

accord with the statement made by some hon. members.

Hon. P. Collier: The file as a whole is not a credit to the police.

The ATTORNEY GENERAL: I picked this up at random. Let me read the minute of the Commissioner of Police on the subject, which shows the way in which the police are instructed to act. I think the public will be glad to know that the police acted in this very straightforward manner. In his minute to the Colonial Secretary the Commissioner of Police says—

The facts of this case are fully reported in the accompanying papers. Probationary detective Cowie's error was brought to my notice by Inspector Mann, almost immediately after the police court hearing, and I instructed the Crown Law officers at once with a view to a *nole prosequi* being entered, it being the bounden duty of the police to give the benefit of a doubt to an accused person, no matter how strong a *prima facie* case may be. Detective Cowie acted in a perfectly straightforward manner. He admitted his error at once, made no attempt to shield himself, and it would be a sorry day for the administration of justice if a subordinate officer were punished for so doing, for most assuredly such a course would encourage untruthfulness and deceit. I cannot do better than quote from an address to police constables on their duties by the late Lord Brampton, better known as Sir Henry Hawkins, one of His Majesty's judges. It reads as follows:—
"Resolve, then, on every occasion to tell the plain, unbiassed, unvarnished truth in all things, even though it may for a moment expose you to censure or mortification, or defeat the object or expectations of those by whom you are called as a witness. Depend upon it, such censure or mortification will be nothing as compared to the character you will earn for yourself as a truthful, reliable man, whose word can always be implicitly depended upon, and the very mortification you endure will be a useful warning to you to avoid in future the error you have candidly confessed." This advice is impressed upon members of the force from the day they enter the service, and I submit that while the police follow such advice no fault can be found with their veracity. Mistakes will happen in all departments, no matter how highly organised they may be. Policemen are only human, and neither their position in life, nor the remuneration they receive for the services they render to the State, is a guarantee that they should be men of extraordinary ability.

It is only fair to the police force of the country that that which I have read should be made public. I rather think that the member for Kanowna imagines he is the only person who takes cognizance of that which is going on in the world in the matter of research, regarding the treatment of criminals. Most people nowadays are familiar with the modern authorities, and most people who hold responsible positions are always willing to avail themselves of modern re-

search. There is no establishment we have in Western Australia that is more amenable than the prisons establishment to improvement in its regime, as it may be pointed out. There is nothing new in the remark of the hon. member that we should segregate those who are mentally deficient. I have urged that from the first day that I entered the political arena and others have done likewise. I, therefore, object to the member for Kanowna arrogating to himself the right to say that he is the only social reformer in the country. If by the eloquent address he gave to the House he can stimulate hon. members into a study of the social conditions of those, who may be called submerged, then he will have done good work. The Colonial Secretary, who is the Minister in charge of prisons, like myself, would be glad to see the day—and have the money—when we could establish segregated farms in the country for these people, under the blue skies, and surrounded by the green trees and the growing crops, referred to by the member for Boulder, where persons who are mentally deficient, or are morally insane, may be treated humanely for their own benefit and certainly for the benefit of the rest of the community.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Progress reported.

House adjourned at 4.42 p.m.

Legislative Council,

Tuesday, 24th September, 1918.

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

ADDRESS-IN-REPLY — PRESENTATION.

The PRESIDENT: I have presented the address of hon. members of this Chamber to His Excellency the Governor, and he has been pleased to send the following reply:—

Mr. President and hon. members of the Legislative Council,—In the name and on behalf of His Most Gracious Majesty the King, I thank you for your Address. (Signed) William Ellison-Macartney, Governor.

[For "Papers Presented" see "Minutes of Proceedings."]]

MOTION—FRUIT CANNING INDUSTRY, LOAN.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.35]: I move—

That the two reports of the Auditor General on (1) the circumstances attending the loan of £5,000 by the Government to the fruit canning industry, and (2) the position and prospects of the venture, be printed. I am in some little difficulty over this matter, but I hope to be extricated from that difficulty by hon. members. When I placed this notice of motion on the Notice Paper, firstly the Honorary Minister (Hon. C. F. Baxter) was here, and secondly no developments had taken place in connection with the jam factory. I need not weary hon. members by relating what has occurred during the last fortnight or three weeks) because doubtless they have seen the developments reported from day to day in the Press. I can clearly indicate my object in moving the motion. It is that hon. members may have before them in an accessible form part of the evidence which I desire they should have in connection with the performances of the Honorary Minister (Hon. C. F. Baxter). The only possible objection I can see to the carrying of the motion is on the score of expense. However, on looking at our Minutes of Proceedings I may say, roughly, that the reports would not occupy more than a couple of equivalent pages. Therefore, the expense may be regarded as trifling. The amount involved in this jam factory affair is at least £10,000; that is, £5,000 of public money and £5,000 of subscribed money. Therefore, I do not think anyone will say that the few shillings of expense entailed by the printing of these two reports is excessive. If the leader of the House will give me any intimation that he wishes this motion adjourned or postponed—

The Colonial Secretary: No.

Hon. A. SANDERSON: In that case, the Minister can take it almost as a formal motion. Accepting the hon. gentleman's assurance, I will not detain the House. I regret the Honorary Minister is not present; but, as we know, he is engaged on public business elsewhere. If we obtain these reports, which I think will interest hon. members, it will be convenient to deal with the matter later, after the Honorary Minister has returned.

Hon. J. EWING (South-West) [4.38]: I second the motion.

Question put and passed.

MOTION—VERMIN BILL.

Restoration of Measure.

Message received from the Assembly, requesting the Council to resume the consideration of the Vermin Bill, which had lapsed in the previous session owing to the prorogation of Parliament.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.39]: In pursuance of the request contained in the Assembly's Message, I move—

That the Vermin Bill which lapsed last session by reason of the prorogation of Par-

liament before reaching its final stage in this House be restored to the Notice Paper, and that the adjourned debate on the second reading thereof be made an Order of the Day for the next sitting of the House.

Hon. W. KINGSMILL (Metropolitan) [4.40]: I second the motion, but at the same time I would like a little information as to the Minister's intentions regarding the procedure on this Bill. When the Standing Order in question was framed in, I think, 1908—and on my motion, I am glad to say—it was contemplated that the word "stage" should mean that any stage which had been only partially completed would be gone on with *ab initio*, because we cannot take a matter at a half stage. For the benefit of hon. members—and since the Vermin Bill was originally introduced, new members have entered this House for reasons other than the periodical elections—it would be as well if the leader of the House went on with the Bill by starting at the second reading over again; that is, that the Bill be re-introduced for its second reading. The second reading speech would be made either by the Colonial Secretary or by the Honorary Minister, and the debate would then proceed. I take it we cannot possibly cut a stage into two.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East—in reply) [4.41]: I agree with Mr. Kingsmill. It may be remembered that when this matter cropped up just before the last session closed, I formally moved the second reading of the Bill, without speaking. An hon. member seconded the motion for the second reading, and thereupon the debate was adjourned. I intimated at the time that if this course was adopted the Honorary Minister, in whose charge the Bill is, would upon its being restored to the Notice Paper move the second reading. That is the course which it is now proposed to follow.

Hon. W. Kingsmill: I think it would be necessary to strike out of the motion the words "adjourned debate on the."

The PRESIDENT: I will amend the motion accordingly.

Question, as amended, put and passed.

NAVIGATION BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.43] in moving the second reading said: This is a brief Bill intended to supply an omission from the existing Navigation Act. Before moving the second reading I desire to draw the attention of hon. members to the memorandum appearing in front of the Bill. It was noticed by the Attorney General last year, when he had occasion to refer to certain Bills which had been presented to the British House of Commons, that it was a frequent practice there to place in the front of a Bill a brief memorandum setting out its purposes; and it occurred to the Attorney General that it would be highly convenient to hon. members if this practice were generally adopted in connection with Bills presented to this State Parliament.

Hon. W. Kingsmill: Hear, hear!

The COLONIAL SECRETARY: The advantages of it are many, the principal one being that in the event of an hon. member not being present during the second reading speech it will merely be necessary for him to read the memorandum in order to understand at least the leading principles of the measure. Such a memorandum will be of special value in the case of amending Bills, because without some information of the kind an amending Bill is often almost unintelligible to the lay mind, while even the professional man may require to consult the existing statute before being quite sure of what the amending Bill means. By this simple practice it is thought that it will be quite competent for hon. members, even though they have not heard the second reading speech, to secure a good idea of what a Bill contains. This proposed Bill, although of considerable importance, is of such a purely formal character that it is not necessary for me to do more than quote from the memorandum put up by the Crown Law authorities. By the amendment proposed in the Bill, it is intended to bring the Western Australian law touching the suspension of masters, or mates, or engineers' certificates into harmony with the Merchant Shipping Act. Section 25 of the Navigation Act, 1904, creates courts of marine inquiry and empowers them to investigate and adjudicate in respect of wrecks and shipping casualties. This section is enacted under Section 478 of the Imperial Merchant Shipping Act, 1894, which provides that colonial courts created under it shall have power to cancel or suspend certificates, and shall exercise such power in the same manner as a court holding a similar inquiry in the United Kingdom. Section 470 of the Merchant Shipping Act provides, with reference to courts in the United Kingdom, that a certificate shall not be cancelled or suspended unless a copy of the report or a statement of the case on which the investigation or inquiry has been ordered, has been furnished to the holder of the certificate. In England, a preliminary inquiry is held, and a copy of the report made thereon can be furnished to the person concerned, pursuant to Section 470. If we had similar provisions for the holding of preliminary inquiries and the making of reports, Section 470 could be followed here. No such provisions, however, exist in our Act, and it is to supply this deficiency that the present amending Bill is introduced. I move—

That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.48]: One aspect of this has occurred to me, namely, what are the respective positions of the State Government and the Federal Government in regard to these matters? Is there any overlapping? The Minister shakes his head. Then I am to understand that there is no overlapping at all, and that this aspect of the question has been considered. I think it is of some little importance that we should know. This memorandum is likely to be a very useful form, and I think it would further assist hon. members if, in it, reference were made to Federal legislation, if any, to enable hon. members to look into that aspect

of the question, which is becoming of increasing importance. I merely make that suggestion.

The Colonial Secretary: Move the adjournment.

Hon. A. SANDERSON: I do not wish to delay matters. Someone else can do that if they think it worth while.

On motion by Hon. W. Kingsmill debate adjourned.

STANDING ORDERS AMENDMENT— CONTROL OF PAPERS.

Committee's report.

Hon. W. KINGSMILL (Metropolitan) [4.50]: I move—

That the report of the Standing Orders Committee re the custody of papers laid on the Table of Parliament be adopted. The adoption of this report, I need hardly say, means the adoption of the proposed Standing Orders set out in the report of the committee now before hon. members. I may be allowed to hope that the House will treat the matter as being almost formal. On that presupposed understanding, I propose to confine myself to very few remarks indeed. According to the report, the necessary inquiries having been made, it is proposed to strike out Chapter VI. of our present Standing Orders, which hon. members will find on page 13. of the copies of Standing Orders laid before them. That chapter consists at present of only one section. It is proposed to strike it out with a view of inserting in lieu thereof more complete Standing Orders providing for the efficient custody and supervision of papers of any value laid on the Table of Parliament. Unfortunately, as hon. members know, there has been some hitch in those arrangements in the past. Papers have disappeared from this Table and have been seen in public places in the City, where they had no right to be, and they have, I understand, failed to reappear at their proper destination. In these circumstances, we must do our best to see that no blame attaches to Parliament for the loss or mutilation of any of those papers. Taking into consideration this aspect of the case, one of our committees, I forget whether it was the Standing Orders Committee or the House Committee, or both, have ventured to place under the Table of the House a receptacle for those papers. If these proposed Standing Orders are adopted it will be obligatory on the officials of the House to see that those documents and departmental files which have been placed on the Table shall be, as soon as the House rises, committed to that receptacle, which shall be locked, and the key left with a responsible officer. When the House meets again, immediately before the assembling of the House, it will be the duty of those officials to produce the papers from the receptacle and lay them on the Table. It is hoped that by these means any recurrence of the unfortunate events of the past shall be prevented. I think the proposed Standing Orders are such as we should expect to find where the custody of important papers is concerned. I remind hon. members that the adoption of the report will mean the adoption

and the inclusion in our Standing Orders of the draft Standing Orders which hon. members will find included in the committee's report.
Question put and passed.

ADJOURNMENT—SPECIAL.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.54]: I move—

That the House at its rising adjourn till Tuesday next.

Question put and passed.

House adjourned at 4.55 p.m.

Legislative Assembly,

Tuesday, 24th September, 1918.

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

[For "Questions on Notice" and "Papers Presented" see "Votes and Proceedings."]

ADDRESS-IN-REPLY—PRESENTATION.

Mr. SPEAKER: I have to inform hon. members that I presented the Address agreed to by the House in reply to His Excellency's Speech on opening Parliament and His Excellency has been pleased to reply in the following terms:—Mr. Speaker and Gentlemen of the Legislative Assembly: In the name and on behalf of His Most Gracious Majesty the King, I. thank you for your Address. (Signed) William Ellison-Macartney, Governor.

QUESTION—SHEEP FARMING AT DALWALLINU.

Mr. JOHNSTON (without notice) asked the Colonial Treasurer: In view of the great interest the hon. gentleman takes in the progress of the Dalwallinu district, which is an important part of the Irwin electorate, can he say how many sheep-owners and how many sheep there are at and around Dalwallinu?

The COLONIAL TREASURER replied: There is a fine lot of grass around Dalwallinu, but unfortunately there are not many sheep. So far as I could ascertain when I was there last Friday there were only two residents in the immediate vicinity who kept sheep. I think the total is something over 2,000.

BILL—INTERPRETATION.

Report of Committee adopted.

BILL—CRIMINAL CODE ACT AMENDMENT.

In Committee.

Resumed from the 19th September; Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

Clause 2—agreed to.

Clause 3—Amendment of Section 19:

Hon. P. COLLIER: Has a court or a judge any power to-day to commit children under the age of 18 to an industrial school? Are the courts not compelled to discharge such children altogether, or to commit them to an ordinary prison?

The ATTORNEY GENERAL: Under the State Children Act there is a power, but none under the Code. The Chief Justice last year had two youthful offenders before him, and he said he lacked the power to send them to a reformatory prison or school. He, therefore, discharged them on their own recognisances.

Hon. W. C. ANGWIN: How are children under 18 brought before the Criminal Court? I understand that such children are provided for under the State Children Act, and that any child under 18 can be charged before the Children's Court and before that court only.

Hon. P. COLLIER: If the offence was a serious one, I take it that the Children's Court would not be in a position to deal with it?

The Attorney General: I think not.

Hon. T. WALKER: We specially provided the Children's Court for the trial of all offences committed by children. Now we are going to provide machinery for sending up children of any age to the Criminal Court.

The Attorney General: I see that under the State Children Act the age is 18.

Hon. T. WALKER: This procedure may be the means of branding as criminals for the rest of their lives children of tender years. Even in serious charges some consideration should be shown to children. I am entirely opposed to placing these cases straight into the hands of the police.

The Attorney General: This section is to avoid all that.

Hon. T. WALKER: It passes by the Children's Court, where we have some secrecy.

Mr. Munsie: We are supposed to have it.

Hon. T. WALKER: That certainly was the object of the State Children Act. This Children's Court at all events is less public and less severe upon youthful criminals than would be the case if the charges against them were heard at the Criminal Court. Even the oldest criminal law we have gives some mercy to children. Without repealing the State Children Act we are now attempting to override it, and give the police an opportunity of entirely ignoring it. This clause will have the effect of making the State Children Act a dead letter, and the severity of our criminal law more emphatic.

The ATTORNEY GENERAL: The State Children's Court has not jurisdiction to bear cases under the existing law in respect to certain offences. Children under the age of 18 years may be sent on to take their trial and there are two courses to follow, either to send them to gaol or release them. This clause amends Section 19 of the Code which sets out