settlers in other parts of the State, particularly to the farming community, in order that the waste may be fully availed of. I have no objection to offer to the proposal of the hon. member.

MR. R. HASTIE (Kanowna): I would like to say, having visited very many sawmills in the State, that the idea of making some use of this timber has been impressed on my mind, especially when I think of the very large quantity of timber that is cut in the State, more especially in the jarrah districts. Although jarrah is one of the best timbers in the world, in the very best jarrah one-half is absolutely wasted at the present time, and that waste is burnt. It is no use whatever to this State. If by offering a reward we can get some process by which use can be made of the waste product it will be of benefit to this country. In Germany and other places, I believe the waste product of the sawmills is utilised. In this State the principal thing that prevents the use of the waste timber is that it is of the eucalyptus order, which prevents its being serviceable in certain directions. There are always prospects, if a suitable reward is offered, that some use may be found for the timber which at the present moment is absolutely wasted. I hope the Minister for Lands will be able to offer a reward that will result in something being done with this waste product.

Question put and passed.

ADJOURNMENT.

The House adjourned at nine minutes to 10 o'clock, until the next day.

Legislative Assembly,

Thursday, 1st October, 1903.

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THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the TREASURER: Subsidies and Grants to Municipalities last five years, Return on motion by Mr. Hastie.

By the PREMIER: Correspondence between the Governments of South Australia and Western Australia as to the Trans-Australian Railway.

By the MINISTER FOR WORKS: Report on Water Supply for Perth and Fremantle, including townships between Midland Junction and Fremantle; also Report on Sewerage for Perth and Suburbs.

Ordered, to lie on the table.

QUESTION—LAND LEGISLATION.

MR. JACOBY asked the Minister for Lands: Whether it was the intention of the Government to introduce an amending or consolidating Land Bill this session.

THE MINISTER FOR LANDS replied: If the present congested state of the Notice Paper continued, the expressed desire of the Government to introduce an amending and consolidating Land Bill would be impracticable.

QUESTION—RECREATION RESERVES, HOW VESTED.

MR. JACOBY asked the Minister for Lands: 1, Whether it is a fact that the Government have decided to vest all recreation reserves in the local governing bodies. 2, Whether the decision applies to the Smith's Mill recreation reserves in view of the decision, six months ago, of the Colonial Treasurer, who accepted Messrs. Pittersen, Ingram, and Kiese-

wetter as trustees, they being nominated by duly convened public meetings. 3, If so, whether this is not somewhat unfair to these gentlemen, who in good faith have, at much trouble and personal expenditure, effected considerable improvements on this ground. 4, Whether it is the intention to recall all vesting orders now in force in regard to recreation reserves where vested in trustees. 5, What course will be adopted should the local bodies refuse to accept the responsibility of administrating these grounds. 6, If the answer to question 1 is "yes," what were the special circumstances which led the Government to their decision.

THE MINISTER FOR LANDS replied: 1, Yes; as a general rule. This course has been rendered necessary, owing to the absence of any statutory control as against trustees in the expenditure of money grants from the Government. This objection does not lie as against a local governing body. There is no objection to the personnel of the trustees nominated for the Smith's Mill recreation ground, who are reputable residents. The general principle has been established as a result of Cabinet decision. 2, Yes; it is proposed to vest this reserve in the roads board. 3, No; these gentlemen will be properly protected in respect of all personal expenditure incurred by them. 4, No. 5, Each case will be treated on its merits. 6, It is considered better to vest in a body elected by the ratepayers of the district and controlled by statutory authority.

COOLGARDIE—AN EXPLANATION.

MR. F. CONNOR (East Kimberley): By leave of the House I would like to make an explanation. I am reported as having said, during last night's debate on the motion of the member for Dundas (Mr. Thomas) regarding the Norseman Railway, that Coolgardie is bankrupt. I wish to put hon. members right in reference to that matter. The discussion was on the cost of mining, and on an interjection I said that Coolgardie was bankrupt, referring absolutely to the small low-grade mines around Coolgardie. Nothing was farther from my mind than to speak badly of Coolgardie, which I know to be in a sound condition. I was speaking in reference to an interjection, and entirely in reference to low-grade mines around Coolgardie. I am sorry the member for Coolgardie is not here, for he was rather annoyed about the matter, and justly so. I simply referred to the low-grade mines around Coolgardie.

REDISTRIBUTION OF SEATS BILL.

RECOMMITTAL.

THE PREMIER moved that the Bill be recommitted for the purpose of dealing with matters of which notice had been given.

THE SPEAKER: I would like to say a few words before I put this question, because I think I rather misled the House a few evenings ago when I was asked by the member for West Perth whether he could move the recommittal of a Bill which was then under discussion on the report. I stated that I was rather doubtful whether he could do so, and I requested him to move the recommittal on the third reading, which he did; but I have since ascertained it is quite in order to move the recommittal of a Bill on the report.

Question passed, and the Bill recommitted.

MR. HARPER in the Chair; The PREMIER in charge of the Bill.

Clause 3—Second Schedule, Assembly Electoral Districts:

THE PREMIER moved that the words "The fifty electoral districts under the said Act" be struck out, and the following inserted in lieu: "The State shall be divided into fifty electoral districts, each returning one member to the Assembly. Until otherwise determined by Parliament, the fifty electoral districts," etc. This was purely a drafting amendment, altering the phraseology of the clause to make it agree with the amendment made in the Constitution Bill. It made no substantial difference.

MR. ILLINGWORTH: The object was to make provision, if necessary, for multiple electorates. That was the intention at the time. He hoped the Premier was not departing from that.

THE PREMIER: No; but the Government wanted to leave their hands free so that they might deal with this in future without altering the Constitution Act. The hon. member would see that

if we wanted in the future to have multiple electorates, we must amend the Redistribution of Seats Act.

Amendment passed, and the clause as amended agreed to.

First Schedule—Council Provinces:

Mr. PIGOTT moved that the schedule be struck out, and the following inserted in lieu:—

Name of Electoral Province.	Electoral Districts comprised within each Province.
North-West Province	Gascoyne, Kimberley, Pilbarra, Roebourne
North Province ...	Cue, Geraldton, Greenough, Irwin, Mount Magnet, Murchison
Metropolitan Province	Perth, North Perth, West Perth, East Perth
Metropolitan-Suburban Province	Claremont, Balcatta, Subiaco, Canning, Guildford
West Province ...	Fremantle, East Fremantle, North Fremantle, South Fremantle
South-West Province	Bunbury, Collie, Forrest, Murray, Nelson, Sussex, Wellington, Swan
Central Province ...	Northam, Toodyay, York, Albany, Beverley, Katanning, Williams
South-East Province ...	Coolgardie, Dundas, Kalgoorlie, Yilgarn
East Province	Brown Hill, Ivanhoe, Boulder, Hannans
North-East Province ...	Kanowna, Mount Leonora, Menzies, Mount Margaret

It would be understood by members of the Committee that the object of the amendment was to make provision for having 10 provinces for the Upper House. In the Bill as printed, there were three provinces provided for what we called the agricultural districts. Some exception had been taken to that, and it was thought advisable that the metropolitan area should have three provinces, and the goldfields three provinces and that two provinces would be sufficient for the agricultural portion of the country. Looking at the number of voters in those provinces qualified to vote for the Upper House, the question bore a very different aspect from what it did if we looked at it from the population point of view. The amendment did not affect the two northern provinces in any way, but allowing for only two agricultural provinces in the South, being the Central Province and the South-West Province, these two provinces would, under the present franchise, as nearly as he could find out contain 5,600 voters for the Upper House; the proportion of voters for the Upper House as compared with the number of voters for the Lower House being two to seven. Regarding population on the goldfields, we found the proportion was very different indeed, and that where they had a far greater number of people in the goldfields districts they had a very small number qualified to vote for the Upper House. Therefore we came to almost the same position we were in with regard to allotting the electoral districts for the Lower House, and found that we could not put representation in any way on a fair basis when we took the population.

The Minister for Lands: On the Eastern Goldfields there were local conditions which prevented these people from getting on the rolls.

Mr. PIGOTT: Yes; he quite understood that. He was inclined to think that the people who would be most affected would be those in the goldfields districts. He did not think that those in the metropolitan area, where 25 per cent. of the electors who voted for the Lower House could vote for the Upper House, would be affected, but where there was only one voter for the Upper House perhaps out of 10 for the Lower House, in some cases one out of 15, there would be the means of widening the franchise. He thought we could without injustice to the goldfields give this extra representation in the Upper Chamber. The North Province would, to his mind, represent the agricultural vote. It might not at the present time have done so, but taking into consideration the population in those districts, there were 5,300 voters for the Lower House from the goldfields portion of that constituency, while there were 3,800 voters in the agricultural portion. But dividing the number of voters in these different classes, it would be found that for the Upper House out of 1,500 probable electors 800 were in the agricultural portion of the province, only about 600 in the goldfields portion. It was to be hoped members would consider the schedule from a broad-minded point of view, considering the difficulties we were under in framing a scheme of redistribution. Looking at all these matters he hoped members would agree to accept the amendment he had proposed.

The PREMIER: In accepting this schedule, he was fully conscious of the fact that one could urge against it a great number of objections; but he did

not intend to indulge in similar criticism to that which had been indulged in during the course of the past few weeks. Directly a member seriously brought himself in contact with the difficulties of redistribution in a province or in an electoral district, there were found diffculties and inequalities, and one could not conceive any system that would not create these inequalities unless by adopting a system of representation on a population basis. Under this scheme we gave to the goldfields the North-East Province, the East Province, and the South-East Province, which were clearly goldfields provinces. No one could object to the goldfields having these nine members when there were three members for the metropolitan area, three for the Metropolitan-Suburban Province, and three for the West Province; but the difficulties cropped up when we considered what might be called the political aspect of the Northern Province. Members looked on that as being an agricultural province, but it was open to very grave doubt. Of the present three members representing that province, two of them could safely be said to be returned by the goldfields vote; but whatever might be the opposition to the scheme, we were in a dilemma unless a reduction of the qualification did lead to a greater proportionate increase of provincial voters on the goldfields than it did in the farming and in the metropolitan electorates. There would be a greater disproportion when we compared the three goldfields provinces with the agricultural provinces. As the member for West Kimberley pointed out, there was a far greater proportion of Upper House voters in proportion to the Lower House voters in the metropolitan area and in the agricultural provinces than in the goldfield provinces. If that disproportion continued under the wider franchise, then if measured by the number of voters, we would have a disproportionate representation of the goldfields in the Upper House. The increase might change the North Province to a goldfields province. If there were a greater increase on the goldfields than in the agricultural areas, that would make the North Province a goldfields province, in which case there would be four goldfield provinces returning twelve members to the Upper House. On the other hand, supposing we adopted another system instead of giving this extension to the goldfields, that instead of giving this increase we retained the present Central Province as two provinces, we would then create disproportion. It was extremely difficult to deal with what he might call the outstanding province—whether it should go to the goldfields or to the agricultural areas. Because of that difficulty he supported the amendment; at the same time he would not think of sacrificing the Bill to maintain that system. He believed there was no point more than this on which the members of the Council had a right to express their opinion. From their local experience, we might expect they could bring to bear better personal knowledge of the provinces than members who represented districts which were portions of provinces. While supporting the amendment, if he could not convince the other Chamber in regard to it he did not intend to sacrifice the Bill.

MR. HASTIE: On all sides he was assured the agriculturalists had a preponderating vote in the North electorate. In the North Murchison and Mt. Magnet electorates there was a fair number of pastoralists, far greater in number than those who were strictly goldfields people. At the last election in the North Province, he was assured there was a far greater number of votes cast in the agricultural portion of the district; therefore the Premier need not fear that the question would be taken up in another place. When members considered the disproportion of representation given to the goldfields in the Assembly, members should do their best to see that this schedule was passed as it stood.

MR. ILLINGWORTH: While not desiring to interfere with the arrangement or to oppose the amendment, he wished to cast his vote to secure one seat out of the North Province for those goldfields. It so happened that we had two goldfields seats now, but one seat was secured from the fact that one member resident at Cue was so well known and so highly esteemed that he carried every vote in the district. But for that fact, the district would certainly not have returned a goldfields member. The large interests which the Council member referred to (Mr. Thomson) had in the

district, and the high esteem in which he was held, secured his election. If the electors were classified, the district would have to be considered an agricultural province, and the goldfields electors might possibly secure one member out of the three, but certainly not more, considering the preponderance of pastoral voters. However, the member elected by the Geraldton votes would no doubt do justice to the goldfields in the electorate; therefore he (Mr. Illingworth) would not oppose the proposed new schedule.

Mr. FOULKES: In the Votes and Proceedings No. 30 was a notice by him in reference to the Claremont electoral district; but the notice had for some reason been omitted from to-day's Notice Paper. This was true also of a proposed amendment by the member for Hannans.

Mr. BATH moved as an amendment:

That the words "Brown Hill" be struck out, and "Hannans" inserted in lieu."

The present Hannans electorate was divided into three portions in the new schedule, and the backbone of the electorate had been renamed "Brown Hill"; but this portion was better entitled to the name "Hannans" than that portion so designated in the new schedule. All the features surrounding the name of "Hannans" were to be found in the Brown Hill electorate, such as the place where gold was first discovered, and the alluvial workings of the Hannans Reward mine. Moreover the name "Hannans" was given to the district on account of the alluvial discoveries; and it was after the working-out of the alluvial and the growth of the reefing industry there that the name of the town was changed to "Kalgoorlie." The alluvial workings, where the bulk of the gold was found, were about the centre of the Brown Hill electorate; therefore Brown Hill had the better title to the name of "Hannans." The electorate called "Hannans" in the schedule included the southernmost portion of the town of Kalgoorlie and the north portion of Boulder, and ran out as far as the Hampton Plains, including Block 50; and surely it had no claim to the name it bore.

Mr. JOHNSON opposed the amendment. The only argument for it was that Mr. Hannan found gold at a spot in the Brown Hill electorate, but that spot was just outside the Kalgoorlie electorate. True, the Hannans Reward mine was in the Brown Hill electorate; but the whole of the district was for years known as "Hannans," and the greater portion of the present Hannans electorate was still "Hannans." Only a small portion was taken out of Hannans and called "Brown Hill;" and the fact remained that the populous centre in the Brown Hill electorate was around the Brown Hill mine; therefore that electorate was properly named, for the Brown Hill mine was one of the old mines which figured in the history of the Eastern Goldfields. In the Brown Hill areas was a thriving suburb of Kalgoorlie, with a large population; and this should influence the Committee to call the electorate "Brown Hill." He was not wedded to the name "Brown Hill," and did not object to its being altered; and it was an easy matter to choose another name appropriate to the district. But if the name of the Hannans electorate were struck out, it would be impossible to find any other name appropriate to that electorate. The Hannans electorate included portions of the north of Kalgoorlie, the south of Kalgoorlie, and the west of Kalgoorlie, and extended to the north of Boulder, west of Boulder, and south of Boulder, going out towards Feysville. The Hannans Lake was in that electorate, and the whole of the district had been known as "Hannans" for many years. Afterwards a portion was called Kalgoorlie and another portion Boulder, the remainder being known to-day as the Hannans district. The portion which the amendment sought to associate with the name of "Hannans" was a very small portion of the Hannans electorate: and the only argument, and a very poor one, was that Mr. Hannan first found gold in the Brown Hill electorate, and slept under a tree at the spot. There was no objection to altering the name of "Brown Hill" to "Hannans" if some appropriate name were given to Hannans. If the hon. member objected to "Trafalgar" and to "Brown Hill," the electorate could be called "Maritana." The Maritana Hill was a permanent landmark, and the mine of that name was one of the first worked in the electorate. The select committee had made a wise selection of

a name; and the amendment should be negatived.

MR. HASTIE suggested that the name be "Trafalgar" because the Brown Hill mine and neighbourhood were the least important part of that electorate. If there was a strong reason for changing the name, it should be stated before the Upper House finished with the Bill, and that House could make the necessary alteration.

MR. BATH: The member for Kalgoorlie (Mr. Johnson) was unfair and absolutely wrong in his statements. The hon. member had not been so long in that district as he. [MR. JOHNSON: Yes.] He (Mr. Bath) was there years before the hon. member came to Kalgoorlie. The alluvial workings on practically the whole of the eastern side of the Kalgoorlie-Boulder railway were known as "Hannans." If the hon. member wished to call the Kalgoorlie electorate "Hannans" his desire would be reasonable; but the district which included the place where Mr. Hannan discovered gold, and included the reward claim and nearly the whole of the alluvial workings which resulted from the discovery, was better entitled than any other to the name "Hannans." The decision of the select committee to change the name was altogether unfortunate. There were in the district two rival settlements—Brown Hill and Trafalgar—practically equal in population. There were other settlements—Williamstown, and the settlements around the Hannans Brewery. When the latter was called "Trafalgar," the rivalry between the two places set the Brown Hill people by the ears. Then the select committee, after fixing it at Trafalgar, changed it to Brown Hill, naturally setting the other people by the ears. The bulk of the present Hannans electorate was included in the area called Brown Hill. The Hannans electorate extended right to Hampton Plains, and included a portion of the town of Boulder. On the other hand, the Brown Hill was a fairly compact electorate, including most of the centres and the workings associated with the name of Hannans. The name Brown Hill was certainly not descriptive, and it was bound to cause much discontent in the other centres which approached Brown Hill in population. Williamstown was a rising residential area with a considerable number of electors, and Trafalgar had an equal population. There could be no logical objection to the amendment.

THE MINISTER FOR LANDS: To the electorate proposed to be called "Brown Hill" a number of names might be given, such as Trafalgar, Maritana, Williamstown, perhaps the Golden Mile; any of these names might be appropriate. At the same time the place which was originally known as "Hannans" was undoubtedly in the Brown Hill electorate; in fact it was just around there where the original settlement was, the nucleus of Kalgoorlie. If we desired to have any regard to the historical fact that the first gold at Kalgoorlie was discovered in one of the electorates around Kalgoorlie, the particular electorate should certainly be called "Hannans." Probably the trouble in the mind of the member for Kalgoorlie was to discover another name for the electorate at present called Hannans. It might be renamed Hampton. The electorate certainly contained the Hampton Plains, and Hampton was the name of a former Governor of the State. By finding another name for the present existing Hannans electorate, and by calling Brown Hill after the discoverer of the field, we might then record the fact that Hannan found his first gold within the limits of the constituency, and for that reason the member for Hannans was justified in raising the point. He (the Minister) would as soon see the electorate named "Maritana," "Brown Hill," or "Trafalgar," having no preference for any of them; but he distinctly thought, now the point had been raised, that "Hannans" was the name to be given to the constituency.

MR. HASTIE: The object he had in view in the select committee was that, as three-fourths of the constituents of the electorate lived at Brown Hill, the district should be named after that portion of the electorate where the great bulk of the population resided.

THE PREMIER: It would be just as well if the hon. member for Hannans would let the matter stand over, so that it could be gone into by another Chamber, though it would be a simple matter to accept the amendment. The hon. member had made out a very good case that the

name of the original spot where gold was first discovered had a closer association with that place than with the surrounding country. There were often occasions when names of districts spread beyond their particular electorates. Perth originally included areas which were now large municipalities. Now we were called upon to say whether the particular spot where the gold was found should be called "Hannans."

Mr. Johnson: It was questionable whether the spot was outside the Kalgoorlie electorate.

The Premier: Perhaps the name of the Kalgoorlie electorate could be changed to Hannans. The difficulty was to change the existing Hannans and find a name for it. If the member for Hannans would leave the matter over, he (the Premier) would do his best to assist him to get the alteration effected in the Legislative Council, but he hoped the hon. member would not press his amendment at such a late stage.

Mr. Taylor: The claim to have the name of Brown Hill changed to Hannans, because gold had been found there, was not a very good one. The fact should be taken into consideration that the whole of that area, or the most of it, was populated within a few weeks after the gold was found, and that nearly the whole district for miles around was called "Hannans" in the early days. The exact spot where the gold was first discovered might be in what was now known as Brown Hill electorate, or in the Kalgoorlie electorate, or just where they joined; but the portion of the State now called Hannans had really as much claim to be named after the first finder of alluvial gold as Brown Hill had. Moreover, several names had been pointed out by various speakers as suitable for Brown Hill, but another suitable name could not be found for the existing Hannans district. He (Mr. Taylor) was on the spot shortly after the place was rushed, and knew that, as far as the miners of that time were concerned, the whole of the district was called Hannans, and still had as much right to the name as Brown Hill had. As to the tree under which Hannan was said to have camped when he found gold, he had not camped under a tree at all. He was tracking his horses and trying to find his way to another rush. When he specked the gold he kept it very close, and came back afterwards and fixed his camp somewhere close to it. Work was done on a field where the leads ran, and, whether they ran east or west, if a place was called "East" it retained the name of East.

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

Ayes	...	...	16
Noes	...	...	10
Majority for		...	6

Ayes.	Noes.
Mr. Bath	Mr. Burges
Mr. Connor	Mr. Butcher
Mr. Daglish	Mr. Foulkes
Mr. Ewing	Mr. Hastie
Mr. Ferguson	Mr. James
Mr. Gordon	Mr. Johnson
Mr. Gregory	Mr. Rason
Mr. Hayward	Mr. Taylor
Mr. Hicks	Mr. Wallace
Mr. Hopkins	Mr. Atkins (*Teller*).
Mr. Illingworth	
Mr. Jacoby	
Mr. Moran	
Mr. O'Connor	
Mr. Reid	
Mr. Higham (*Teller*).	

Amendment thus passed; "Brown Hill" struck out and "Hannans" inserted in lieu; the description of the electorate so amended agreed to.

Claremont Electoral District:

Mr. Foulkes moved as an amendment,

That the boundaries of the Claremont electoral district be amended to include the whole of the Buckland Hill Roads Board district.

At present the Buckland Hill roads district formed part of the Claremont electoral district; but by the schedule it was proposed to attach that to the North Fremantle electorate, so as to meet the demand for redistribution on a population basis. This was a striking example of the difficulty of arranging a redistribution of seats on that basis. Claremont had a roll of about 3,600 voters, and North Fremantle a roll of 1,800. Between these districts was "Monument Hill," which was practically a hilly barrier between the two places. The people of Buckland Hill had very little intercourse with the people of North Fremantle, and the people of the latter district went very little to the Buckland Hill district. The Government felt that North Fremantle had not a sufficient number of electors, and it was therefore sought in the schedule to detach portion of the Claremont electorate, by cutting in half the Buckland Hill

Roads District, which had a population of something like 2,000, and adding the western half to North Fremantle. He believed the people there desired to remain part of the Claremont electoral district. The population was increasing rapidly, and he was within the mark in saying there ought to be something like 5,500 electors between those two places, and in three months there ought to be quite 6,000.

MR. HASTIE: This was a metropolitan constituency, which had only about 1,800 electors; and the select committee hearing that there was very little probability of the electorate increasing, required to get more population from somewhere. No other part of Fremantle could lend population, and the only way to obtain it was in the direction the select committee had recommended in the schedule. We must make the boundaries of the different suburban electorates as nearly as possible equal, and with the division made by the select committee North Fremantle would still be below Claremont in numbers. He hoped the Committee would stick to the divisions in the schedule.

MR. ILLINGWORTH: If the amendment were carried, we should be going in the direction of those inequalities which we had been endeavouring in some measure to alter by this Bill. This electorate would have between six and seven thousand people. If we could not get equality we ought to get as near to it as possible. He hoped the Committee would pass the schedule as printed.

MR. FERGUSON could not see that there was any need to make the alteration proposed in the amendment.

MR. FOULKES: The desire of the member for North Fremantle (Mr. Ferguson) was to obtain some of the electors of Claremont for his district. One hoped the Committee would understand his (Mr. Foulkes's) anxiety to retain this part of the district. The anxiety of these people themselves was to remain within the Claremont district. He moved that the words "North-West corner of North Fremantle Townsite" be struck out.

MR. CONNOR: Would that mean that the North Fremantle electorate would be increased or decreased in size?

THE PREMIER: Increased, if the amendment were carried.

MR. CONNOR: If the amendment were not carried, North Fremantle would still be the larger electorate?

THE PREMIER: Yes.

MR. CONNOR opposed the amendment.

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

Ayes	...	...	6
Noes	...	...	19
Majority against		...	13

AYES.	NOES.
Mr. Bath	Mr. Atkins
Mr. Foulkes	Mr. Butcher
Mr. Hayward	Mr. Connor
Mr. Jacoby	Mr. Daglish
Mr. Wallace	Mr Ewing
Mr. Reid (*Teller*).	Mr. Ferguson
	Mr. Gardiner
	Mr. Gregory
	Mr. Hastie
	Mr. Hicks
	Mr. Holman
	Mr. Hopkins
	Mr. Illingworth
	Mr. James
	Mr. Johnson
	Mr. O'Connor
	Mr. Rason
	Mr. Taylor
	Mr. Higham (*Teller*).

Amendment thus negatived.

Coolgardie Electorate:

THE PREMIER: The Bill provided that the northern boundary should run to a certain point, and the description proceeded, "thence south eight miles." He moved that the word "eight" be struck out, and "six" inserted in lieu. He did so because if the electorate were continued eight miles it would run too close to Burbanks. If we fixed the distance at eight miles we should give too large a quota to Coolgardie, and take off what ought to belong to Mt. Burges.

MR. JOHNSON: How did this affect population? He understood that the boundary was removed to Burbanks to take in sufficient population to make it uniform with Yilgarn. If that was so, he did not see why we should alter the boundaries.

THE PREMIER: If we took it a distance of eight miles we carried the boundary too far, and included too large a portion of Burbanks.

MR. JOHNSON: How did that affect the population of Yilgarn?

THE PREMIER: If we took the boundary eight miles, we cut off too much from Yilgarn, and added too much to Coolgardie. If we took it six miles instead of eight, we got what was desired,

that being that Burbanks should form part of the Yilgarn electorate, and not part of the Coolgardie electorate.

Mr. REID: The boundaries of Coolgardie were so indefinite that it had been very hard during a general election to tell whether certain people should vote in the Coolgardie electorate or in the Mt. Burges electorate. The alteration proposed at the present time would not take away any of the population of Yilgarn, neither would it add any to Coolgardie. It was simply a matter of territory. The boundaries as at present defined would create some of the trouble we had had in the past. If the alteration desired by the Premier were made, it would give us a fairly defined boundary, where at the present time there was no population at all. The amendment was to endeavour as far as possible not to create confusion at the time of an election. If the alteration were made it would not affect the population, and was only a matter of territory. In the interests of the electors an alteration should be made.

Amendment passed, and the description as amended agreed to.

Hannans Electoral District:

Mr. BATH moved as an amendment,

That the word "Hannans" be struck out, and "Hampton Plains" inserted in lieu.

The electorate included a portion of what was known as the Hampton Plains, which district was connected with the early history of the State. He was not wedded to the name, and if any member had a more suitable one he would be agreeable to give way.

Mr. Hastie: Why not make it "Hannans West."

The PREMIER: Those members who thought the name "Hannans" should be retained, and wished to add "West," could vote against striking out the word "Hannans." He did not think the naming of places such as Hannans West, Hannans North, or Perth East, Perth West, and so on, was a good method. In the case of "Balcatta," it would have had to be called "Perth North-East." Names such as that would cause confusion.

Mr. HASTIE: There were three or four Fremantles and three or four Perths, yet we got along all right. This was actually the Hannans district, and it did not matter what we continued to call it, the district would continue to be known locally as "Hannans." No harm could be done by calling one portion "Hannans," and another portion "Hannans West."

Mr. ILLINGWORTH disagreed with the Premier in regard to putting East, West, North, or South after the name of a district. When we had a well-defined and well-known centre, it was advisable to retain the name. There were Perth East, Perth North, and Perth West, and even Balcatta might have been connected with Perth in some way. There was a great fight in Melbourne over the naming of South Melbourne; it would have made a material difference in the raising of a loan. Where there was a well-known centre adjacent to another centre, the names ought to be connected. There had been no difference of opinion which portion of the territory bore the name of Hannans. Hannans was an honoured name, and we would not confer an excessive honour if we called another electorate by the same name. "Hannans West" would be the best that could be done.

Mr. TAYLOR: The reason for calling the district Hannans West was to concentrate people's minds on the member when he spoke. If the district were called Hampton, those who did not know the country would not be aware to what one was referring.

Mr. JOHNSON: It was to be hoped the Committee would vote against striking out the word "Hannans." The real spot, which was held sacred, where Hannan camped and found gold, and where a demonstration was held the other day and a tree planted, was in this very district. The division between Brown Hill and this electorate was the railway line. The word "West" could be added, and the district would still be associated with the name of Hannans. The electorate took in a portion of the Hampton Plains estate, but it was only a small portion, and was far removed from Hannans. We might as well call the electorate Bonnievale, which would be quite as appropriate.

Mr. BATH withdrew his amendment, so that the word "West" could be added after Hannans.

Amendment by leave withdrawn.

MR. TAYLOR moved that after "Hannans" the word "West" be inserted.

Amendment passed, and the name as amended agreed to.

Mount Leonora Electoral District:

THE MINISTER FOR MINES: Discussion in regard to this item might take place on the three electorates of Mount Leonora, Menzies, and Mount Margaret. He had conferred with the member for Mt. Margaret, and came to a decision (as shown by map on table) to define the boundaries according to the plan. The way in which the member for Mount Margaret marked out the electorate would have given Leonora 2,900 electors, Mount Margaret 2,300, and Menzies 4,100. The hon. member recognised that would not be fair at all, and an endeavour was then made as far as possible to have the electorates equal, each one having as near as possible 3,000 electors. Under the amended scheme Leonora would have 3,200 electors, Mount Margaret slightly less than 3,000, and Menzies a fraction over 3,000. The principal places in the Leonora electorate were Malcolm, Leonora, Gwalia, Lawlers, Darlôt, Sir Samuel, Mertondale, Anaconda, Murrin, Wiluna, and Black Range. In Mount Margaret there were Morgans, Laverton, Burtville, Erlistoun, Yundamindera and Kookynie. In Menzies electorate there would be Menzies, Goongarrie, Edjudina, Ida, Mulline, Davyhurst, Callion, Niagara, Tampa, Yerilla, Siberia, Waverley, Carnage, and Carbine. The difficulty was to try and get an equal number of electors in the Mount Margaret and Menzies districts, and a line had been drawn right along the railway to the south-west corner of Kookynie and then due east. He (the Minister) had sent a letter to the mining registrar asking him to confer with a gentleman recommended by the member for Mount Margaret and the Mayor and ascertain the number of electors at Tampa, Niagara, and Yerilla, and the ouskirts of Kookynie. If there were not 550 to 600 electors in that part of the district, then it would be necessary in another place to try and amend the electorates by adding the greater portion of the Kookynie electors to Menzies. Then there would be three electorates with about 3,000 electors each. He hoped the new arrangement would prove acceptable to the Committee. He moved that the words "Ranford Peak," in the 5th line, be struck out and "Survey Mark B82, at Brickey's Soak," be inserted in lieu.

MR. TAYLOR had worked out the figures independently, and arrived at approximately the same result as the Minister—Ida and Mt. Leonora 3,209, Mt. Margaret 3,082, and Menzies 2,712, without the additional 150 which the Minister spoke of as being taken off Kanowna. There were, however, places in the Leonora district for which the figures were not available, such as the Kathleen Valley, where at the last election 200 odd votes were cast. Possibly those electors had been included in the Sir Samuel list.

THE MINISTER FOR MINES: Probably.

MR. TAYLOR: If small places for which the figures were not available were included with the large centres, his figures and the Minister's were pretty accurate, and the three electorates had about 3,000 voters apiece. Menzies would be smaller than the others, allowing 500 for the portion of Kookynie. If the figures were found incorrect, necessary amendments could be made in another place. In the area covered by Kanowna, Menzies, Leonora, and Mt. Margaret there was ample room for another member; and the quota would then be very fair.

Amendment put and passed.

THE MINISTER FOR MINES moved that all the words after "situate," in line 5, be struck out, and the following inserted in lieu: "south from the trigonometrical station on Mount Nangeroo; thence north to the parallel of latitude 26 south; thence west to a point situate north from the starting point; and thence south to the starting point."

Farther amendment passed, and the boundaries as amended agreed to.

Menzies Electoral District:

THE MINISTER FOR MINES moved:

That the words "Ranford Peak," in line 9, be struck out, and "Survey Mark B82 at Brickey's Soak," inserted in lieu; and that the word "A," in line 9, and also lines 10, 11, and 12, and part of line 13, to include "Mount Howe," be struck out, and the following inserted in lieu: "the centre of the Menzies-Leonora railway, thence southerly along the said centre of the railway to a point situate

west from the south corner of Kookynie Lot 496."

Amendment passed, and the boundaries as amended agreed to.

Mount Margaret Electoral District:

THE MINISTER FOR MINES moved:

That the description be struck out and the following inserted in lieu: "Bounded by lines starting from the centre of the Menzies-Leonora Railway at a point situate west from Survey Mark B82 at Brickey's Soak, and extending southward along the said centre of the railway to a point situate west from the south corner of Kookynie Lot 496; thence east to the east boundary of the State; thence north to the parallel of latitude 26° south; thence west to a point situate north from the trigonometrical station on Mount Nangeroo; thence south to a point situate east from the starting point, and thence west to the starting-point."

Amendment passed, and the boundaries as amended agreed to.

Bill reported with farther amendments.

INSPECTION OF MACHINERY BILL.

RECOMMITTAL.

On motion by the MINISTER FOR MINES, Bill recommitted for amendments.

Clause 17—Certain machinery to be fenced:

MR. THOMAS moved as an amendment, that the words after "steam-engine" to "employed," lines 3 to 5, be struck out, and "water-wheel, hydraulic or other lift which is certified as dangerous by the inspector," inserted in lieu. The clause as drafted was indefinite, and would sometimes compel the fencing of parts of machines which were not dangerous, and which it was practically impossible to fence. The inspector of machinery or a mines inspector would immediately notify the owner to fence any dangerous part.

THE MINISTER FOR MINES: The amendment made the clause clearer as to the inspector's duty in showing to the owner what parts of the machinery were dangerous. The amendment was good, and he was very pleased to accept it.

Amendment passed, and the clause as amended agreed to.

Clause 30—Boilers may be inspected at any reasonable time:

MR. THOMAS moved that the following be added to the clause:—

Provided that in case of non-attendance of the inspector at the appointed time the inspection may be made by the mine manager, the engineer, or other qualified officer, together with a certificated engine-driver; particulars to be recorded in a book kept for that purpose, and such to be accepted by the inspector in lieu of farther test for the current year.

So far as mining companies in big centres were concerned, the amendment would not touch them, for it applied more particularly to prospecting plants in outside centres and to mines where only one boiler was in use. Under the Act it was provided that the inspector should test a boiler himself; but if we considered the difficulties of people running mines in way-back districts, we must support something in the way of the amendment, because by depending entirely on the inspector a mine might be hung up for several days. There could be no objection to the amendment. In the case of a mine 40 or 50 miles from a railway, where one boiler was running the mill, the manager or prospector, if he got notice that the inspector intended to inspect the boiler on or about a certain date, would stop his machinery and thus close down the mine so that the inspector could carry on his inspection; and if the inspector were delayed, the mine would in this way be hung up for several days, meaning an enforced holiday for all the mine employees.

THE MINISTER FOR MINES: There would also be the danger of the mine being flooded in the case of a boiler working the pump at the main shaft.

MR. THOMAS: Big mines with a nest of boilers would not be affected, because one boiler could be closed down without injury to anybody. The amendment was moved in the interests of the outside prospector, who by the clause as it stood might lose his profits for several days, while it would be compulsory that all the men employed on the mine should take an enforced holiday.

THE MINISTER FOR MINES: There was a great deal of good in the amendment, but he could not accept it without some alterations, which the hon. member would readily accept. It was a provision that should be in the Bill for the work of administration of the department. It had been found necessary in outside places to give certain certificates temporarily to enable a boiler to be used and mining carried on, especially where

there was a mine with a large influx of water, because it might not be possible for the inspector to reach the mine on a certain date. In this case it would be hard to insist upon the usual inspection. Would the hon. member accept the amendment in the following form:—

"Provided that in the case of non-attendance of the inspector on the day appointed, the inspection may be made by the mining manager, engineer, or other qualified officer, together with a certificated engine-driver, particulars to be recorded in a book kept for that purpose, and such may be accepted by the inspector in lieu of farther test."

Temporary certificates in any case should not be granted for more than six months, although he did not wish to put these words in the clause. So far as administration was concerned that principle would be adopted.

MR. THOMAS accepted the alteration.

Amendment as altered passed, and the clause as amended agreed to.

Clause 59—Certain engine-drivers to be deemed to hold certificates under this Act:

THE MINISTER FOR MINES moved that the words "second class" in the last line be struck out, and "marine engine-driver" inserted in lieu. This matter had already been fully discussed by the House.

Amendment passed, and clause as amended agreed to.

Bill reported with farther amendments.

At 6·30, the SPEAKER left the Chair.

At 7·30, Chair resumed.

PRISONS BILL.

IN COMMITTEE.

MR. HARPER in the Chair; the MINISTER FOR WORKS in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6 — Application of Act to prisoners already in custody:

MR. BATH: Would this clause prevent those who had earned remissions of sentences under previous Acts from securing the same under this Bill, if it were passed? Under previous Acts prisoners had remissions of sentences for good conduct and for other things, and if that was not provided for in this measure it would mean that their sentences would be increased by the fact that those remissions were taken away.

THE MINISTER FOR WORKS: This clause would have no such effect. All such rights or remissions of sentences were continued under this Bill.

Clause passed.

Clauses 7 to 17—agreed to.

Clause 18—Duty of visitors:

MR. BATH moved that the words "from time to time," in Subclause 1, be struck out, and "at least once in each week" inserted in lieu. When prisoners were to be brought before justices of the peace, they were placed in the punishment cells at once, and unless some time were specified in which the visitors or justices of the peace should go to the gaol it would mean that the prisoner would be in a punishment cell awaiting the arrival. If a man were innocent of the charge preferred against him, this would place a great injustice on him; but even if he were guilty, some reasonable time should be specified within which he should be brought before the justice of the peace to be tried for the offence with which he was charged.

THE MINISTER FOR WORKS: To a certain extent he was in sympathy with the hon. member in regard to the amendment, to which there was no very great objection; but he was afraid it would be inoperative for this reason. It was intended under this measure to appoint more visitors than were at present in existence, and those visitors need not necessarily be justices of the peace. Of every batch of visitors for any particular prison, two of them would be justices of the peace. Under the 1849 Act it was provided that it should be the duty of visitors to visit gaols once in every week, but if the Bill provided that it should be compulsory for every visitor to visit at least once a week, he did not see that we could compel them to do so. [MR. TAYLOR: Not every visitor.] Not every visitor; indeed it would be inadvisable to make such a provision. The amendment would make it compulsory for every visitor to visit the prison to which he was appointed at least once in every week; not necessarily on the same day; and it would follow that the prisons would be continually having the presence of a visitor or more than one. Although he

believed the appointment of visitors would be a good thing, it was quite possible to have too much of a good thing. The hon. member might rest assured that so far as the justices of the peace were concerned, it would be seen that at least one justice of the peace visited the prison every week. If magistrates failed in their duty to that extent, it would be quite easy and practicable to appoint someone else in their stead. To make it compulsory for every visitor to visit a prison once every week would render it all the more difficult for the Government to secure the class of visitors they desired to appoint, as people who would take a voluntary interest in their work would naturally resent a compulsory clause such as this, making it imperative that they should visit gaols once every week. He thought that if the hon. member would leave the clause as it stood, he might rest assured that the Government would see that no hardship was inflicted upon any prisoner, but that one magistrate should at all events visit the prison every week. He gave the hon. member that assurance.

MR. TAYLOR: There was some force in the argument of the Minister with reference to making it compulsory that visitors should attend once a week; but the hon. gentleman had lost sight of the aspect that the prisoner who was charged with some breach of discipline would be governed by regulations outside this Bill; and although we did not know what these regulations would provide, we knew that such regulations invariably did provide that when a prisoner was charged with a breach of discipline, he was to be placed in a cell to await his trial, and in some cases the regulations put him on half rations until he was tried. The Minister might be able to give information whether there were any regulations to that effect in this State, or whether there was any chance of regulations being framed under this Bill to that effect. If so, a prisoner might be charged by an officer with a breach of prison regulations, and might undergo partial sentence of half rations whilst awaiting trial, and have to wait two or three days before the visitor or visiting justice attended to try him. The prisoner might be found not guilty, but if he had been on half rations for a day or two he would have undergone a certain penalty. Remissions of sentences were governed by regulations, and if the regulations said that visiting justices should attend once or twice a week on certain days, the honorary visitors would not have to attend then.

THE MINISTER FOR WORKS: Amongst the visitors appointed to every prison would be of necessity two justices, and it was intended under the regulations to be framed that no punishment should be inflicted on a prisoner until the complaint against him had been heard by one of the justices. Only under exceptional circumstances would any punishment be inflicted before the complaint was heard. Undoubtedly, under the regulations provision would be made by which it would be compulsory that a magistrate should visit the prison once in each week. It was undesirable to make it compulsory for every visitor to visit the prison once a week. The hon. member might rest assured if he withdrew his amendment, or did not press it, that the Government realised that it was absolutely necessary and desirable there should be these visits to hear complaints against prisoners, and precaution would be taken to see that they occurred once each week.

MR. BATH: After placing the amendment on the Notice Paper he felt that it was somewhat ambiguous. It could not be expected that honorary visitors should visit the prison once a week, but he left the amendment on the Notice Paper so as to obtain an explanation from the Minister. He was satisfied with the explanation, and asked leave to withdraw the amendment.

Amendment withdrawn, and the clause passed.

Clause 19—Any justice may visit prisons:

MR. HIGHAM: On the second reading of the Bill it was contended that in addition to justices members of the Legislature should have the right of visiting prisons. He moved that after "any," in line 1, the words "member of the Legislature or" be inserted.

THE MINISTER FOR WORKS: There was no objection to the amendment.

Amendment passed.

MR. HIGHAM moved that in line 6 after "but" the words "member or" be inserted. This was consequential.

Amendment passed, and the clause as amended agreed to.

Clause 20—agreed to.

Clause 21—Regulations for the management of prisons and the discipline therein:

MR. FOULKES: Subclause 5 provided that the Governor might make regulations with regard to the hours of labour and the mode of employment of prisoners. It was to be hoped the Government would pay particular attention to this provision, because so far one could not help feeling that sufficient attention had not been given to the subject of the employment of prisoners. The report of the commission that dealt with the prisons went into this question very fully, and the commissioners strongly advocated that greater trouble should be taken with regard to giving employment to prisoners. It was shown by the evidence, and the commissioners were unanimous on the subject, that a great number of prisoners were kept in Fremantle prison for various periods of time, and for a great deal of this time the prisoners were not put to any work. The commissioners were of opinion that this course was most detrimental. It incapacitated men from work, and when a man came out of gaol, having got out of the habit of working, he gradually drifted back into crime. It had also this effect, that these men, not being able to work properly, felt obliged in many cases to go back again to their criminal course. The result was the police were obliged to spend a great deal of time in looking after the men who came out of prison, which was a cost to the country. Various articles had been written on this subject, one by a leading official in a large penal establishment in London, and that officer showed clearly that numbers of constables in the various counties of England were told off to look after men whose terms of imprisonment had expired. Prisoners coming out of gaol, after perhaps three or four years' imprisonment and not having done any work, were quite unfitted to work at all, both physically and morally. The Government had taken steps to some extent to find work for prisoners by having put them on a farm at Drakesbrook. He believed there were about a dozen prisoners at this place, and so far, judging from the reports sent in, these men appeared to have done good work there and behaved themselves well. He hoped the Minister in charge of the Bill would impress on the Government the urgent necessity of seeing that fitting employment was given to the prisoners.

THE MINISTER FOR WORKS: Every member agreed with the remarks of the member for Claremont; and one would remind members that when introducing the Bill he endeavoured to point out the aim of the Government was to provide employment for prisoners and to see that prisoners confined in gaols, as far as possible, were made to work; and not only that but in return for their work and good behaviour they were to get some small remuneration, which, when a prisoner had finished his sentence, would place him in the position to avoid temptation, and perhaps get a fresh start in life. The object of the Government in introducing the Bill was to have additional channels provided so that prisoners could be made to work and get some small remuneration in return.

MR. JACOBY: Were not the present powers of the Government sufficient to give full effect to any desire to employ prisoners? He was under the impression that the powers the Government had were sufficient for the purpose. He hoped the dangerous practice of keeping large numbers of men in prison idle would not be followed longer than was unavoidable. There were many classes of work which men could be profitably put to, and to the men's advantage; and he hoped the Government would show some activity in the matter and carry out the reform. From the tenor of the reply of the Minister such was the intention of the Government; but he was rather surprised to learn that it required fresh legislation to give the Government these powers.

THE MINISTER FOR WORKS: The powers under the existing Acts were not considered sufficient, and he would give members one instance. It was questionable whether the penal out-stations, for instance the one at Hamel, were strictly legal. The Bill provided that out-stations should be legally considered prisons. The provisions contained in the Bill would give the Government greater power than they had at present—

powers which were very desirable to give effect to the wishes of members.

Mr. TAYLOR: The member for the Swan thought the Government had sufficient power to compel prisoners to work. No later than this morning a prisoner who had been discharged from Hamel came to his hotel and told him that he had been at work on the farm at Hamel grubbing timber with a stump-jumper or a tree remover. This man found that the king-bolt of the stump-jumper was defective. He pointed this out to the officer in charge, but through the officer having no knowledge of the work or the implement the man was working with, the officer compelled the man to work; unfortunately the bolt snapped, and the man had his jaw broken. He was discharged from the hospital yesterday morning, and was now walking about Perth unable to eat any but spoon-food. The Government offered him £10 as compensation, but the man considered this insufficient. Warders, other than trained instructors, knew little about the work they supervised. As to the Fremantle gaol, last week a discharged prisoner whom he (Mr. Taylor) had known for five or six years came to him for assistance to get back to the goldfields. After serving a six months' sentence at Fremantle, the man was being hounded down by the Perth police. His story was that while in gaol he was unable to work owing to some ailment of the knee; and the doctor advised him to have an operation performed after his release. Notwithstanding this, the man was put in a cell, on half rations, because unable to work. The full ration was not too much, and the half considerably less. Then, there being no tailors in the establishment, the man was compelled by fear of punishment to work on uniforms. About three weeks ago he came out of the Perth hospital, which he had entered after his discharge, and started looking for work, which was not too plentiful. The detectives gave him till eight o'clock on a certain night to get out of Perth. The same day the man met him (Mr. Taylor), who told him to go to Mr. Longmore, of the Labour Bureau, by whom a pass was issued. These two cases, which had come under his notice during the past week, proved that prison authorities had ample power to compel prisoners to work and to punish them for malingering. Though he had not read the regulations, he was almost certain that they gave this power. Compared with the regulations, the Bill was absolutely harmless. Stringent regulations were certainly necessary, but their administration should be humane; and this could not be expected from an officer hardened by years of prison experience, which led him to look on prisoners as inanimate objects, and to regard with equanimity a sentence of three or four days on bread and water in a dark cell.

Mr. Jacoby: Were not dark cells abolished?

Mr. TAYLOR: The Bill contained power to sentence a man to bread and water for seven days. In the Eastern States men had been taken out of dark cells, medically examined, and reincarcerated. Proof of that would be found in prison reports, and in *Hansards*. No clause should be passed which would allow a visiting justice, a bench of magistrates, or a Supreme Court Judge to put a man in a dark cell on bread and water for a longer period than 48 hours. If for five or seven days, better send the man at once to the gallows than drive him mad by such brutal treatment. Yet people wondered why the prisons were filled with "second and third timers." He (Mr. Taylor) had no sympathy with crime; but he sympathised with prisoners hidden from the public eye, and at the mercy of the prison authorities. No doubt the prison regulations gave complete power to the authorities to compel prisoners to work inside the prison; but the Minister doubted whether there was power to compel them to work outside the prison. The discussion showed that prisoners in this State had not been made to work in the past, and complaint had been made that at Fremantle they lived in a state of idleness. This could be excused to a large extent because of the fact that they were cramped at Fremantle, there being no room to carry on works, and because a great many alterations would be required before prisoners could be put to proper work. It was necessary that prisoners should have something to do. They were sent to prison to be reformed, and to be reformed

they must not only be accustomed to regular work, but must be taught something that would be useful to them when they came out of prison. This was very easy to say, but every civilised country had tried to ascertain how it could be done, and no system had been found satisfactory. The last system he had heard of was that obtaining in some States of the American Union, where prisoners were taught to make several articles of ready sale; but it was found that to put these articles on the local market would bring the prisoners into competition with people outside, so the articles were exported. He was credibly informed that many articles manufactured in American prisons were on sale in Australia.

MR. PIGOTT: It was against the Customs Act to import them.

MR. HASTIE: That might be the case, when they were known to be prison-made articles; but it was almost impossible to identify them. No one would suggest in this State that we should put our prisoners to manufacture articles that might be sold in some other State or in some other country; but since all the countries were experimenting on this line, it was time we joined in; and after the new Bill became law surely some improvement could be made. One thing absolutely essential, if the prisoners were to be made to work, was that warders with some special knowledge should be employed. So far a knowledge of trades had not been necessary in a warder; but he hoped in future warders with a knowledge of trades would be employed, because unless prisoners were kept from being idle, or unless their work was always available for them, there could be no improvement. He hoped that as a result of passing the Bill, our prisons would become more reforming institutions than penal institutions. The question of prisoners being employed at Hamel had been mentioned. He had no special knowledge of the experiment there, but, from what he had heard from various people who had visited it, he believed the work that had been done at Hamel was not altogether satisfactory. It was a system, however, which no doubt could be extended, and he hoped this would be the case, because the prisoners would thus have a chance of being accustomed to work outside prison walls, and would be less likely to become offenders again.

MR. ATKINS: Several members visited the Fremantle prison when the Bill was introduced, and he had been one of the party. It was found that all the men who were not physically or mentally incapacitated were put to different trades on the different works they were most fitted for, and that the men in charge of these works were tradesmen who knew their work thoroughly and gave instruction in the different branches. Men were at work stone-breaking, concrete-making, stone-cutting, building, carpentering, blacksmithing, tinsmithing, coppersmithing, making clothes, boots, caps, and all sorts of clothes, making brushes, and were engaged in other trades. It was not fair to say that the people who had been doing this work were not trying to do any good. He (Mr. Atkins) knew enough about it to know whether the articles turned out were good or bad. Although he agreed with the Bill thoroughly, he desired it to be understood that those who had managed the prison in the past had, as far as they knew, done their best to make the prisoners work at work that would be of advantage to them outside. Although the system of rewards was perhaps not as good as was proposed in the Bill, at present every man got a certain amount of pay credited to him for what he did. It was unfair for members to damn with faint praise the people trying to do good to the prisoners. Even if once or twice a man was not exactly fairly treated, why should the whole prison be condemned? Nobody could get at the other side of the question unless he put in time there.

MR. TAYLOR: The hon. member must have put in time there.

MR. ATKINS: People who lived in glass houses should not throw stones. The warders and men engaged in teaching the prisoners were doing their best, and they should be encouraged. If there were cruelties they could be stopped; but there should be no sweeping assertion that nobody was doing any good. With reference to the dark cells, the regulation said:

A prisoner found guilty by the sheriff or visiting justice of any breach of these rules

and regulations may be sentenced to close confinement in a refractory cell, dark or light, with or without irons, and by keeping such prisoner on bread and water only for any term not exceeding three days.

The member for Mt. Margaret had said it was five days.

Mr. Taylor: The member for the Murray was dealing with the regulations, but he should deal with the Bill before the House, in which seven or fourteen days' punishment was provided for.

Mr. ATKINS: No Bill should be passed so that regulations could be made to impose cruelty or injustice. But prisoners were not sent to gaol to have a good time. They should be made to work, and to do as much as they could to pay for the cost of their living. Goods made by these prisoners were not sold. He had been distinctly informed at the prison that they were not sold.

Mr. Connor: Who told the hon. member that?

Mr. ATKINS: The boss man or superintendent told him.

The Minister for Lands: The hon. member was correct; they were not sold.

Mr. ATKINS: The prisoners did not compete with the outside public, because all the stuff made by them was kept for the lunatics and the gaol.

Mr. BATH: There was no necessity for the member to work himself into a fit of virtuous indignation against other members because they were desirous of studying the Bill, or deemed it desirable to insert amendments. The question of providing employment for prisoners in the gaol had been one studied by prison reformers for many years, not only because they desired to find some useful employment for prisoners, but because of the immense advantage to the physical and in a lesser degree to the moral welfare of the men—the twofold object of keeping them out of mischief and making them better men, and better fitted to earn their living in an honest way when they got out. No one had passed a vote of censure on the prison officials. Members simply desired, as far as their intelligence went, to make the Bill as effective as possible, so that no injustice could be inflicted on any prisoner. The annual report of the Inspector of Prisons in New Zealand showed that there were a number of ways in which prisoners could be employed without bringing them into direct competition with labour outside. In New Zealand, for instance, many prisoners were employed on fortifications, and that was a class of work in which prisoners could be usefully employed without danger to the community. They were also employed in reclamation works, and in afforesting a portion of the country. [Mr. Jacoby: Roads?] No. They were also employed in building additions to various prisons, in beautifying parks, and in many other works. He noticed the other day that certain gentlemen made an inspection of Monger's Lake with the idea of beautifying it. In his opinion, prisoners might well be employed in reclaiming that and beautifying it.

The Minister for Lands: What about the publicity of it?

Mr. BATH: As far as prisoners were concerned, a certain amount of publicity could not be avoided. When a man was tried and sentenced to imprisonment, his name was blazoned forth in the newspapers. If what he (Mr. Bath) suggested had a tendency to make a man better and give him a capacity for work when he got outside, the result would compensate for the publicity given. If once the opportunity were given the Government to employ prisoners, they could without doubt find plenty of channels in which labour could be usefully employed without endangering the occupation of people outside of prison.

The MINISTER FOR WORKS: The member for Mt. Margaret (Mr. Taylor) wished to call attention to an instance of cruelty that came under his notice, and did not bring a charge of general want of humane treatment of prisoners in this State. [Mr. Taylor: No.] Had there been a charge of general cruelty to prisoners in this State he would have joined issue with the hon. member, for he believed it was admitted on all hands that the most humane treatment was meted out in the State prisons. Under the system, individual cases of hardship might arise. He understood the hon. member had given to the Colonial Secretary, who administered this department, particulars of the instance he referred to. As soon as possible inquiry would be made, and if hardship or

cruelty had been inflicted, those who were responsible for it would be made to suffer. As the hon. member said, a great deal depended on regulations made under the law. Clause 77 provided that regulations made under this Bill should be published in the *Government Gazette* and laid before both Houses of Parliament; so members would have full opportunity of seeing the regulations and judging whether any hardship was contained in them. Although some debate had ensued on this clause, he thought everyone admitted that this was a good Bill. There might or might not be some amendments desirable, but in his opinion very little amendment would be found necessary in the Bill taken as a whole. He thought they all agreed that where prisoners could work without damage to their health they should be made to do so, both for their own benefit and for the benefit of the State. There was an old adage that "Satan finds some mischief still for idle hands to do." They had illustrations of the truth of that adage every day. He took it that no amendment to this clause was sought. Members wished to draw attention to their views, and he trusted they would be content to now let the clause pass.

MR. CONNOR: Some of the gaols in the far North were very inadequate for the requirements, and the regulations suggested by this Bill could not possibly be carried out very well there. It was necessary that alterations should be made for the North. It would be well for alterations and additions to be made to the Gaols Act, not so much in connection with the white population, but in connection with the blacks. The binding of prisoners to gum-stumps should not be allowed.

MR. TAYLOR: When attention was called to the clause under discussion, he was absolutely fair in the statements he made. He was not accountable for the inability of the member for the Murray (Mr. Atkins) to follow him. That hon. member stood up and accused members in this Chamber of running down institutions, and condemning people who were trying to do their level best in the interests of the section of the community who were compelled to go to prison; and he accused some members of expecting prisoners to be wrapped in lavender and all that kind of thing. There was no such thing in his (Mr. Taylor's) mind. He spoke absolutely fairly in the matter. Whilst the public were protected from the prisoners, we should treat them as humanely as possible, and that was all he wished. He had no sympathy whatever with crime, but we ought to endeavour when discussing a Bill of this character to debate it as coolly as possible. Any member of this Chamber who desired to see his fellow-man in irons and in a dark cell for three days must have a heart of iron.

MR. JACOBY: The member for the Murray did not say that.

MR. TAYLOR: The member for the Murray read that extract, and thought it was absolutely nothing. He read it with the object of convincing the Committee that we should make more stringent regulations. The hon. member would like to see a regulation by which a man would be in irons all his life. He (Mr. Taylor) thought the Minister had no desire to pass the Bill without its being discussed and made as workable as possible.

DR. O'CONNOR: Cases had occurred in this State and in other parts in which people were brought to gaol insensible. He thought that in all cases in which people who were brought to gaol were supposed to be drunk or insensible a doctor should be immediately sent for. He believed that a case occurred last year. Cases had occurred two or three times, and they had also occurred in other parts of the world. A doctor should be sent for immediately in such cases. It was hardly fair to expect a policeman to judge whether it was a case of drink, opium poisoning, or anything else.

Clause passed.

Clause 22—As to unconvicted prisoners:

MR. BATH moved that all the words after "possible," in line 4 of Subclause 1, be struck out. Those words were, "having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like consideration." This gave too wide a power to a warder. Where a solicitor went to visit a prisoner, it was only fair that they should be given an opportunity of having their conversation free from the surveillance of warders. We must re-

member that solicitors were officers of the Supreme Court, and we must place a certain amount of reliance in their honour and uprightness. If the words to which he referred were retained, a warder could interfere in almost any interview held between a solicitor and a client, and by this means he could glean evidence or some idea of the case, which could be used against a prisoner when brought up for trial.

THE MINISTER FOR WORKS: While not objecting to the amendment, he wished to be perfectly fair in pointing out that the amendment would have quite an opposite effect to that which the mover desired. It would widen the power of the prison officials rather than narrow it. The subclause said: "With respect to the communications between such prisoners, their solicitors and friends, to secure to such prisoners as unrestricted and private communication with their solicitors and friends as may be possible." There the hon. member would stop, but it was limited then by the clause, which farther said "having regard only to the necessity of preventing any tampering with evidence and any plans for escape, or other like consideration." Therefore the scope of the clause was limited to having due regard to these dangers, "tampering with evidence, plans of escape," and like considerations. If these words were omitted, the prison officials would be unrestricted in regard to what "may be possible." The hon. member had far better leave the clause as it stood; but if the amendment were pressed it would not be objected to.

Amendment negatived, and the clause passed.

Clauses 23, 24—agreed to.

Clause 25—Separate confinement:

MR. BATH: Would the Minister give some explanation in regard to this provision, which was vague and indefinite. It said that provision should be made that the cell used for the separate confinement should be of such a size and so ventilated and lighted that a prisoner would not be injured in health, and every prisoner was to have the means of taking air and exercise at such times as the medical officer thought necessary. Was that to be solitary confinement? If so he would oppose the clause. In other States solitary confinement had proved to be the making of lunatics instead of reforming prisoners or preventing crime. In one year out of 35 prisoners who were subjected to solitary confinement, four were afterwards confined in lunatic asylums for the rest of their lives, and three others remained in prison after doing their first nine months of solitary confinement, and were taken to the lunatic asylum within the precincts of the prison. If this meant solitary confinement he would move to strike the clause out.

MR. HIGHAM suggested that the Minister should consent to the clause being recommitted. He had thought of moving to add "So as not to exceed three months at any one time, or twelve months in the aggregate." It would meet the objection raised by the member for Hannans.

THE MINISTER FOR WORKS: The Government would offer no objection to the recommittal of the Bill in order to consider any amendment of which due notice was given. Separate confinement was a punishment which could only be inflicted by order of a visiting justice after a complaint against a prisoner had been heard, and the aim of the clause was to prevent contamination from the association of prisoners. The next subclause went on to say that cells used for separate confinement were to be of such a size and so ventilated and lighted as not to be of injury to the health of the prisoners.

Clause passed.

Clause 26—agreed to.

Clause 27—Division of prisoners:

MR. TAYLOR: Was it not recognised that prisoners found guilty of a misdemeanour were not subject to hard labour unless it was specially mentioned? Was there not some regulation that a prisoner could work if he liked, and if he did so he was allowed certain indulgences which he did not get if he did no work.

THE MINISTER FOR WORKS: Prisoners convicted of a misdemeanour and not sentenced to hard labour would, under the Bill, either be compelled to work to make some return for their keep in the shape of work, or else pay a fair sum for the cost of their keep whilst detained in prison. Clause 29 provided that the Comptroller General might order prisoners under sentence of imprisonment without hard labour, except those

who maintained themselves, to be set to work, provided it is not severe work.

Clause passed.

Clauses 28, 29—agreed to.

Clause 30—Hard-labour prisoners may be employed outside a prison:

MR. TAYLOR: Some members had no objection to prisoners working outside a prison. Very few prisoners, no matter how steeped in crime they were, liked to work under the public gaze.

THE MINISTER FOR LANDS: There was a difference between working outside and working under the public gaze.

MR. TAYLOR: Supposing men were set to work at East Perth or West Perth, they would be under the gaze of the public. Prisoners undergoing small sentences and doing perhaps more laborious work within the walls of a prison, would not feel their position so keenly; but men undergoing sentences ought not to be made to feel the sting of their imprisonment by being made to work under the gaze of the public. He did not know whether it was the desire to make men work outside or not, but if it was, when the Bill was recommitted he would try to have the clause struck out.

THE PREMIER: It was most necessary.

MR. TAYLOR: It would be well if members had a taste of it.

THE PREMIER: We did not want it.

MR. TAYLOR: Members did not want to work anyhow When he came to the State 10 years ago, the first thing he saw when he put his foot on the jetty was a gang of men working in the street, and he believed some of the men were in chains.

THE PREMIER: Nothing of the sort.

MR. TAYLOR: A gang of men were working in the street dressed in clothes with the broad arrow on them. He was a couple of hundred yards from them, and he saw this. It was not a pleasant sight for anyone to see. He was told these men were working in chains, although he was not close enough to see if that was so.

THE PREMIER: The hon. member was not even told that.

MR. TAYLOR: Yes.

THE PREMIER: The hon. member was not.

MR. TAYLOR: There were 600 passengers by the boat in which he came, and one of the first things the passengers saw was this gang of prisoners. It was not a pleasant sight. Surely it was sufficiently hard for men undergoing sentence to be locked up, without being compelled to work under the public gaze. The Premier, with all his enlightenment and democratic ideas, seemed to think that was correct.

THE PREMIER: Who said that?

MR. TAYLOR: The hon. member said it was the best thing to make prisoners work outside.

THE PREMIER: That was a characteristic statement of the hon. member.

THE MINISTER FOR LANDS: Many prisoners were only too glad to work outside, though not under the public gaze. It was a useful clause to permit the authorities to allow prisoners to work outside.

MR. TAYLOR: It was not necessary to have prisoners working outside.

THE MINISTER FOR LANDS: Go down to Hamel and ask the prisoners.

MR. TAYLOR: It was not flattering to Hamel to have these prisoners there. He had stated the case very mildly. He had not been down to Hamel to see what was going on there. Prison authorities could have too much power, and he hoped that when the Bill was passed those who administered it would not be too harsh. When the Bill was recommitted he would move to strike the clause out.

MR. ATKINS: Prisoners should not be exposed to the public gaze; but it was a good provision that men should be allowed to work outside. It did the men good, and they liked to be set to work outside the precincts of the gaol. Men who were well-behaved should be allowed to work somewhere outside, as it did them good, but they should not be exposed to public obloquy.

THE MINISTER FOR WORKS hoped the hon. member (Mr. Taylor) would not attempt to strike out the clause even on recommittal. There was no desire to expose prisoners to the public gaze. Within the last ten years, or even thirty years, prisoners had not worked in irons in view of the public; and whoever told the hon. member that they had must have recognised him as a new arrival and very susceptible. If the clause were struck out, it would be impossible to employ prisoners where they were most anxious to be employed—outside the

prison walls but not in view of the public. If they had the option, all prisoners would elect to work under such conditions, where their employment would be beneficial to themselves and to the State. If the clause were struck out, there would be great difficulty in dealing with aboriginal prisoners.

MR. EWING: Two or three months ago, and on many other occasions, he had seen prisoners being taken to Hamel in passenger trains. This was objectionable. Why not let them travel in a van attached to a goods train?

THE PREMIER: Surely that had not happened within the last two or three months. Prior to that he had drawn attention to the matter, and expressed a strong opinion that no prisoner in prison garb should be allowed to travel in view of the public; and he (the Premier) had understood that the practice had been discontinued. If members saw anything of the sort, they should mention it to him or to the responsible Minister.

MR. ILLINGWORTH hoped the Committee would not attempt to strike out the clause. The experiment at Hamel came under his notice while in office, and he gave the necessary instructions for the scheme. Doubting its practicability, he did not consent to it without careful consideration; and he arrived at the conclusion that it was desirable to give to trustworthy prisoners the privilege of working outside with much greater freedom than was possible in a prison, at congenial and healthy employment which would impart to them a moral tone much more important than health. As the experiment had proved satisfactory, he hoped power would be given for its extension. Plenty of good, healthful labour could be given to prisoners outside gaols but not in view of the public; and this would benefit the prisoners and relieve the State of much expense, without injuring anybody.

MR. TAYLOR: The Minister for Works was indignant at his narration of what he had been told about prisoners working in irons outside the prison at Fremantle; and the Premier denied the statement, though he blushed when he heard it. Would those Ministers deny that much more recently than ten years ago prisoners were marched in handcuffs from the gaol at Fremantle to the quarries and back again? A man now in this House had seen that.

MR. HOLMAN: This employment of prisoners in the open air was a privilege rather than a punishment. It was well to give first offenders a chance to do such work free from public observation, or not in uniform if exposed to public view. He knew of prisoners under sentence in Geraldton who had done municipal work in the streets, probably in everyday garb. This should be encouraged.

MR. HIGHAM: The member for Mount Margaret (Mr. Taylor) had a too fertile imagination. Possibly he (Mr. Higham), living close to the prison, had seen more of the prisoners outside the gaol in Fremantle during the last ten years than any other member; and he did not believe that any prisoners had been taken in handcuffs to and from their work during that period; and few prisoners had worked outside the prison at all, except on blocks so close to the building that they could scarcely be considered as outside. Eight or nine years ago gangs of prisoners were allowed to work for the municipality, but only at the back part of the town where few people saw them. The town council, however, were glad to dispense with their services, which were not worth the small sum paid. It was fully 30 years since chain gangs had gone through the town.

MR. HASTIE: Till three months ago he often saw prisoners brought from eastern goldfields towns to Fremantle in carriages with the windows open, so that they were exposed to view. About two months ago, on the Perth platform, several hon. members, including the Premier, saw two or three prisoners in charge of a policeman in a carriage of which both windows and door were open. The Premier asked that the carriage be shut up; and since that time travelling prisoners were always hidden from view. The system should continue, for many censorious remarks as to the practice had been made on the goldfields.

MR. HIGHAM: Not only prisoners but those committed for trial frequently passed by rail to Fremantle, and were invariably taken through the crowd of passengers at East Fremantle station to "black Maria." Considering that many of the accused were subsequently acquitted, this practice might be improved on.

THE PREMIER: It was well that the hon. member had drawn attention to this practice, which would be altered. A similar custom at Perth railway station had already been abolished.

MR. JACOBY supported the suggestion that prisoners doing outside work in view of the public might wear ordinary attire. This would overcome many of the objections to outside employment.

Clause put and passed.

Clauses 31, 32—agreed to.

Clause 33—Visitors may hear complaints against prisoners.

MR. BATH: Did the word "person" include a prisoner, so that, if a charge was laid against a prisoner and heard before a justice of the peace, the prisoner could be supported by the testimony of witnesses who might be prisoners?

THE MINISTER FOR WORKS: The term "person" would include any prisoner. If a complaint was made against a prisoner for committing an offence, and he desired to call any prisoner as a witness on his behalf, he would be allowed to do so.

MR. HIGHAM: Did the word "visitor" mean any justice of the peace or member of the Legislature, or did it only mean a duly appointed justice of the peace?

THE PREMIER: Clause 17 provided that the Government might appoint any person as a visitor. Any justice of the peace or member of the legislature, although allowed to visit the prison at any time, was not a visitor under Clause 17.

THE MINISTER FOR WORKS: The visitor mentioned in the clause would be the visitor appointed under Clause 17, the visitor appointed to attend to prisons.

Clause passed.

Clause 34—Punishment for minor offences:

MR. TAYLOR: The clause provided that a prisoner could be put on bread and water for seven days. This was rather too long. The Minister in charge of the Bill should not desire to verge on barbarism. Three days would be quite sufficient for any crime committed in prison, for harsh treatment would not tend to turn a prisoner into a better man, and a prison was a place of reform. This was a clause he would deal with on recommittal later on. If he desired to say anything, or to see anything altered, he would speak about it, and no power would deter him from doing so.

MR. HASTIE: The hon. member could move now.

MR. TAYLOR moved that the word "seven" in line 2 of Sub-clause 1 be struck out, and "three" inserted in lieu.

THE MINISTER FOR WORKS: The House should not agree to the amendment. The treatment of seven days was the limit. The clause read: "A visiting justice may order a prisoner to be confined in a solitary cell on bread and water for any term not exceeding seven days."

MR. TAYLOR: That was too much power.

THE MINISTER FOR WORKS: It might be so in the hon. member's opinion. The hon. member had said he was going to speak on every occasion when it was necessary, and to move any amendment he desired. There was no desire on anybody's part to take the dangerous procedure of muzzling the hon. member. No doubt he would be able to suggest valuable amendments, and they would receive the utmost consideration; but to say that the power of inflicting a sentence of solitary confinement on bread and water for seven days was too much power to give, was beside the mark. There was no desire to be harsh, but circumstances might easily arise within prisons where no less punishment than that provided in the clause would be sufficient to maintain discipline.

MR. HASTIE: These were minor offences.

THE MINISTER FOR WORKS: Looking at some of the minor offences as shown in Clause 37, nobody would say that the punishment, even if inflicted for the full time, would be too much for them. While it was right to extend most humane treatment to some prisoners (and that was the wish of the Government), still, on the other hand, it was necessary that there should be sufficient power to deal with those who were hardened and brutal prisoners, as undoubtedly some were.

MR. TAYLOR: Brutal laws made brutal people.

THE MINISTER FOR WORKS: Some people could not be dealt with by kindness. It was wasted on them. There were many experiences of that

both in prisons and out of them. It was absolutely necessary that there should be power given to the extent proposed in the clause, even it it be not exercised.

Dr. O'CONNOR: The amendment should be carried. Clause 37 defined minor offences, and among them was cursing and swearing. A prisoner might be sentenced to seven days' solitary for a modest "damn."

The Minister for Works: No visiting justice would do that.

Dr. O'CONNOR: It might be done. Again there was the offence of "idleness, or negligence in work, or mismanagement of work." The punishment should be reduced to three days.

The PREMIER: The Bill might as well be thrown out altogether if such amendments were carried. It was not right to reduce the maximum to the standard of the punishment that ought to be inflicted on particularly trivial offences. One of the minor offences set out in Clause 37 was "disobedience of the rules of the prison, or any lawful order, or prison officer." It was difficult to find out where disobedience began. Another offence was "assault by one prisoner confined in prison upon another." And again there were the offences of "cursing and swearing, indecent or insulting language or behaviour," or "any other misconduct subversive to the order and good government of the prison." These were defined as minor prison offences. A prisoner might commit these offences once or twice, but he had to be convicted of them twice before, by means of the repetition, he came within Clause 38, which dealt with greater offences. By committing offences under Clause 37 a prisoner could be guilty of very great insubordination, such as grossly insulting behaviour, or repeated offences arising from trivial offences, but deserving more punishment than three days. What should be prevented as far as possible was, by leniently punishing offences under Clause 37, encouraging prisoners to commit the offences in Clause 38. There should be a range of punishment sufficiently wide to enable the offences under Clause 37 to be sufficiently dealt with. Every prisoner was not a model, and in every prison there were certain prisoners who were insubordinate, and who, by virtue of their influence and example, demoralised the minor and junior offenders. These were the persons who should be struck at, for by their actions they destroyed prison discipline, and their influence was injurious to junior prisoners.

Mr. Taylor: Why were they not turned out altogether?

The PREMIER: In some States that was done, and criminals came to Western Australia. This should not be done in Western Australia. If the State produced criminals, an attempt should be made to reform them in prison. Members ran the risk of being guilty of more than sentiment in dealing with prison legislation. Prison discipline depended more upon administration than legislation, but administration must be made effective by legislation.

Mr. Bath: The House should have control of the administration.

The PREMIER: But that could be better exercised than by paralysing the hands of the officers through destroying their power to punish.

Mr. Bath: That was where the Premier was making a mistake.

The PREMIER: The subject was perhaps as well known to him as to the member for Hannans. The House should bear in mind that in prisons a few were disobedient, and by example they destroyed the whole of the discipline and exercised a contaminating influence, which was always recognised as the greatest evil in prisons. We should give sufficient power to officers to deal with those individuals, and make them feel by a certain amount of punishment that they were inside the walls of a prison and subject to discipline.

Mr. BATH: One could well understand the punishment set down in the First subclause, if it were to be applied to those guilty of aggravated offences as set forth in Clause 28; but solitary confinement for seven days was altogether too severe for an offence set forth in Clause 27. Solitary confinement for 24 hours was sufficiently terrifying and barbarous to make it absolutely unfair and unjust, and it was a relic of barbarism to give it to anyone guilty of a minor offence.

The Premier: If it was barbarous to put one in solitary confinement for a

day, it was equally barbarous whatever the offence.

MR. BATH: Solitary confinement as a punishment should be absolutely abolished in connection with the prison. We knew that prisoners were far from being angels, but we must recognise that where powers of administration were given to the officers of prisons great evils crept in. The whole tendency since the disclosures made of the conduct of prisons in other lands had been to make them more humane, and as far as possible to place it out of the power of warders and others to be brutal.

THE PREMIER: This gave no power to the warder.

MR. BATH: In regard to this point he had had the advantage of a discussion with two men who had been in prison for offences that were not exactly of a deep criminal dye. Those two men went there as ordinary citizens without a criminal taint, and they had an opportunity of judging what prison discipline and régime were like. They told him they had seen men sentenced to punishment for neglecting to serve one of the warders, and they had seen one sent to prison for not saluting. It seemed to be a feature of the great unpaid that as soon as a man was brought before them they must regard him with a severe eye and almost find him guilty before they heard the evidence.

THE PREMIER: That did not apply to every justice, did it?

MR. BATH: No. It did not apply in his own case. Whilst he had been on the bench he had been prepared to hear the evidence and give the prisoner the benefit of the doubt until he was proved guilty, and then to deal with him leniently rather than the other way.

THE PREMIER: Were there not others like himself?

MR. BATH: Yes; but there were others of the opposite type, and he had bumped up against them. He would support the amendment.

MR. TAYLOR: Perhaps the Minister might be able to tell us what solitary confinement meant. Did solitary confinement carry with it dark cells? Solitary confinement was generally understood to do so.

MR. WALLACE: It did not.

THE MINISTER FOR WORKS: Solitary confinement in prison meant that "every cell used for the separate confinement of prisoners shall be of such a size and so ventilated and lighted that a prisoner may be confined therein without injury to health, and every prisoner so confined shall have the means of taking air and exercise at such times as the medical officer thinks necessary." Dark cells were a reminiscence of the dark ages.

MR. TAYLOR: Was there a provision for dark cells?

THE MINISTER FOR WORKS: None whatever.

MR. TAYLOR: Any person sentenced to dark cells would, he ventured to say, be sentenced under this clause. Under the regulations of the Eastern States separate treatment meant light cells, and solitary confinement carried dark cells.

MR. JACOBY: No.

MR. BATH: That was true with regard to New South Wales.

MR. TAYLOR: It had been proved beyond doubt that only men who were mentally strong would come out from nine months' separate treatment without their intellect being impaired. He felt confident that when the regulations were drawn up it would be under this clause that dark cells would be enforced, and a term of seven days on bread and water in a dark cell was too long to impose on any human being. If the crime were sufficiently heinous, why not give the offender three days and 24 hours in a dark cell, and, if he committed the crime again, let him have an additional month in prison? That would be a greater deterrent than putting him in a dark cell. A man who went into prison to try cases was somewhat prejudiced. Such person did not have an opportunity of hearing the prisoner's side, and if the prisoner had made himself objectionable to the warder or to the superintendent he was simply tried before he ever saw the visiting justice. The visiting justice heard the officials, and of course the man was sentenced. In Queensland, where the penal establishment was on an island, a tall, thin Chinaman who was known he thought as Long Dick was forgotten whilst the visiting justice was there, but he was seen on the island when the visiting justice was in a boat, and when he had been hailed the justice held up two

fingers to indicate that Long Dick would have two days in the dark cell. Three days' solitary confinement, let alone seven, should only be given when a prisoner committed a very heinous offence. A prisoner who got five or seven days' solitary confinement under the Bill would lose certain remissions and certain gratuities that he had earned; so one would be able to keep him there all his life and the prisoner would get into debt to the extent of two or three hundred pounds.

THE MINISTER FOR WORKS: The amendment could not be accepted. No one could accuse him of a desire to be unduly harsh, but it was absolutely necessary that this power should rest in the hands of visiting justices. It would not be abused. Some doubt seemed to exist in the mind of the hon. member as to what was the correct interpretation of "solitary cell." The hon. member held that under the clause it was within the power of justices to order dark cells. That was not intended; but there should be the power to order confinement in dark cells, and to make assurance doubly sure on the point he undertook on recommittal to alter the word "solitary" to "separate," and the interpretation of "separate" was given in the Bill. That was the intention of the Government; but he could not accept the amendment.

MR. WALLACE: It was marvellous to realise the extent of the experience of the member for Mount Margaret. One was disgusted to hear the exaggeration of that member. Although he (Mr. Wallace) had not been a resident of one of these institutions, he knew that what the member for Mount Margaret had stated was untrue. We were dealing with the laws of this State, not with the laws of New South Wales or Queensland. It was strange to hear the extent to which members distorted the meanings and interpretations of words or clauses for the purpose of defeating an argument. On this occasion the member for Mount Margaret interpreted the words "solitary cells" to mean dark cells. A few weeks ago the member for Pilbarra and himself visited the Fremantle gaol, and were shown through that institution by the superintendent, and everything connected with the discipline of the establishment was explained. He could not remember all that was told them, but he remembered distinctly the explanations in regard to solitary confinement, dark cells, and separate treatment. The dark cell in Fremantle gaol was so little used that it was almost forgotten. The solitary confinement cell was one that had sufficient light and air to comply with ordinary conditions, and the medical officer of the gaol saw that no harm was done. In the solitary cell men were put on bread and water, not because they had committed what might be termed a minor offence, but for breaches of discipline, and if we did not have discipline respected in such an institution it would be no use trying to control prisoners at all—it would be well to open the doors and let the prisoners go out. When he (Mr. Wallace) visited the Fremantle gaol there was a young man whom he had known some years ago, in the solitary confinement yard. That man struck one of the other prisoners; he was brought before a visiting justice and sentenced; immediately he turned round and assaulted the warder in such a manner that another warder had to assist him to escort the man to his cell. When the prisoner arrived at the cell door he attacked the other warder and gave him a beating. One supposed the member for Mount Margaret would say that that man should not be put in a solitary cell, but should be turned out of the prison altogether, being too unruly to be kept in gaol. The hon. member had stated that he had known cases in which men had been kept on separate treatment for nine months, and he inferred that the solitary cells were in total darkness. In separate treatment a man was not confined in a cell all the time; he was allowed in a yard where he could not come in contact with other prisoners. Officers were stationed in different parts of the yard, so as not to allow the prisoners to converse one with another. The greatest punishment the prisoners endured was not to be allowed to talk to one another. These prisoners were exercised in the morning and afternoon. If the amount of solitary confinement was reduced from seven days to three, it would not have the effect that was desired. The justices were men who dealt out justice in accordance with the extent of the crime; but if men in these institutions knew that by committing offences only a moderate punishment

could be given them, it would not act as a deterrent. Prisons were not places of ease or luxury. The member for Mount Margaret had recently had an interview with two men who had "served time," and these men complained of certain discomforts which they had been subjected to in the institution. Had these men not committed some crime or misconducted themselves, the country would not have allowed them to be treated in the way stated. If men who committed breaches of the law were allowed to go unpunished, the sooner we abolished the gaols the better for the country. He would support the clause, and he asked the Minister to give a denial to the false statements made by the member for Mount Margaret in respect to the treatment of prisoners.

MR. TAYLOR: The hon. member had accused him of making statements about atrocities on the part of officials in the prison department. That was absolutely without foundation. He had made a statement in regard to two prisoners, which statement was absolutely correct. One case was being inquired into now by the Colonial Secretary. He had made no capital out of it, and had he made the statement as it was given to him, the hon. member would have had ground for taking objection to it. He resented any harsh or cruel treatment, and we should remove the power from the visiting justices of giving seven days' dark cells on bread and water.

THE MINISTER FOR WORKS: There was no such provision in the Bill.

MR. TAYLOR: There was no provision made for dark cells other than solitary confinement; but solitary confinement in every State in the Commonwealth carried with it dark cells. Seven days were too long a time. In the Eastern States "solitary confinement" meant dark cells; "separate treatment" meant light cells. Were there no dark cells in the State? The Bill contained provisions for punishments always imposed in connection with confinement in dark cells.

THE MINISTER FOR WORKS: One could not have imagined that this admittedly good measure would arouse so much discussion. If the preceding speaker alleged that prisoners were treated harshly in this State, he (the Minister) denied the statement. The treatment of prisoners was humane to the fullest extent possible. He had promised that the word "solitary" should be taken out and "separate" inserted in lieu; and a separate cell did not mean a dark cell.

Amendment put and negatived.

MR. BATH moved that Subclause 2 be struck out. It was wrong, as a punishment for minor offences, to forfeit remissions of sentences. We could not prevent some prison officials provoking insubordination, or the frivolous offences known as "minor."

MR. HIGHAM: The amendment would, by abolishing minor punishments, compel the justices to inflict punishments more severe. The justice might give seven days' solitary confinement instead of three.

THE MINISTER FOR WORKS opposed the amendment. Though this power might rarely be exercised, it would be useful as a deterrent. The power was not given to warders; and even if it were he would not be afraid of its being abused. The power was in the visiting justices, who might, in addition to the punishment mentioned in Subclause 1, forfeit remissions of sentence. With the two powers the justice might inflict one day's separate confinement and a forfeiture of seven days' remission; whereas if Subclause 2 were struck out, he might give seven days' separate confinement.

MR. BATH: In spite of members' remarks as to the great humanity of prison treatment we must guard against possibilities. The history of prisons and lunatic asylums showed how easily visitors had been deceived. When close inquiry was made, it was found that the fair-seeming exterior covered the most barbarous abuses. These were not merely matters of ancient history, for similar exposures had recently been made in the Eastern States and in America within the last 20 years. The watchful attention of those who believed that prison treatment should be reformatory rather than punitive was needed to prevent the recurrence of such scandals.

MR. DAGLISH supported the subclause. Why should the last speaker indulge in heroics because for a prison offence it was proposed that a certain remission of sentence should be forfeited?

The prison barbarities of a century ago did not affect this question. He had been surprised at the lack of discipline in Fremantle prison; and an important feature of prison reform was that rigid discipline should be maintained. It was essential that prisoners should recognise the need for obedience to lawful orders; and this could best be achieved by depriving them of some portion of their remissions, as well as punishing them otherwise. Some of the "minor" offences seemed serious, and the punishments were by no means too severe. The main question was one of administration rather than of law; and if we could get good officers, these clauses would enable them to do good work.

Amendment negatived, and the clause passed.

Clause 35—agreed to.

Clause 36—Punishment for aggravated prison offences:

Mr. BATH moved that Subclause 1 be struck out. Solitary confinement as practised in the Eastern States was a barbarous mode of punishment, which filled the lunatic asylums. Solitary confinement had neither a deterring nor reforming effect, and such a provision should be struck out from any enlightened measure.

The MINISTER FOR WORKS: The sentence, as provided in Clause 1, could only be inflicted after an inquiry by a police magistrate or two justices of the peace, and only for very aggravated offences such as mutiny or violent assault upon a warder or fellow-prisoner. It was absolutely necessary to meet aggravated offences of that kind, proved against the prisoner after due inquiry, that there should be some ample punishment to act as a deterrent.

Mr. Bath: Would it be a deterrent to send them to lunatic asylums?

The MINISTER FOR WORKS: The hon. member had already been assured that the word "solitary" would be altered to "separate." By no stretch of imagination could separate confinement be taken to mean that a prisoner would go mad or be brutally treated. The cell for separate confinement would be amply ventilated, well lighted, and would have plenty of room for proper exercise.

Mr. Bath: That assurance was quite sufficient.

The MINISTER FOR WORKS: The hon. member could again have the assurance. Seeing the magnitude of the offence for which this punishment could be inflicted, the Committee should hold that the penalty was not too severe.

Mr. JACOBY: Did the Minister suggest that the alteration of the word "solitary" to "separate" would practically abolish dark cells as a part of prison discipline?

The Minister for Works: Yes.

Mr. JACOBY: That was not altogether wise.

Mr. Taylor: The hon. gentleman should not go back to barbarous customs.

Mr. JACOBY: In some prisons there were hardened criminals of the very worst type, and it was necessary to have these cells to maintain discipline. There had been cases of men beyond all possible control whatever, and before the Minister took the step he proposed there should be farther inquiry. In regard to the Sunday-school speeches of the member for Hannans, if that gentleman were to attempt to put his ideas into practice in a gaol, he would be a dead man in a short time. At any rate he would be of no use in a prison. It was necessary for a small body of men, such as the warders were, that an iron discipline should be maintained.

Mr. Bath: Nobody disputed that.

Mr. JACOBY: No matter what the Act might be, the practical success of carrying it out depended upon the administration and efficiency of the warders. The hon. member was too much inclined to lay stress upon putting in a word here and taking one out there, and not depend upon the efficiency of administration. The efficiency of the warders was depended on, not only for the carrying out of the regulations, but for the maintenance of a gaol in a state of efficient discipline. It was impossible to avoid occasional cases of hardship and injustice, but it was absolutely necessary that warders should have ample power to maintain discipline. The hon. member must have confidence in the men administering the regulations, and must not try to curb their proper work by cutting down and reducing their power as he intended to do.

MR. BATH: What the hon. member wanted to-day was what they did in the old days.

MR. JACOBY: The hon. member for Hannans could not really lay claim to be more humane or generous than any other member in the House. We had to see that proper power was given to those administering the Act to maintain discipline, the only possible way in which a very serious outbreak might be prevented. The safeguards in the Bill were quite sufficient. The hon. member would not trust the officers of the prison nor the visiting justices.

MR. BATH denied having said that.

On motion by the MINISTER FOR WORKS, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·25 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 6th October, 1903.

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THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

ROYAL PORTRAITS.

THE PRESIDENT: Members would bear in mind that on the 23rd January last year he reported to the House that he had received a letter from the Secretary of State for the Colonies to the then Governor, Sir Arthur Lawley, informing us that portraits of their Majesties the King and Queen had been presented to the Legislative Council. The portrait of His Majesty the King had now arrived, and was on the wall of the Chamber; but in regard to recording our thanks, it would be better to wait until we received also the portrait of Her Majesty the Queen, and then we could pass a vote of thanks from this House to their Majesties for the portraits. As he had mentioned, the portrait of the Queen would follow shortly. In the meantime the portrait of the King could remain on the wall of the Chamber, and he was sure all hoped that His Majesty would long live to reign over this Empire.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Plans of proposed Hospital for the Insane at Claremont. 2, Western Australian Government Railways—Alterations to classification and Rate Book. 3, Roads Act, 1902—By-laws of the Nelson Roads Board. 4, Public Works Department—(*a*) Reports on the Water Supply of Perth, including the townships between Midland Junction and Fremantle. (*b*) Reports on the Sewerage of Perth and its environs. 5, The Life Assurance Companies Act, 1899—Returns under Section 60.

Ordered, to lie on the table.

QUESTION—POSTCARDS ILLUSTRATED.

HON. S. J. HAYNES, for Mr. Piesse, asked the Colonial Secretary: 1, If the Government is aware that it is the intention of the Deputy Postmaster General to shortly issue illustrated postcards for this State. 2, If so, will the Government take steps to have agricultural views prominently represented in connection with such issue?

THE PRESIDENT: This question seemed to deal with a matter over which the State had no control, being a federal matter.

THE COLONIAL SECRETARY said he had no objection to furnish replies. Replying to 1 and 2, the question had been referred to the Federal Government, and on receipt of a reply the information would be transmitted to the hon. member.