

ing the forests from bush fires shall rest on the Forestry Department as against the public. There are other minor points which have been illustrated by the member for Forrest, and the question of the control by the Conservator which I trust will be met in some way when dealing with the Bill in Committee.

On motion by Mr. Nairn debate adjourned.

House adjourned at 10.16 p.m.

Legislative Council,

Tuesday, 1st October, 1918.

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

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

SWEARING-IN.

The Hon. James Cornell, who was not present when members were sworn in after the biennial elections, took and subscribed the oath and signed the roll.

BILLS (3)—FIRST READING.

- (1.) State Children Act Amendment.
Introduced by the Colonial Secretary.
- (2.) Interpretation.
- (3.) Preston Road District Soldiers' Memorial.

Received from the Assembly.

BILL—NAVIGATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 24th September.

Hon. W. KINGSMILL (Metropolitan) [4.40]: At the last sitting I moved the adjournment of the debate on this Bill in order to satisfy myself about a point which arose as to what extent the administration of the Navigation Act had been taken over by the Federal Parliament, and to what extent it was still within the jurisdiction of the State. I do not know whether I am right in supposing that whereas the direct control of navigation does lie within the purview of the Federal authorities, a court of inquiry into maritime disasters is a matter for the State to deal with. If that explanation is right, I presume the Bill is quite in order, but may I suggest, so as to avoid any little misunderstanding which may arise in this connection, that the title of those Bills which deal purely with inquiries into maritime disasters and

which are still under State control, should be altered to such an extent that people would not be misled by the difference in this jurisdiction. I await with interest the explanation of the Colonial Secretary, who I understand has looked into this point, and who will no doubt be able to give a perfectly satisfactory explanation to the House when he replies to the debate. I support the Bill which I think is a very necessary, and a very admirable one, and which I understand has been introduced with the object of placing the maritime legislation on a uniform basis.

Hon. A. SANDERSON (Metropolitan-Suburban [4.58]): I too, await with interest the remarks of the leader of the House on this Bill. I should have thought it a singularly unfortunate time—

The Colonial Secretary: Has not the hon. member spoken already?

The PRESIDENT: Has the hon. member spoken before on this Bill?

Hon. A. SANDERSON: Not to the best of my recollection.

The PRESIDENT: I have no note of the fact.

Hon. A. SANDERSON: I believe such a thing has been done, but I hope I shall never be guilty of adopting such a procedure.

The PRESIDENT: I understand then that the hon. member has not spoken before on this Bill?

Hon. A. SANDERSON: To the best of my recollection I have not. I do not like to be too positive on anything. I have no record of having spoken on this Bill.

The PRESIDENT: Then the hon. member may proceed.

Hon. A. SANDERSON: I will not detain hon. members more than a few minutes. It seems to me a matter of importance that we should know at a time like this, when unquestionably the Federal Government have taken control of this matter, who is to inquire into any shipping disaster which may occur off our coast. It would possibly mean the Imperial Government or the Commonwealth Government. I hope the leader of the House has been able to fortify himself with official information. To communicate with Melbourne, especially when the railway strike is on, is not easy; therefore, some of the information I hoped to obtain I have not been able to obtain and put before this Chamber. The memorandum which appears here—

The PRESIDENT: I must ask the hon. member to make his remarks brief, because I have just heard that he has spoken before on the question.

Hon. A. SANDERSON: I do not wish to trespass. If I have been guilty of speaking again it is through sheer inadvertence.

The PRESIDENT: I am assured by "Hansard" that this is so.

Hon. A. SANDERSON: I accept that assurance.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East—in reply) [4.47]: My impression that the hon. member had already spoken arose from the fact—

The PRESIDENT: I heard this from "Hansard."

The COLONIAL SECRETARY: That I took notes of the points raised by the hon. member and had them submitted to the authorities concerned.

Hon. A. Sanderson: I can only express my deep regret.

The COLONIAL SECRETARY: Perhaps I should apologise for not having been able to put the House right when the question arose. It was a point which had not occurred to me, and I therefore had not discussed it. The Royal assent to the Commonwealth's Navigation Act has been proclaimed but the Act is not yet in operation. It does not commence until a date to be fixed by a subsequent proclamation. Until the Commonwealth Act is brought into force the State legislation is all that we have to go on.

Hon. J. Nicholson: It is supreme.

The COLONIAL SECRETARY: There is nothing else. These amendments have been proved to be very necessary, especially in a case like that connected with the inquiry regarding the schooner "Geraldton" when the powers of the Chief Harbour Master and the procedure adopted at that inquiry were questioned. It was recognised that serious difficulty might arise unless our Act was brought into order. So far as the Crown Law authorities are able to advise me there is no inconsistency between our Act, as it will be amended by this Bill, and the Commonwealth Act when it is proclaimed. If there should be any inconsistency I do not know that it would be a matter of any importance, because directly the Commonwealth Act is proclaimed it becomes supreme. I have no doubt that practically the whole of our legislation on this particular matter will pass into disuse when the Commonwealth Act is proclaimed and comes into force. At present the only legislation we can proceed under in these inquiries is our own local legislation, and this Bill is intended to correct a flaw which exists.

Hon. Sir E. H. Wittenoom: Is this Bill inconsistent with the Commonwealth Act?

The COLONIAL SECRETARY: So far as I know it is quite consistent with the Commonwealth Act, but should it be inconsistent it does not matter, because directly the Commonwealth Act is proclaimed it takes precedence.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 4.51 p.m.

Legislative Assembly,

Tuesday, 1st October, 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."]

BILL—DENTISTS.

Introduced by the Attorney General and read a first time.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Resumed from the 26th September; Mr. Stubbs in the Chair, the Attorney General in charge of the Bill.

Postponed Clause 26—Insertion of new section after Section 660:

The ATTORNEY GENERAL: Consideration of this clause formed the subject matter of debate at the last sitting. Suggestion were made by the leader of the Opposition and, I think, by the member for Perth, that proposed Section 662 should be limited in its applications; that is to say, instead of general power being given to impose indeterminate sentences, such sentences should be limited to a term of years. There are two or three things I would like to point out in respect of it. First of all, it has been the law in Victoria for a number of years. It was re-enacted in 1915 and it had been the law in that State prior to that date. In the annual report for 1913, of the Indeterminate Sentences Board of Victoria, we find the following:—

During the five years the Act has been in operation 157 prisoners have been admitted under indeterminate sentence to the three reformatory prisons, and 53 of the number have been released on probation on the board's recommendation. In the past year there was a considerable increase in the number of youthful offenders committed to the Castlemaine reformatory prison, and the prison statistics reveal a large increase in the number of youths sentenced to imprisonment in the ordinary gaols during 1912. Quite recently His Honour Judge Johnston is reported to have said, "that so many cases requiring treatment in reformatory prisons came before him that the necessity for improving the system was imperative." There can be little doubt that if there were some better provision than is afforded at the Castlemaine prison for dealing with youthful delinquents on sound reformatory principles the courts would more readily apply the indeterminate sentence to this class, and the board is persuaded, even under present conditions, that it is far preferable to place youth under an indeterminate sentence than to commit him for a definite term.

Then, in the report for 1915, I find this—
In no other Australian State where the indeterminate sentence has been adopted ha