh in the interest of the public generally.

Hon. R. H. UNDERWOOD: I trust the Committee will retain the clause for the reason that it will on some occasions facilitate matters, and for the other reason that it is unlikely to be of any danger whatsoever to those charged with being of unsound mind. It is a fact that lawyers, judges, and others like to have witnesses before them in order to cross-examine them. No doubt people often come to a conclusion more as a result of a man's manner or appearance than from what he says. In this regard we have to bear in mind that we are dealing with doctors, men of the highest education, and men who for the most part have a reputation worth something to them. If a doctor is a person of no principles whatsoever and who would sign away a man's liberty, that same doctor would go into the Court and on oath say that such and such a thing was his opinion. But a doctor only expresses an opinion. Damages cannot be obtained against him if that opinion is wrong, and a doctor cannot be brought forward and charged with perjury on this ground. There would be very little protection for the person charged if a doctor was brought before a magistrate. It is necessary, in order to do a wrongful act, not only to get one unprincipled doctor, but two, and it has to be assumed that it will be possible to find two such persons who will take away

a man's liberty and put him into a hospital for the insane.

Mr. Allen: The doctors at the hospital have to be satisfied before a man is received.

The Attorney General: He is sent out in a couple of days if he is then found to be sane.

Hon. R. H. UNDERWOOD: Then there will be the expense of the attendance of two doctors in court, which will come to possibly five guineas. In most cases the insanity of the person charged is obvious. This is so in fully 90 per cent. of the cases. The usual procedure is for a policeman to take a man along to the observation ward in the Perth hospital, if the case happens to be in the vicinity of Perth, and the man is there observed by the doctors for some days, and then the doctor signs a certificate that in his opinion the man is of unsound mind. I say that certificate is as good evidence as could possibly be got by cross-examination. It is to avoid unnecessary expense, and to facilitate business that we are making this provision. That applies more particularly in country towns. Doctors there are very often called away to great distances from where the court is held, and the court may have to adjourn, and steps have to be taken to obtain another certificate. The Committee will not to any great extent be protecting the person charged by making it necessary that the doctors giving the certificates should be called.

Hon. Frank Wilson: There has been no trouble up to the present.

Hon. R. H. UNDERWOOD: If justices have the slightest doubt they can demand that the doctors should be present. If a person charged is sufficiently sane he also can make this demand. I am not over-anxious to press the clause.

Clause put and negatived.

Clause 5—Insertion of new section after Section 16:

Mr. ROBINSON: I move an amendment—

*That in line 7 of the proposed new Section 16a the word "shall" be struck out and "may" inserted in lieu.*

When a matter of this description comes before the court we will have to leave the question of whether the document is wrong or a mistake has been made to the judgment of the court. If the court thinks it is merely a technical thing it will make the necessary amendment, but if the court thinks it is a vital thing and should be done over again it will exercise its discretion.

Hon. R. H. Underwood: I will accept the amendment.

Amendment put and passed.

Mr. ROBINSON: I move—

*That the proposed new Subsection 16b be struck out.*

This is a clause relating to lost documents. I want to emphasise the fact that there is no such provision as that known to the law of the land relating to sane people. Therefore, there should be no such provision relating to insane people. If the documents are lost they can be replaced.

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

Clause 6—Validation of orders made under principal Act:

Hon. J. D. CONNOLLY: I wish to point out that this clause provides also for validation as regards private hospitals. I do not like that extension of the principle of validation. There were two private hospitals for insane patients, I know, during my term of office as Colonial Secretary.

The ATTORNEY GENERAL: The hon. member must see that if we are going to prevent actions and all kinds of difficulty, we must validate all orders that have been made up to date for the treatment of lunatics.

Hon. J. D. Connolly: I merely wished to draw attention to the matter.

On motions by the ATTORNEY GENERAL the words "or could not have been mentioned therein" in line 7 struck out; also the word "other" in line 7 struck out; also the words "other than insanity" inserted after "treatment" in line 8; also the word "formal" inserted before "error" in line 9; also the word "whatsoever" in line 9 struck out.

Clause as amended put and passed.

Clause 7—Amendment of Section 177:

The ATTORNEY GENERAL: I suggest that this clause be omitted.

Clause put and negatived.

Clause 8—Insertion of new section after Section 177:

The ATTORNEY GENERAL: I suggest that this clause also be omitted.

Clause put and negatived.

Clause 9—agreed to.

Clause 10—Amendments retrospective:

Mr. ROBINSON: To my mind this clause is quite grotesque, and I suggest that it be omitted. I cannot believe that this Bill has been carefully considered by any men who are lawyers. I wish to say I am not referring to any man here. The purpose of this Bill is to validate a number of things which are wrong, and then the Bill goes on to say that it shall not invalidate anything in the principal Act. Accordingly, I object to the insertion of a provision which is undoubtedly grotesque.

The Attorney General: The Draftsman thought this was an extra bit of caution or precaution.

Mr. ROBINSON: I am not blaming the draftsman, who is a learned man, and who has only drafted what he has been asked to draft by officials above him. This clause is unnecessary.

Hon. R. H. UNDERWOOD: The clause will do no harm, and as the Committee have struck so much out of my Bill I think they might leave me this little bit of it.

Mr. Robinson: The clause will lead to litigation.

Clause put and negatived.

New clause:

The ATTORNEY GENERAL: I move a new clause to stand as Clause 7—

*Section 54 of the principal Act is hereby amended by the substitution of the word "nine" for the word "ten" wherever that word appears therein.*

This is simply the correction of a typographical error in the principal Act.

Clause passed.

New clause put and passed.

Mr. SMITH: I move—

New clause:

*That the following new clause be inserted:—"Section 94 of the principal Act is hereby amended by the substitution of the word "three" for the word "two" in the third line, and of the words "two of whom may be medical practitioners, one male and one female" for the words "one of whom shall be a medical practitioner."*

The present Act was passed in 1903. Section 94 provides for only two visitors to the institution, one of whom shall be a medical practitioner and the other a legal practitioner. As we have so many female patients at Claremont, it is only right that we should amend the Act in accordance with the spirit of the times, by making it possible for a female medical practitioner to be added to the visiting list.

The MINISTER FOR WORKS: There have been no complaints in regard to the management of the institution, or to those who have been officially visiting it. Indeed I want to compliment those visitors on the manner in which they have carried out their duties for years past. It is unwise to appoint a visitor to the hospital unless that visitor has some practical knowledge of mental diseases. In Dr. Birmingham we have an officer who has visited asylums throughout Europe and America, and who has made a special study of mental diseases. I have seen some of his reports, a perusal of which affords convincing evidence of the keenness of his interest in the work. It would be useless to appoint a new and additional visitor unless some practical good to the patients is to follow. I believe there are only three medical lady practitioners in the State to choose from.

Hon. Frank Wilson: If there is only one, and she is suitable, why not allow her to go?

The MINISTER FOR WORKS: I am doubtful whether any of the three is a proper person to visit the institution and advise the officers for the benefit of the patients. We might, perhaps, go outside the medical profession and appoint a lady who has no medical experience. But of what assistance would that be?

Hon. Frank Wilson: It would give 300 female patients a chance of consulting one of their own sex.

The MINISTER FOR WORKS: The public require to be satisfied that patients are not wrongfully detained. Ample protection is afforded to-day, and the appointment of a woman as visitor will not add anything to the wellbeing of the patients.

Mr. GRIFFITHS: The Minister for Works spoke from the point of view of the male patients. A lady member would have a better knowledge of female or children's ailments than a man. It has been said that on account of friction in some institutions ladies should not be appointed, but I agree with the proposed new clause.

Mr. ALLEN: Some of the women of Perth requested the Inspector General that a board of women should be appointed to visit female patients. Dr. Montgomery would not agree to this, but promised not to oppose the appointment of a female medical practitioner on the board of visitors. I gleaned from the Minister for Works that this is not so, but I understand it is.

Mr. E. B. Johnston: It is so.

Mr. ALLEN: The Minister said such a visitor might not have any experience. She might not be as well versed in the diseases of the mind as a specialist, but she would no doubt be a useful visitor, and the request is a reasonable one. I support the new clause.

Mr. FOLEY: I do not know whether the new clause will have the effect desired by the hon. member. If he adheres to the word "may" I shall oppose it. I have had considerable experience of committees of men and women, and I say women are an absolute failure when it comes to expressing an opinion on the workings of such institutions. A trained nurse would be of more value to the women patients than a female medical practitioner. Those acquainted with the institution are satisfied that the best results are being obtained. Would the Government pay a medical visitor who did not understand the business? The

word "may" might result in the appointment of one of the social "gimlet" women who are doing more harm in public and semi-public institutions and harassing Ministers to a greater extent than any number of men would do. In a few years' time the women will be asking for the appointment of a lawyer. Not one tittle of evidence has been adduced to prove that the substitution of a woman for a man would be any improvement.

Mr. B. J. Stubbs: It would be an addition, not a substitution.

Mr. FOLEY: Unless the word "shall" is substituted for "may" I shall vote against the new clause.

Mr. SMITH: I ask leave to withdraw the proposed new clause with a view to substituting one which should meet with the wishes of hon. members.

New clause by leave withdrawn.

New clause—Amendment of Section 94:

Mr. SMITH: I move—

*That the following new clause be inserted:—"Section 94 of the principal Act is hereby amended by the substitution of the word "three" for the word "two" in the third line and inserting after the word "visitors" in the third line the words "one of whom shall be a female.""*

This will admit of the appointment of a nurse as suggested by the member for Leonora. It ill becomes the hon. member to cast aspersions on those he termed the social "gimlet" ladies as they have devoted a considerable portion of their time to the good of the community.

Mr. Foley: A lot of them would be better at home minding their own business.

The CHAIRMAN: I am satisfied to take this as the original motion.

Mr. HUDSON: I desire to make a suggestion that may meet the wishes of Mr. Smith, with whose object I am in sympathy. I also agree to some extent with the observations made by Mr. Foley. I would suggest that of the three visiting officials one should be a resident magistrate and that one of the other two remaining officials should, at the option of the Government, be a female.

Mr. B. J. STUBBS: I am very much surprised at the remarks which have fallen from the Minister for Works and the member for Leonora. I have had considerable experience on committees where ladies have been members. I say that the lady members of the committees that I am connected with are amongst the most energetic, most intelligent, and most conscientious workers there.

The Premier: Visitors have nothing to do with the institution.

Mr. B. J. Stubbs: That has nothing to do with the question. If they are of no use to the institution, why have visitors at all?

Hon. J. D. Connolly: Because they are experts.

Mr. B. J. STUBBS: In any place where there are women detained it is absolutely essential that there should be women official visitors. Women will always tell their sex more of their troubles than they would tell a male visitor.

The Premier: The inmates in the asylum can see visitors at any time.

Mr. B. J. STUBBS: So can the men inmates see visitors at any time. We might as well ask what is the use of having visitors at all. I support the amendment with the greatest of pleasure.

The PREMIER: On a point of order! I desire to ask if the hon. member is in order in moving that the number of visitors should be increased. I would point out that at the present time provision is only made for the payment of two visitors, and that the expenditure would have to be increased if the number of visitors was put up to three.

Mr. B. J. STUBBS: Certain remuneration is set out in the Act for two visitors. The fact that the number of visitors is being increased to three does not mean that the amount that is to be devoted to that purpose is being increased. There is in fact nothing to prevent the amount being divided between three such visitors. The visitors at the present time get £50 a year each for, I think, one visit a quarter. There is nothing in the Act to show that the amount may not be split up between the three.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

## BILL—GRAIN AND FOODSTUFF.

Returned from the Legislative Council.

## PAPERS WITHDRAWN—WHALING LICENSE.

The PREMIER (Hon. J. Scaddan—Brown Hill-Ivanhoe) [10.43]: Before the House adjourns, I wish to obtain leave to withdraw the papers laid on the Table relative to the proposed license to the Aktieselskabet Australia, in order to enable me to re-Table them on a future occasion and thus permit the question to be dealt with on the motion submitted by the member for Murchison (Mr. Holman). If the papers are not withdrawn now, the license must issue on Tuesday next, when they will have lain on the Table for more than 14 days. I propose to replace them on the Table next Tuesday, and I propose that the motion of the member for Murchison shall be discussed on Wednesday next and if possible disposed of on that day. I move—

*That leave be granted for the withdrawal of the papers.*

Question passed.

*House adjourned at 10.47 p.m.*