Mr. TROY: The Perth tramways are not controlled by the local authority, which is not interested in refusing licenses. It has no responsibility in the matter and would be entitled to grant licenses without end. We can have too many people living on an occupation in which they cannot obtain a reasonable livelihood. We have only to instance the number of motor cars in Perth and suburbs waiting to be hired. In order to live these drivers have to charge more than reasonable rates, and can combine together to see that this charge is imposed. With all the possibilities of abuse, the local authorities can be trusted and should be trusted.

Mr. PICKERING: Latterly the Perth tramways could not be kept up to the desired standard of efficiency because of the war.

Mr. Smith: They were the same before the war.

Hon. W. C. Angwin: They were only taken over just before the war.

Mr. PICKERING: This clause might provide for an appeal to the Minister. That would do away with the necessity for an appeal to a court of law.

Mr. DAVIES: I support the clause as it stands, because we should not rob the local authorities of all their powers in a matter of this nature. For the sake of comparison, I may point out that the Health Act gives a local board of health the right to determine whether or not a trade shall be commenced in its district. For example, the establishment of the Mt. Lyell works at North Fremantle and of the Cuming, Smith works at Guildford was at the discretion of the local boards of health; and these are works employing hundreds of men.

The CHAIRMAN: I would ask the hon. member not to continue on that line of argument unless he proposes to show what powers local boards of health have in the licensing of vehicles.

Mr. DAVIES: As regards the creation of monopolies, I consider it is well sometimes not to grant too many licenses in a district.

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

Ayes	12
Noes	17
Majority against	5

AYES.

Mr. Angelo	Mr. Piesse
Mr. Duff	Mr. Smith
Mr. Durack	Mr. Thomson
Mr. Johnston	Mr. Underwood
Mr. Money	Mr. Wilson
Mr. Nairn	Mr. Brown. (*Teller.*)

NOES.

Mr. Angwin	Mr. Jones
Mr. Chesson	Mr. Mitchell
Mr. Davies	Mr. Munsie
Mr. Draper	Mr. O'Loghlen
Mr. George	Mr. Pickering
Mr. Green	Mr. Rocke
Mr. Griffiths	Mr. Troy
Mr. Harrison	Mr. Hardwick
Mr. Hickmott	(*Teller.*)

Amendment thus negatived.

Clause put and passed.

[The Speaker resumed the Chair.]

Progress reported.

House adjourned at 10.26 p.m.

Legislative Council,

Tuesday, 9th September, 1919.

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

ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT: I have to inform the House that in company with the mover and the seconder of the Address-in-reply, I waited this morning on His Excellency the Governor and presented to him the Address-in-reply. His Excellency has been pleased to forward the following reply to the Address:—

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.

MESSAGE—ASSENT TO SUPPLY BILL.

Message from the Governor received and read assenting to Supply Bill (No. 1) £1,561,000.

QUESTION—TORBAY-GRASSMERE DRAINAGE.

Hon. H. STEWART asked the Minister for Education with reference to the Torbay-Grassmere Drainage Scheme—1, When were the floodgates at Torbay Inlet passed as complete? 2, When were the drains of the system passed as complete?

The MINISTER FOR EDUCATION replied: 1, May, 1913. 2, May, 1913.

QUESTION—TRADING CONCERNS, SAWMILLS AND IMPLEMENT WORKS.

Hon. J. CORNELL asked the Minister for Education: 1, Has a nett profit been shown by the State Sawmills, after allowing for all legitimate charges, from the date of their inception until the 30th June, 1919? If so, what is the amount? 2, What is the approximate nett loss, after allowing for all legitimate charges, on the State Implement Works, from the date of their inception to the 30th June, 1919?

The MINISTER FOR EDUCATION replied: 1, Yes, £21,638 3s. 11d. 2, (a) On the old capital to the 30th June, 1917, and revised capital from 1st July, 1917, to the 30th June, 1919—£100,046. (b) If the old capital account had not been revised, £118,000.

QUESTION—INFLUENZA AND INOCULATION.

Hon. J. W. KIRWAN asked the Minister for Education: 1, How many deaths have been reported from influenza in the State since the recent outbreak? 2, How many of these cases had been inoculated? 3, Can the Medical Department, as the result of recent experiences, give any idea as to the value of inoculation?

The MINISTER FOR EDUCATION replied: 1, 299 deaths. 2, Returns are at present incomplete, especially in respect of country outbreaks. The inoculation history is available in respect of 107 cases which have died in Metropolitan hospitals. Of these, 84 had never been inoculated. Of the remainer—two had been inoculated within one month of the onset of illness. Five had been inoculated within two months of the onset of illness. Five had been inoculated within three months of the onset of illness. Four had been inoculated within six months of the onset of illness. Seven had been inoculated more than 6 months before the onset of illness. 3, Until the inoculation history of those who have recovered from the disease has been obtained (and this cannot be obtained at the present moment) the above figures are no index as to the influence of inoculation upon mortality, but the Public Health Department is inclined to think that it will be found that inoculation has a distinct value in preventing the more severe complications, which lead to a fatal result, but particularly where the inoculation is repeated at intervals of about one month.

QUESTION—VENEREAL DISEASE PATIENTS.

Hon. J. E. DODD asked the Minister for Education: 1, How many females have been notified, otherwise than through a private physician, that they must be medically examined? 2, How many were found to be diseased? 3, Were they subjected to clinical or bacteriological examination? 4, In how many cases has it been found necessary for the Commissioner to issue instructions calling upon females to report themselves for examination to their own doctor or otherwise? 5, How many patients have been fined under the Act—(a) number of men; (b) number of women; (c) their ages; (d) with what result? 6, What stage had the disease reached when the average patients presented themselves at the free clinics for treatment? 7, How many female patients after having been discharged have returned for further treatment at the free clinics? 8, What is the average of female patients attending free clinics? 9, How many girls under 18 years have been treated in the State? 10, How many infected female patients have been sent to a reformatory or prison? 11, How many prisoners (male and female) have reported themselves to the department within three days of leaving prison as suffering from venereal disease? 12, How many certificates of cure have been issued to females? 13, How many certificates of "Freedom from infection" have been issued to females?

The MINISTER FOR EDUCATION replied: 1, Presuming that the question refers to the operations of Section 242j of "The Health Act, 1911-18," the answer is 32. 2, 23. 3, Except in four cases where the females concerned were lost sight of, and one other case, which is still being dealt with, all the persons concerned have been subject to clinical examination, and where necessary to bacteriological tests. 4, This is practically a repetition of Question 1. 5, (a) three; (b) none; (c) 24, 19, and 27 years respectively; (d) Minimum fine, plus court fees, in each case. 6, No definite information is available upon this point except in the case of syphilis, where the stages of the disease are differentiated upon the notification form; the statistics show that approximately half the women treated for syphilis present themselves when the disease has reached the secondary stage, but the percentage of women who first come under treatment in the primary stage has increased from 7 per cent. in 1916 to 21 per cent, in 1918. 7, None. 8, An average of 45 women are under treatment at the clinics in the metropolitan area. 9, The statistics in respect of females under 18 years of age are not available. The number of females under 20 years of age who have been under treatment is 81. 10, None have been sent to the specified institutions by the Public Health authorities. Among the females admitted to such institutions there are bound to be some affected with venereal disease, but the Health Act contains no power which, if it were so desired, could be

utilised in the direction inferred by this question. 11, None have reported to the department; all prisoners discharged uncured have been communicated with and directed to continue treatment. As patients are compelled to remain under treatment until cured the possession of this information is not considered to be vital.

BILL—GENERAL LOAN AND INSCRIBED STOCK ACT AMENDMENT.

In Committee.

Hon. J. F. Allen in the Chair; the Minister for Education in charge of the Bill.

Proposed new clause: Hon. J. W. Kirwan had moved—That the following clause be added to stand as No. 3:—"This Act shall apply to all Inscribed Stock and Debentures issued after the commencement of this Act for the redemption of any loans raised prior to the commencement of this Act, and for any loans which may be raised up to the 30th day of June, 1920; such loans not to exceed a total sum of £500,000, and to debentures issued after the commencement of this Act as security for loans raised before the commencemet of this Act."

The MINISTER FOR EDUCATION: At the previous sitting I informed the Committee that it would not be possible for me to accept the proposed new clause. I have since discussed the matter with the Premier. The Government are quite prepared to accept the next amendment in the name of Mr. Kirwan, which will have the effect of limiting the operations of the measure for 12 months.

Hon. J. W. KIRWAN: I tried to make it clear to the Committee at the previous sitting that the purpose I had in view was simply to carry out the principles decided on by this House about this time last year. The principle then decided on was that, when the Government asked for power to borrow money at what was an extraordinarily high rate of interest as compared with normal times, there should be some limitation placed as to the amount of money it was proposed to borrow at such a rate, and that also the duration of the Bill giving that power should be limited. I am glad that the Government have agreed to the reaffirmation of the principle in regard to the limitation of the duration of the Bill to 12 months, but I do think, if it is at all possible—I can quite understand the difficulties referred to by the Minister—it would be desirable that some figure should be embodied in the Bill to indicate how much money the Government desire to borrow at such a high rate of interest. When the matter was before the House last year, I then framed an amendment on somewhat similar lines to the present one. The object was to place a limitation upon the borrowing powers of the Government at so high a rate of interest. In that amendment the Government were given unlimited power so long as it was necessary to borrow money for redemption purposes. There was, however, a difference of opinion between the two Chambers, and ultimately a conference was arranged, and the Managers of the two Houses decided that the amendment should be altered by a compromise, and in this the amount was distinctly specified. That amount was fixed at three-quarters of a million. My amendment, which is word for word with that which is in the existing Act, and which expires this month, fixes the amount at half a million. I gave my reasons for moving it at the previous sitting. I thought that in fixing the amount at half a million we would be providing for everything that was necessary. However, the Minister for Education has referred to the difficulties in the way. He said in the course of his remarks—

> While it was not suggested that £500,000 as mentioned in the proposed amendment, would be insufficient for the loan requirements for the remainder of the current year, or to the date of the expiration of the amended Act, it must be borne in mind that the Western Australian Government had not gone to the London market for a loan of less than a million pounds, and it was not contemplated to do so on the next occasion. He did not think any Treasurer would care to finance so close to the wind as to obtain only what would be sufficient for the financial year.

In view of this and other difficulties which the Minister has outlined, I would like to know, if half a million be not sufficient, whether one million would be sufficient and, if not, what amount would be sufficient? When the Government ask for power to borrow at six per cent., which means that the money will cost 6½ per cent. at least, they ought to give some indication as to the extent they intend to borrow. We should adhere to the principle, decided on by this House last year, of embodying in the Bill the amount that can be borrowed at this high rate of interest for other purposes than loan redemption, because we must pay any amount of interest for loan redemption purposes to maintain the credit of the State; but when we go beyond that, whether the amount be large or small, it ought to be specified in the Bill. I suggested half a million with a view to learning what the Government's requirements exactly are. If a million would be acceptable, I would fall in with their wishes and agree to that amount. Another place fixes the borrowing policy of the Government, but the principle I wish to see embodied is that the amount which the present, or any other Government, should ask permission to borrow at such an enormous, and one might say, ruinous rate of interest, should be distinctly stated in the Bill. I would be glad to know from the Minister if he can mention what amount would satisfy the requirements of the Government. That is the purpose I had in view in tabling my amendment. The position is very serious. During the two months of the present financial year we have got behind to the extent of £300,000. The war indebtedness of the

Commonwealth amounts to 300 millions, or £60 per head for every man, woman, and child in the Commonwealth. When we add to that the State indebtedness which, placed at a low figure and allowing for sinking fund, is £116 per head—I think £118 would be nearer the mark—we have a total indebtedness for every man, woman and child in this community of £176. If that is multiplied by five or six, whichever might be regarded as the average family, we can realise the enormous indebtedness on every household in this State. Consequently, when the Government ask for powers to borrow at this high rate of interest, which will add to the annual liability of this State at least £60,000—presuming it can be obtained at six per cent.—the matter becomes very serious indeed, and we are not asking too much when we require the Government to state in the Bill the maximum amount they will require to borrow.

Hon. A. SANDERSON: I have a few more questions to ask the Minister. We should be thankful for having secured the concession from the Government, as a result of which this measure will come up for reconsideration next year. That is unquestionably valuable and having that, we can now confine ourselves entirely to the matter touched on by Mr. Kirwan. The Minister told us last week that £300,000 odd had been paid over in Treasury bills to the trustees in London. That strikes me as a very extraordinary performance indeed, and the most extraordinary part about it is that the trustees accepted it. Those trustees are put there to protect the bondholders, and they should get cash. There can be no question about that. I should almost think that they could be compelled to demand cash from the Government, and I think we require an explanation from the Government and from the trustees as to why they accepted Treasury bills. Let us put ourselves in their position. We realise how important is the position of trustees, how they are bound down in anything they wish to do, and how they are often compelled to do things because they are trustees. Yet they simply take paper from us. I was under the impression that the previous Colonial Treasurer said arrangements had been made with our bankers in London to advance the sinking fund to the trustees at the bank rate of interest.

The Minister for Education: That is so.

Hon. A. SANDERSON: Very well; if the bank has paid over that money to the trustees, they have received cash and not £300,000 in Treasury bills. This is certainly interesting. Coming back to the bankers who hold £600,000 odd of our Treasury bills, the leader of the House told us last week that they required inscribed stock in lieu of Treasury bills. I can quite understand the trustees wanting our inscribed stock if they can dig it up on the market at a discount. That is what they are after, to protect not only the bondholders but to help us strengthen our financial position.

The Minister for Education: They want the proceeds.

Hon. A. SANDERSON: That is a very different matter. We are getting admissions step by step. The proceeds are very different; even I can understand that, and I do not pretend to be a financial authority. I hope members of the Committee will make a special note of that. The trustees want the proceeds and very properly too. Now what does the bank want, the inscribed stock or the proceeds? I take it that the bank wants the proceeds.

Hon. J. J. Holmes: No, the bank wants to get rid of the Treasury bills.

Hon. A. SANDERSON: If the bank wants inscribed stock instead of Treasury bills, we must give inscribed stock, and this has a very important bearing on the proposals in the amendment. It is of no use tying the Government down to half a million when, in one act, the bank wants £600,000 in inscribed stock at six per cent. It is quite possible the bank will take it. That is a legitimate proposal which one can understand, but it is possible that the bank also wants the proceeds. It is quite certain, from the admissions of the leader of the House, that the trustees want the proceeds of the £300,000. Taking the £300,000 wanted by the trustees and the £600,000 wanted by the bank, we have a total of roughly a million of money. As the desire of the Committee is not to embarrass the Government but to help them, we can see that in one act there is a million of money required for the bankers and the trustees. Now take the Minister's statement regarding the Federal Government. The amount is three million pounds in round figures. Do they want the proceeds?

The Minister for Education: No, the money is paid.

Hon. A. SANDERSON: That is difficult to understand from another point of view which, however, does not concern us.

Hon. J. W. Kirwan: Have the Commonwealth ever asked any State for inscribed stock?

Hon. A. SANDERSON: We are coming to that. I am trying to show my hon. friend that his proposal to limit the amount to half a million is impossible, much as I should like to support it. From the information we are gradually gleaning, it is impossible to tie the Government down to half a million. A million is required in London. The Commonwealth Government require, not the proceeds, but inscribed stock in order to meet our liabilities. Although those liabilities have been placed on our shoulders by the Commonwealth to a certain extent, we must meet the wishes of the Commonwealth Government. I would like to see the correspondence and the files dealing with this matter, and would like to have a table showing the Treasury bills becoming due.

The Minister for Education: I think I gave you those.

Hon. A. SANDERSON: I told the Minister last week that the only official figures I have are those for 1918. I do not question the accuracy of the figures given, but one cannot quote from figures that one jots down hurriedly on a piece of paper and which might be wrong, or from the figures in the Press, accurate as they, as a rule, are. We cannot deal with anything else than official papers and they are not before us.

Hon. J. J. Holmes: Do the Federal Government want inscribed stock?

Hon. A. SANDERSON: The leader of the House says they do.

Hon. R. J. Lynn: What will they do with it, put it on the market?

Hon. A. SANDERSON: That is a very good interjection. It shows we have clever men here, but they wander away from the point. We are only concerned as regards this amendment, and I am trying to show that to insert half a million in the Bill is impossible.

Hon. J. J. Holmes: Surely we must stipulate some amount.

Hon. A. SANDERSON: Yes, we are not going to give the Government carte blanche. If the Bill is not amended, the Government will have the power to raise close on six millions of money.

The Minister for Education: Most of it for redemption purposes.

Hon. A. SANDERSON: For redeeming Treasury Bills. That is a very different thing. We are getting into pretty muddy water and some of us may be getting out of our depth. When we talk about redemption, we must be quite clear what the term means. But it is most misleading to the Committee unless one clearly understands that there is a legitimate and an illegitimate redemption of these bills. The whole object of the sinking fund is to redeem loans as they fall due.

Hon. J. Nicholson: But Treasury bills are at short date.

Hon. A. SANDERSON: I thought we all knew that. However, they can be renewed, and to that extent can become long-dated liabilities. On the showing of the leader of the House, there are four millions of money that we have to meet; and I do not see how we can get out of that. As a matter of fact, the whole thing is simply financing the deficit. Last year the leader of the House, speaking on a measure very closely allied to this one, namely, the Treasury Bonds Deficiency Bill, said—

> In the past the deficit has been financed out of loan funds without any Parliamentary sanction. The result is that the money raised on the authority of Parliament for the carrying out of certain works has been used for financing the deficit.

Of course that is common knowledge to anyone who follows these things; but I am sure the public, and, I believe, even some members of Parliament, have been misled on the subject. The leader of the House went on to say that since the outbreak of war he believed some of the sinking fund had been invested in the purchase of inscribed stock at a discount. That is a legitimate use of the sinking fund on the part of the trustees, who now hold, on the authority of the leader of the House, £300,000 of our Treasury bills. Further the then Colonial Secretary said—

> It is the desire of the Government to use the Bill only for the purpose of redeeming loans falling due.

The hon. gentleman is saying the same thing this year. But I think we now have some light on this subject, showing that the object of this Bill is not redemption of Treasury bills in the ordinary sense of the term, but is to take up these Treasury bills and put in their place inscribed stock. Now I come to the kernel of the situation so far as I understand it—the legitimate portion of the Bill, and that is the raising of a million of money for agricultural development.

The Minister for Education: I said, for the capital of the Agricultural Bank and for loan works.

Hon. A. SANDERSON: I am sure it is very much wanted indeed. Thus we have a million for the Agricultural Bank, and a million in London, and three millions in Melbourne. That is five millions of money to be raised at six per cent. What chance have we of working under those conditions? That is the problem we really have to face. Even the present Government cannot put six millions of money on the London market next year. They will put a million. They have told us that. How is it going to be used? I think it will be collared in London by the trustees. The Federal Government and the Agricultural Bank will have to wait for their money. The only effect will be to ease the position to some extent. I do not think the figures we have elicited from the papers and from the leader of the House can be questioned; and I ask the mover of the amendment what he is prepared, in view of the circumstances, to allow to go into the Bill. If the Government press for five millions, I do not see how we can stop them. The responsible Ministers of the day are responsible for the management of the finances, and no Government with any feeling of strength, or with any feeling of certainty as to the course they are going to pursue, would tolerate for ten minutes such an amendment as that proposed on this Bill. It shows the radical weakness of the Government that they permit the Legislative Council to say that this thing shall come up again next year. Such an amendment is not to be found in any other measure of this kind. The provision of six per cent. shows how frightened the Government are. The leader of the House, instead of coming here as the voice of the Government to say that they will not accept the proposed amendment, declares that we can decide the matter for ourselves and can put in what we think a fair and reasonable and proper thing.

The MINISTER FOR EDUCATION: One point I think some hon. members are rather inclined to lose sight of is that since the outbreak of war Western Australia has been unable to raise its annual loan requirements in the usual way; that is, by the floating of loans on the London market, in all of which cases inscribed stock would be issued to cover the amounts of the loans. But during the five years of war, for the purpose of financing the deficit, and for the purpose of carrying out a comparatively very limited loan expenditure, it has been necessary to borrow, not at the rate of about three millions per annum as previously, but at the rate of approximately one million per annum; and the only means of borrowing that money has been by obtaining it from the Federal Government and giving them Treasury bills in return. Three million one hundred thousand pounds of those Treasury bills are overdue, and have been renewed from time to time. It is part of the agreement under which that money was raised by the Commonwealth Government for the State, and handed over to the State in return for Treasury bills, that the State should give to the Commonwealth Government inscribed stock when it was required.

Hon. A. Sanderson: Or the proceeds?

The MINISTER FOR EDUCATION: No; the inscribed stock itself. That is a fallacy into which the hon. member seems to have fallen when he suggests that we might go on the London market for six million pounds. As regards that £3,100,000 there is no question of going on the market at all. It will be simply a matter of handing to the Federal Government inscribed stock for £3,100,000 in exchange for overdue Treasury bills to the same amount. So far as we are able at the moment to say, that inscribed stock will bear interest at the rate of 5½ per cent.

Hon. R. J. Lynn: Is that interest in excess of the amount you are paying on the Treasury bills?

The MINISTER FOR EDUCATION: No.

Hon. R. J. Lynn: Is it the same rate of interest?

The MINISTER FOR EDUCATION: I think it is the same rate of interest. The Comonwealth Government could come to us to-morrow and say, "We want the inscribed stock." I do not know why they should want it, but that is a feature of the agreement. Our Treasury bills are not negotiable in London, but the inscribed stock is. If the Commonwealth Government came and asked for the inscribed stock at the rate of 5½ per cent., we should be in the position that, because of the limitation in the original Act of 1910 to four per cent. interest, raised by the amended Act of 1915 to five per cent., we should not be able to give the Federal Government that inscribed stock. One of the purposes of this Bill is to enable the Government to hand over that inscribed stock to the Federal Government. In regard to the amount held by the sinking fund trustees in Treasury bills, an amount of £318,105, it arose in this way: When the war broke out it was realised that there would be very considerable difficulty in financing the affairs of the State, and in August of 1914, directly after the outbreak of war, the then Treasurer cabled to the Agent General suggesting that the Government be authorised to suspend payments to the sinking fund during that financial year. That proposal did not meet with the approval of the Government's financial advisers in London; but in the following month, September of 1914, the then Treasurer again urged the temporary suspension of the sinking fund, and in reply to that representation the sinking fund trustees stated that they did not regard such a course as advisable but were prepared to agree to the investment of the amount of sinking fund in Treasury bills bearing 4½ per cent. interest. As a matter of fact, in 1914-15 Treasury bills totalling £154,000, and in 1915-16 Treasury bills totalling £264,105, were issued, making a total of £318,105. These Treasury bills carried 4½ per cent. interest, and had a currency of six months, subject to renewal for a further period at the discretion of the Treasurer. The bills have been renewed from time to time, and it is the intention and has been the intention all along, that directly a loan is issued in the ordinary way the proceeds, to the amount of £318,105, should be handed over to the sinking fund trustees and these Treasury bills redeemed. I am sorry there should have been any confusion in the mind of any hon. member as to whether the trustees were to get the inscribed stock or the proceeds. What I said was that it would be necessary to redeem these Treasury bills, and that inscribed stock must be issued to do it.

Hon. J. Cornell: Up to six per cent.

The MINISTER FOR EDUCATION: No. It is considered that 5½ per cent. will probably be the rate of interest. Six per cent. is inserted as the maximum. During 1914-15 and 1915-16 the sinking fund trustees invested a portion of their sinking fund in Treasury bills, but that has not been done since 1915-16. In September, 1916, the then Colonial Treasurer, the late Mr. Frank Wilson, cabled to the Agent General stating that he was opposed to any further issue of Treasury bills to the sinking fund trustees. Consequently no further Treasury bills have been issued to the trustees since 1915-16. To carry out the original undertaking that those bills should be replaced by cash, it will be necessary to add on that £318,000 to the requirements of the Government for Agricultural Bank and other public purposes.

Hon. J. Nicholson: Those Treasury bills took the place of cash for the time being.

The MINISTER FOR EDUCATION: The Government paid in cash, and the trustees of the sinking fund invested the money in Treasury bills. It was their own alternative to the suggestion that there should be a temporary suspension of the sinking fund payments. It was done at the outbreak of war.

It has not been repeated since 1915-16, nor is there any intention of repeating it.

Hon. J. J. Holmes: You want £300,000 on that score.

The MINISTER FOR EDUCATION: Yes, when the next money is raised on the London market.

Hon. J. J. Holmes: Now tell us how much more you want.

The MINISTER FOR EDUCATION: The arrangement by which the London and Westminster Bank financed money for the payment of the sinking fund contributions in London will involve a total of £630,000. I do not say it will be necessary to raise the whole of that amount when we go on to the market in the early part of next year, but some portion, if not all, will require to be raised. But the borrowing powers of the Government are limited by the authorisations. All that the present Bill purports to do is to give the Government freedom as to the class of security they shall issue. At present the Government can issue Treasury bonds bearing interest up to six per cent. for the purpose of financing that portion of the deficit which Parliament agreed should be funded. Also the Government can issue Treasury bills with a currency of five years without any limitation whatever of interest.

Hon. A. Sanderson: What do you pay on Treasury bills?

The MINISTER FOR EDUCATION: I think 4½ per cent., and five per cent. There is no statutory limit to the interest that may be paid on the class of bills I refer to. Still another method of issuing security is by inscribed stock of 50 years' currency. On that we are limited by the Act to five per cent. We may be called upon to issue inscribed stock for any portion of the three millions for which the Commonwealth Government at present hold the security. We may be called upon to raise money in London for the purpose of redeeming Treasury bills now held by the sinking fund trustees up to £318,000, and to the London and Westminster Bank for any portion of the advances made, which will ultimately reach £630,000. We shall also require to issue inscribed stock for carrying on the year's loan expenditure of the Government.

Hon. J. W. Kirwan: What sum will that represent?

The MINISTER FOR EDUCATION: Probably it will not be in excess of the £500,000 the hon. member has suggested. But the amount would not necessarily be limited to the requirements of that particular year, because of course we must take a favourable opportunity for the raising of all moneys required. Probably a million would be borrowed for ordinary purposes. Then there is the further question of the moneys to be advanced by the Commonwealth Government for repatriation purposes. For that also the Government should be in a position to issue inscribed stock, and as that money is likely to cost something like 5½ per cent., the Government would be debarred from doing this if the amending Bill were not passed. In all these circumstances I think the Committee would be well advised in not fixing any definite amount, and in making the provision that the matter shall come up for review next year. To that the Government have no objection.

Hon. J. CORNELL: As usual, the Minister has been able to weave a maze of words around the main point at issue. I have already said I will not knowingly be a party to in any way limiting the amount which the Government may raise to meet accruing responsibilities. The Minister has not informed the Committee precisely of the amount that is likely to accrue and will have to be met during the coming year. Even if the amount agreed was six millions, I should say meet it, though it cost six per cent. We cannot repudiate our obligations. But the question is to what extent are the Government going over and above accruing responsibilities? Of the three ways by which the Government may raise money, I think the most honest, effective and economical is to raise it by inscribed stock. The Minister has pointed out that if the Government were limited by this provision, they could resort to devious ways of increasing the price. However, this is the only opportunity the Committee will have of saying, "We think that beyond your accruing responsibilites, one million is enough to raise by inscribed stock at that rate." If the Government resort to the ways of the heathen Chinee, they will be going beyond the expressed desire of the Committee. For too long has Parliament reposed confidence in successive Cabinets in regard to the raising of loan moneys. We have reached a new era. Members of Parliament are waking up to their proper responsibilities, and though it may be a contradiction of our Constitution for this Committee to lay down a mandate in regard to borrowing, I take it that at least we can express an opinion. Do not let the Committee place any hobbles on the Government in point of meeting accruing responsibilities, but let us say what will be a fair and reasonable amount to borrow for public requirements.

The MINISTER FOR EDUCATION: If that were done the Government would still be left without power to give to the Commonwealth Government the security they desire for money to be advanced for repatriation purposes. If the Committee wants to put in the whole of those figures and pile up a total of six or seven millions, the Government could have no objection. But it would serve no good purpose. The total new moneys the Government could raise without additional authorisation from Parliament is 2¼ millions.

Hon. A. Sanderson: Are you going to get additional authorisation?

The MINISTER FOR EDUCATION: We are not asking for any now.

Hon. J. J. HOLMES: I have no desire to harass the Government, but it is due to the country that we should know where we are drifting. We must honour our obligations. To the sinking fund trustees in Lon-

don £300,000 worth of Treasury bills have been given in lieu of cash. It was generous on the part of the trustees to accept those bills on the understanding that when the next loan was raised they should get cash. The same thing applies to the London and Westminster Bank, to which we have to repay £600,000 out of the first loan. We have borrowed three millions from the Commonwealth Government and given Treasury bills, and part of the contract is that they are to have inscribed stock in lieu of those Treasury bills. They probably wanted cash.

The Minister for Education: They have not asked for it.

Hon. J. J. HOLMES: What additional money do the Government require to carry out their loan engagements for the current year? It came as a surprise to hear for the first time this afternoon that the sinking fund trustees were induced in 1914 to take Treasury bills instead of cash. I was under the impression they had received the cash. Of course the present Government were not responsible for that transaction, but nevertheless these surprising transactions on the part of previous Governments render one suspicious. It is due to the Committee that we should know exactly what new money the Government require during the current year and some idea as to the purpose for which it will be utilised. I should be glad if the Committee could frame some amendment which will meet the case, and at the same time have the approval of the Government.

Hon. J. W. KIRWAN: We have information so far as the finances of the State are concerned such as has never been supplied to the public before. I have no desire to ask the Committee to place the Government in an impossible position. My sympathy is with them in view of the statement made by the Minister for Education. I do not wish to ask the Committee to carry the amendment in the form in which I have brought it forward here, having extracted it from the previous Act. Of course it ought not to be carried in its present form, in view of all the circumstances. I put the amount at half a million, not having the information that has since been supplied to us. Some of the difficulties referred to by the Minister could easily be met by a slight alteration of the amendment, but other difficulties could not so easily be met. I am not sure whether the loan redemption is provided for and the amount of the redemption of Treasury bills. If it is not so, it would be easy to insert after the word "loans" in the third line "and Treasury bills." That would provide for the contingency referred to by the Minister, and would give the Government power to issue this inscribed stock to the extent that might be required by the Commonwealth for the redemption of Treasury bills on their falling due. There is no doubt the Government may be called upon to provide cash to the extent of one million pounds in London. The difficulties outlined by the Minister are great and the financial position of the State is complicated. As Mr. Holmes seems to think he could prepare an amendment which would meet the case of the Government as it is at present, and not make the position impossible for them, I hope he will do so. An amendment to meet all the circumstances referred to by the Minister would be a very difficult one to frame.

Hon. J. J. Holmes: It is necessary first for us to have the information from the Minister for Education as to what is required.

Hon. J. W. KIRWAN: We have already been given the information. One million pounds is required in London, for instance. As to the conditions under which the Commonwealth Government may grant over four million pounds for repatriation purposes, no intimation has been given. I take it they would accept short-dated Treasury bills for that amount.

Hon. H. CARSON: We now understand more fully our financial position and how serious it is. To what extent are we to raise money from the Federal Government for repatriation purposes? We have over four million pounds to be paid by inscribed stock and we want a million pounds for Agricultural Bank and Loan works. At what rate of interest are we likely to have this money we are borrowing for repatriation purposes?

The MINISTER FOR EDUCATION: The reason why inscribed stock was not given for the £3,100,000 for Treasury bills, and also for a further amount which does not fall due until the year after next, was that the rate of interest could not at the moment be ascertained. With regard to the money represented by the Commonwealth advances for repatriation purposes, this will be money out of loans raised in Australia by the Commonwealth Government, and the rate of interest will be at once known. If the Commonwealth Government say "There is the currency of the loan; we want your inscribed stock" we should be in a foolish position if we could not give it to them. I do not know the amount which will be required from the Commonwealth for repatriation purposes during the next 12 months. This amount will be fixed by the number of soldiers settled on the land, because the Commonwealth Government advance so much for each soldier. The total amount, no doubt, will run into over three million pounds.

Hon. J. E. Dodd: When do they want the money back?

The MINISTER FOR EDUCATION: They issue it on inscribed stock with a currency of 50 years. The whole scheme has already been before hon. members.

Hon. H. Stewart: Will another three million pounds be required?

The MINISTER FOR EDUCATION: The three millions pounds have been borrowed to carry on the State during the period of the war in its ordinary loan expenditure. It has nothing to do with repatriation. What amount will be required during the 12 months, I cannot say. The limit placed upon the bor-

rowing powers of the Government is the limit of the authorisations and that is £2,259,000, with the exceptions that loans may be floated against inscribed stock to repurchase short-dated Treasury bills on which the Government have been compelled to finance during the war.

Hon. J. J. HOLMES: There is a way out of the difficulty. I am inclined to think that the three million pounds advance referred to by the Minister for Education, and the three millions advanced to the State by the Commonwealth Government, are a sort of red herring drawn across the track. The Federal Government will find the money and will get our inscribed stock in return, which will be met 50 years hence.

The Minister for Education: Not unless this Bill is passed.

Hon. J. J. HOLMES: Yes, if the Minister will draft an amendment which will meet the case. All we want to fix is the prospective borrowing powers of the Government. The existing engagements, bad as they are, must be met, and it is the desire of hon. members to assist in this direction. But we do ask that the Government shall say what additional money is required for new works, in order that we may know where we are likely to be 12 months hence.

The MINISTER FOR EDUCATION: It seems to be admitted that there would be no objection to the issue of inscribed stock to redeem these particular Treasury bills.

Hon. A. Sanderson: Which particular Treasury bills, those in London?

The MINISTER FOR EDUCATION: Out here as well. If the Commonwealth Government do not ask for them they will not get them, but if they do ask they will get them. It is also admitted that there would be no objection to putting one million on to loan money to meet the financial requirements of the State, in connection with the Agricultural Bank and public works, to the end of the current financial year, and such portion of the ensuing year as it would be necessary to provide for. It is also admitted that there is no objection if the Commonwealth Government, when they advance money to the State for repatriation purposes, require inscribed stock, that they should have it. If that is admitted, the full total of the authorisation of 2¼ millions can be granted.

Hon. J. Cornell: We are on dangerous ground now.

The MINISTER FOR EDUCATION: If we put all these things in, the last case will be worse than the first.

Hon. G. J. G. W. Miles: What they are after is £7,350,000.

The MINISTER FOR EDUCATION: The Government do not contemplate anything like that. I cannot suggest an amendment to cover what is desired without making it appear that the Government want authority to raise five or six million pounds, which is not the case.

Hon. A. SANDERSON: The reason why the debate is so troublesome is that we are only beginning to realise our responsibilities and have been getting step by step information which should have been before us long ago. The Government are forcing us into this position and we cannot get out of it. We, therefore, have some reason for anxiety and alarm. It is, of course a hard thing to ask the leader of the House to do, to draft an amendment to meet the difficulty. This is the most important Bill we shall have this session, but it is unfair to ask the leader of the House to draft an amendment to suit us. He should, therefore, agree to report progress so as to allow those who are interested in the matter to prepare an amendment for him. If he will not consent to that, I am afraid we shall have to go on with a tiresome debate. I am going to make further reference to that trustee business. I can see what the position of affairs is. We should have known it five years ago. Everyone is aware that in August and September, 1914, the whole system of credit all over the world came toppling down and the wisest heads in Europe and America were completely puzzled as to what was the best thing to do. This little affair of ours is only a bagatelle.

Hon. J. J. HOLMES: I cannot help thinking that a lot of this discussion might have been avoided if the leader of the House had taken us into his confidence at the outset as he did a few minutes ago. I understand it would be idle to give authority to raise seven millions because the balance of the loan authorisation is only 2¼ millions.

Hon. A. Sanderson: It is five millions.

Hon. J. J. HOLMES: I understood the leader of the House to say that the whole of the money the Government can borrow at the present time is 2¼ millions.

The Minister for Education: That is the amount that can be borrowed on inscribed stock to redeem Treasury bills.

Hon. J. J. HOLMES: So far as I am concerned, I have not just awakened to the financial position; I have been harping on it for the past three or four years, and I have been making "exaggerated and astounding statements" in order that someone else might wake up.

Hon. J. W. Kirwan: Mr. Sanderson has not been silent.

Hon. J. J. HOLMES: Unfortunately, for the country, my astounding statements have turned out to be true. I am not going to be charged with having been awakened at this stage. As a result of my remarks, I have made enemies of some of the prominent political financiers. Still I felt it was a duty I had to perform. Now it is my duty to assist in amending this Bill in a manner which will enable the Government to meet existing liabilities and provide for limited future requirements, and if the House will not help me, I shall not at a later stage be prepared to accept any responsibility.

Hon. G. J. G. W. MILES: I have listened to the debate with a great deal of interest. It seems to be as clear as daylight that we cannot allow this new clause to go into

the Bill. The Government have authorisation to borrow £2,250,000. There is a million in London—£318,000 issued in Treasury bills owing to the trustees, and £600,000 which will be required for the Westminster Bank; these two amounts making a total of, roughly, a million. Then there is £3,100,000, for which we can be called upon at any time to issue inscribed stock to the Commonwealth, and a million which is required to carry us over to the next financial year. Assuming we get £2,650,000 for repatriation purposes, we will be called upon to issue inscribed stock for that. My friends want an amendment to give authority to borrow 10 millions and no more. That is the position. It is farcical to put in an amendment of that description. I intend to vote against it.

Hon. J. CORNELL: Is it an injustice to ask or to permit the Government to issue inscribed stock or to go on the market to get five millions to meet existing debts and to say you shall not get more than what the House sets down? If we limit the Bill to a million of new money, the Government will still be in a position to go on the market and raise five millions if it is necessary to meet accruing liabilities. Last session the two Houses, after conference, agreed to a similar provision, and the amount was fixed at £750,000 instead of £500,000. Is there any material difference between the position now and twelve months ago?

The Minister for Education: Yes, the war is over and everything has to be financed now.

Hon. J. Duffell: Our troubles are beginning.

Hon. J. CORNELL: I think it is time to put a pessimist in charge, not an optimist. The outlook is certainly brighter than it was before, but it is not so bright that I would give the Government a free hand to spend in a year what should be extended over a series of years. No new money beyond a million should be raised this year.

Hon. J. E. DODD: We seem to be amazed and to hardly know where we are. When we think of what may happen if we insert a hard and fast amendment in the Bill, in view of the obligations which have to be met at home, I cannot see how such a provision will work. Mr. Kirwan was very fair in suggesting that an amendment should be framed to meet the position. Not only have we obligations to meet in London and for repatriation purposes, but there are obligations which may arise here, and, at present, we are not meeting our obligations out of revenue. What is going to happen if the Government are brought face to face with some expenditure which we, at present, cannot foresee? It will be a long time before we can meet our expenditure out of revenue. Our trading concerns are employing thousands of men, and the chances are that the Government will have to pay them more wages in future. If we limit the Government too much, what will happen?

Hon. J. J. Holmes: Surely you would not borrow money to pay wages!

Hon. J. E. DODD: Certain things have to be done at times. Money has to be found somewhere. We should provide for existing liabilities, and then give the Government power to raise a certain amount of money. But we do not seem to be able to frame an amendment to this effect. Mr. Kirwan said that in Mr. Mitchell we have a Premier filled with boundless optimism, and in Mr. Scaddan, also a member of the Government, we have another gentleman filled with boundless optimism. With that I agree, and I do not know that the leader of this House is looked upon as a genius in economy. Seeing we have these three gentlemen as members of the Government, I would be inclined to support anything which would ensure economy, but I cannot support anything which may embarrass the Government. I hope Mr. Kirwan will withdraw his amendment.

Hon. J. NICHOLSON: The leader of the House has given us certain explanations which have, to a large extent, cleared the atmosphere. He has told us there are three methods by which the Government may raise money, by the issue of Treasury bonds, Treasury bills, or inscribed stock. In order that the Government may carry out their ordinary obligations, they issue Treasury bills when they have no authorisation for ordinary expenditure, and Treasury bills have been and will be issued from time to time to meet such obligations. I think what Mr. Kirwan and the supporters of his views desire is to place some limit on the issue of Treasury bills and the commitments of the Government.

Hon. A. Sanderson: That cannot be done.

The Minister for Education: The amendment would not permit the issue of Treasury bills at all.

Hon. J. NICHOLSON: I agree with Mr. Kirwan that the amendment does not exactly meet the case. I would like to see some sort of limitation placed on any spendthrift policy on the part of enthusiasts, particularly among those to whom reference has been made, who are undoubtedly optimists and enthusiasts in some directions. If a check could be placed on the Government without unduly harassing and encumbering them, I would support it, but a great difficulty exists and because of that difficulty, I agree with the views expressed by Mr. Dodd. I say candidly I would like to put a check upon the Government. The only thing we can do at present, however, is to accept the amendment which the Minister says the Government have prepared, that the Act shall continue in force until the 30th September, 1920, and no longer. Constrained as I am to put a check upon any undue expenditure, we would not be wise to pass the amendment in its present form. Perhaps the leader of the House will agree to report progress and see if an amendment can be framed to meet the wishes of members. Reference has been

made to the 2¼ millions authorisation, and to the amount due to the Commonwealth, namely, £3,100,000, and the undertaking given by the State Government to issue inscribed stock in lieu of the Treasury bills held by the Commonwealth as security. I can see no objection to giving the Government that authorisation, nor do I see anything out of place in the Government having entered into such an agreement to give inscribed stock. The agreement with the Commonwealth is analagous to transactions in everyday business life. A man may borrow money and enter into an agreement to give a legal mortgage to secure it when called upon to do so by the lender. In this instance, the Government have issued the Treasury bills and have entered into an agreement that, when called upon, they will issue inscribed stock. Therefore I raise no objection to the proposal to grant authority to issue inscribed stock in lieu of Treasury bills. We must meet our obligations. We must not impose too close a restriction upon the Government in connection with their financial obligations at present.

Hon. J. J. HOLMES: It would be useless to limit the Government under this measure unless we limited their power to issue Treasury bills.

Hon. J. Nicholson: Exactly.

Hon. J. J. HOLMES: I have heard something this afternoon which has convinced me of the necessity for limiting the issue of Treasury bills. I was under the impression that we paid our sinking fund in London in hard cash but, in this connection, we have given a cheque that we cannot honour. If that is not kite-flying, well——

The Minister for Education: It was a temporary arrangement made in the early days of the war.

Hon. J. J. HOLMES: But brought about by the fact that the Government have power to issue Treasury bills up to the amount of the authorisation. If members are serious in their desire to exercise some control over the future finances of the State, they must curtail the Government's power to borrow and issue inscribed stock, and also curtail their power to issue Treasury bills.

The Minister for Education: You could not do that under this Bill.

Mr. J. J. HOLMES: It does not concern me whether it can be done under this Bill or not. I have heard enough to convince me of the necessity for it. It is the duty of the House to insert such a provision in some measure at a very early date.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES: During the tea hour I looked up a few figures which may bring home to hon. members the need for taking some action as regards the finances of the State. The present Government, whom I do not blame for the position to-day, have my sympathy and support. However, the present deficit is £3,718,037. At the 30th June last it was roughly £3,500,000. Money borrowed at six per cent. to pay interest on that deficit represents a charge upon this year's revenue of £210,000. Coming to my figures of the daily drift of the finances, I figure that out as £575 per day interest on the deficit alone. Last year we had a revenue of approximately five millions; but, analysing that revenue, we see that the money is simply taken in with one hand and paid out with the other. There are railway wages, expenses in connection with State trading concerns, interest on loans, sinking fund, and statutory engagements; and by the time all these are paid we are left with insufficient revenue to come and go on. Last year our deficit was roughly £650,000. If this year we have as is likely in view of the published figures, a deficit of £750,000, then next year the interest on the deficit, instead of being £575 per day, will be in the neighbourhood of £700 per day, or a charge of £250,000 on the following year's revenue. We can only go on for a few years longer at this rate, when the whole of our revenue will be absorbed and we shall have nothing whatever to come and go on. The solution of the difficulty is not the blocking of this Bill, but increased production; and for that purpose we must have money coming into the country. But the Committee are entitled to know what money is required to develop the country and in what manner it is to be expended. Bringing to bear on the affairs of the State the same business training as I apply to the large concerns with which I am connected in the capacity of director or manager, I have come to the conclusion that if the present drift is allowed to continue we must reach the inevitable climax. The Government should tell us how much money they want, and what they propose to do with it, and then we can give them the necessary authority. But here we are being asked to sign a blank cheque, to which proceeding I cannot be a party.

The MINISTER FOR EDUCATION: In reply to Mr. Holmes I can only repeat what I said when introducing the Bill and in Committee on Thursday, when Mr. Holmes was not present. This is not a Bill to authorise the Government to raise money at all. This is a Bill to enable the Government to issue inscribed stock at a higher rate of interest than is provided in the Inscribed Stock Act at the present time. I have explained over and over again the purposes for which the Government require to issue inscribed stock. The rate of interest for inscribed stock authorised last year is 6½ per cent., and that authority expires on the 30th September. The Government now ask to be authorised to issue inscribed stock at six per cent., not 6½ per cent.

Hon. J. J. HOLMES: I regret that I was absent at the second reading, but in spite of having listened to-day very carefully I gather merely that the Government want cash in order to meet a cheque for £300,000 which has been lying for five years awaiting presentation, and also to repay

£600,000 lent to this State by the London and Westminster Bank. As regards the money paid to us by the Commonwealth Government against our Treasury bills, there has been no demand for inscribed stock. Presumably the Commonwealth Government are prepared to continue to hold our Treasury bills. Therefore I now ask how much over and above the £900,000 I have mentioned the Government are desirous of borrowing at six per cent. I think we are entitled to that information.

Hon. A. SANDERSON: I am quite satisfied with the discussion, which has proved very helpful. If I had my way, I would have inserted in this Bill the total amount, roughly nine millions of money. That is the amount to which we are committed. The leader of the House has given the concession that this measure shall come up for reconsideration next year; and for that concession we have to thank the mover of the amendment. But can we obtain any guarantee that the rate of interest will not be more than six per cent.? We have got into deep water with the London money market. We cannot tie the hands of the Government as regards money already voted, but can we tie their hands so as to provide that the rate of interest shall not exceed six per cent.? Already money has been raised by this country at a cost of £6 2s. per cent. per annum. Can any member of the Committee frame a clause which would prevent the Government from exceeding six per cent. per annum interest cost to this country?

Hon. J. W. KIRWAN: Early in the debate I intimated that I did not intend to press this amendment. I regret that it seems impossible to frame an amendment which will meet the case I desire to bring before the Committee. It is true that this Bill does not authorise the Government to borrow one penny, but they do ask permission to borrow at a very high rate of interest. It ought to be competent for the Committee to introduce some limitation of the amount of money which the Government should borrow at this enormously high rate of interest. Mr. Sanderson has now referred to the point that we cannot even get from the Government a guarantee that the interest will not exceed six per cent.; because the Government may borrow at a discount and the actual rate of interest may thus considerably exceed six per cent., even though the Government abide by the terms of the Bill. It appears to me beyond the capacity of almost any draftsman to meet the case I desire should be met, when Mr. Sanderson suggests that the figure "nine millions" should be included in the Bill. I would not be in favour of that, because it would create a wrong impression, representing the position very much worse than it is. After all, nearly all that money was for loan redemption purposes, which is very different from floating a new loan for loan expenditure. I will withdraw my proposed new clause and suggest to those who think they can frame an amendment to meet their views that we should report progress, or, alternatively, pass the Bill with the next amendment on the Notice Paper —to which I understand the Government have no objection—and then to-morrow the Bill could be recommitted if any hon. member shall have thought out in the meantime some means by which the views expressed could be embodied in an amendment.

Amendment by leave withdrawn.

New clause:

Hon. J. W. KIRWAN: I move—

That the following be added to stand as Cause 3:—"This Act shall continue in force until 30th September, 1920, and no longer."

The leader of the House has intimated his readiness to accept this provision.

New clause put and passed.

Title agreed to.

[The President resumed the Chair.]

Bill reported with an amendment.

BILL—DIVORCE ACT AMENDMENT.

Second Reading.

Debate resumed from 2nd September.

Hon. J. W. KIRWAN (South) [7.50]: Those who go to the trouble of preparing private Bills should be encouraged in their desire to initiate legislation. However, I am sorry I cannot extend to the Bill as much support as its sponsor would like. It may be that on the question of divorce I am rather old-fashioned in my ideas. Possibly my religion and my training account for this. I feel it a very serious matter to interfere in any way with our marriage laws. The more facilities created for divorce, the more readily will people enter on matrimony and the more lightly will they regard the sanctity of the marriage tie. It is true many cases of hardship can be quoted, cases of ill-considered marriages that have brought about a considerable amount of individual suffering. But it is an old truism that hard cases make bad laws. When we proceed to legislate with a view to meeting individual cases, we sometimes do more harm than good to the general community. By rendering divorce easy, more ultimate harm is done than is offset by any alleviation in individual cases of suffering. The whole matter of mariage and divorce is one of far-reaching importance, one that vitally affects the future of the nation. Marriage is the foundation of the home, and the home is the foundation of the State itself. If the home life is injured or destroyed the State suffers. Some of the clauses in the Bill are decidedly objectionable. One provides that insanity shall be a ground of divorce even though the insane person is confined in an asylum outside the State. I was against the amendment of the law that made insanity a ground for divorce. I regard in-

sanity as a sickness; it is a disease of the brain, and disease or sickness should not be made ground for divorce. At the time of the marriage both parties to the contract at the altar made a solemn promise that they would cleave to each other in sickness or good health. Those were the terms of the contract, yet the law says that one of the parties can depart from the contract as soon as the other one is a victim of the most terrible infliction human beings can suffer from. I ask, is that right? Is it right that a disease should be made occasion for divorce?

Hon. J. Nicholson: Insanity is ground for divorce now.

Hon. J. W. KIRWAN: Yes, but when it was before this Chamber I opposed it. Parliament ought never to have passed it. Very often as the result of maternity a woman loses her reason. Surely it is a dreadful thing that that should be made a cause for a man to avoid the obligations he undertook at the altar. If we make insanity cause for divorce, where are we going to stop in the matter of sickness? Why should not leprosy be made cause for divorce, and if insanity and leprosy, why not consumption and cancer? Where is the thing to stop? After all, if marriage be the sacrament we have always regarded it; is it not a dreadful thing that merely because of an infliction of this kind the marriage bond should be broken? As insanity is a cause for divorce, it may be logical to allow that that should be extended to cover the case of an insane person in an asylum outside the State. However, I do not feel disposed to vote for a clause that would give further facilities for divorce in circumstances upon which I think divorce ought not to rest. Clause 10 deals with ante-nuptial incontinence. To my mind that is a most objectionable provision, likely to lead to all sorts of abuse. Besides, it is apt to operate unfairly. If a man guilty of ante-nuptial incontinence and, if after his marriage, a child be born to him by a woman other than his wife, he may not be found out; and even if he is it would not be made a cause for divorce, although it would be in the case of a woman. Mr. Stewart, I think, pointed out that if it were found that the man was the victim of a loathsome disease, even that would not be made cause for divorce. The Bill proposes to give further facilities for divorce. In Western Australia we have already too many facilities for divorce. It is true that the times are abnormal; but still one cannot take up a daily paper without seeing numbers of instances of divorce, and there are cases where people have been divorced more than once. The easier divorce is made obtainable, the more lightly will people enter matrimony, and the holy sacrament of marriage will come to be regarded with contempt, which I am sure no hon. member desires. It is unfortunate that there is not one uniform set of laws relating to marriage, legitimacy and divorce for the whole of Australia, although under the Federal Constitution the Federal Parliament has power to make them. It is most regrettable that nothing has been done in this direction as uniformity is very badly needed. In the meantime, I do not think that a Bill such as this will help. It will increase the number of divorces and the number of divorces at present is lamentable and altogether too large.

Hon. J. CORNELL (South) [8.1]: At the beginning I will join with Mr. Kirwan in his remarks, but later on I will part company with him. The principle of private members introducing Bills is a good one. It shows that not only are they alive to the interests they represent in Parliament, but also alive to the desirability of bringing our legislation into line with other legislation of the same character, or making it more up to date. It is customary to analyse the underlying motives leading up to the introduction of legislation, and the underlying motives of the individual who brings it forward. I do not know that there is anyone, having a knowledge of Mr. Nicholson's basis of reasoning or the attitude he takes up on this question, but is satisfied that he has no ulterior motive tending towards an interference with the sanctity of the marriage tie. No one would be less likely to do so than he. Fortified with this knowledge I approach the question with less temerity than I might otherwise have done. Mr. Kirwan has said that marriage, legitimacy and divorce come within the ambit of the Federal Constitution. Although 19 years have passed since the adoption of the Constitution the Federal Government have not worked out a uniform set of laws, so necessary and advantageous to the country. Some hon. members know that the greater part of the time of the Federal Parliament has been taken up with forcing taxation upon the people. Throughout the Commonwealth, however, we want uniform laws in this direction. It would bring about more expedition, less cost, and greater satisfaction in dealing with these questions. I do not agree with Mr. Kirwan that the Bill will make divorce any easier. The basis of reasoning put forward by Mr. Kirwan that the easier divorces are made the easier will marriages be entered into may be right in a certain direction. If one once admits in law, however, the right to annul marriages, it behoves the legislature to see that the law is so framed that it will see that fairness operates in every way. Some believe that marriages are made in Heaven, but I am not one of those. If it be so I am desirous of seeing some of the marriages now existing annulled before I go to Heaven; if not, it will not be the place of harmony we are led to believe it is. Mr. Kirwan has also pointed out the great facilities proposed by Mr. Nicholson for annulling some marriages as a result of insanity on the part of the man or woman. He has cited an instance of a man and woman standing at the altar and entering into the holy bond of matrimony. They there promise certain things, more often honoured in the breach than in the observance. Sickness is

one of these things through which the contracting parties will stand by each other for all their lives. Even though the law, as it is now and according to the law as it is proposed to be amended, does not specifically annul that holy bond of matrimony, it provides the machinery whereby it may be annulled, but the contracting parties are not called upon to avail themselves of the machinery.

Hon. J. J. Holmes: The contract is that it shall not be annulled.

Hon. J. CORNELL: That is so. The statute says it may be annulled. There is no need to prevent the contracting parties from carrying that out so long as each or one of these exists. When a set of circumstances arises whereby one of the contracting parties is satisfied that he or she will annul the contract and the law provides that it can be annulled in a specified manner, we have no right to interfere or alter it. But where will this stop? There is one important direction in which the divorce laws of Australia must in the near future be amended. It is in the direction of providing for the prevention of marriages. There is nothing more loathsome to the mind than a union between parties one of whom is suffering from venereal disease. There is no need to go any further than to read some of the published reports of the select committees (comprised of some of the most eminent doctors of the State) which sat in New South Wales, and the reports of bodies in other parts of the world, to realise that it is criminal to allow such a thing. It is also criminal to allow it even after marriage. That is a question which more generally concerns a Marriage Bill. We cannot tackle such a question as this until we are determined to deal with it in its initial stages. The Bill practically provides for two amendments of the existing legislation. One is on the question of conjugal rights. My reading of the clause concerned is that, if one or other of the contracting parties to a marriage agrees to the restoration of conjugal rights and the court gives a verdict to that effect, and one of the parties who is cited does not bring about that restoration within a given time, and has no valid reason to advance for this refusal, it is not right that the tie should stand good. We know the primary reason why people enter into marriage, and when that function is abrogated and the court declares that it shall be resumed and the contracting parties refuse to resume, it is only fair and reasonable that an annulment of marriage should follow. Looking at it from the "wowser" point of view, I say it is putting a premium on adultery. I am not one who would add to anything in that direction. There is only another point with which I desire to deal. That is the last clause, which is considered objectionable. My reading of the clause may or may not be correct, but I think it is. All that the last clause asks or requires to be done is that where any woman becomes pregnant to any person other than her husband prior to marriage, within a given period, that marriage can be annulled. Where such circumstances are set up, and they are set up to-day, and men and women enter into matrimony and find within a prescribed time that an unwelcome stranger comes along, and the man has not been in the country long enough to be the progenitor of that unwelcome stranger, it is surely prima facie evidence that the man was taken in. Such a marriage would not be a marriage at all. It would be a convenience. Would hon. members expect any reasonable, honest or decent man to accept that marriage as the sacrament we are told it should be?

Hon. J. J. Holmes: What if the unwelcome stranger arrived somewhere else and the wife discovered it?

Hon. J. CORNELL: The parent Act now provides that it is a ground for divorce. Mr. Nicholson is asking that the Divorce Act shall be so amended so that divorce can be obtained as a result of what happens before, as well as after, marriage. It is only a reversal of the position. When I read the clause first I was inclined to think that intimacy before was one of the reasons. Had it been so I would have suggested that it might have been made to cut both ways. But that is not the position. All the arguments that will be brought forward against the clause propounded by the hon. member have been brought forward against all other provisions of the Divorce Act, and since the inception of divorce. The position in which I find myself is that divorce is part of the laws of our land, and certain matrimonial offences are grounds for divorce. If I am of opinion that there are other reasons as valid, and perhaps more valid, which are not within the four corners of the Act to-day, then it is a very easy process to arrive at to say that they should be, because there can be no consistency in any argument which will retain a provision which is less valid than a provision which should be there. I trust that the House will not only assist Mr. Nicholson in passing the second reading of the Bill, but that facilities will be given to allow the Bill to go through the House. I will end as I began, by congratulating the hon. member for bringing down the Bill, and I have every reason to assume, judging from what he has confidentially told me, and by the increase in his correspondence, that he will emerge from this rather perilous undertaking with a mass of knowledge and advice which will fortify him in bringing the Act more up to date.

Hon. A. SANDERSON (Metropolitan-Suburban) [8.20]: We started to-day by authorising the Government to borrow six millions of money at six per cent. We now propose to finish up the day—if the mover can get his way—by passing a Divorce Bill which, with the suggested amendment, will have the effect of legalising free love. Hon.

members can see the amendment on the Notice Paper.

The PRESIDENT: The hon. member must not anticipate.

Hon. A. SANDERSON: No, but hon. members can see for themselves on the Notice Paper.

The PRESIDENT: I am not sure that it should be on the Notice Paper.

Hon. A. SANDERSON: I did not put it there, but I will leave that matter alone. This is a question of the marriage laws of the country, which are important, whether looked at from the State, as some people insist on looking at it, or whether it is looked at from the point of view of the church. By a great many it must be admitted that marriage is the foundation of society. What is the proposal before us? A private member has introduced a Bill and has asked us to accept it—a Bill which goes to the very foundation of our society. If hon. members will refer to Quick and Garran's "The Annotated Constitution of the Australian Commonwealth," they will see a note to this effect—

> By the old instructions to Colonial Governors, still in use in the Australian colonies at the establishment of the Commonwealth, a Governor was required not to assent to any Bill for the divorce of persons joined together in holy matrimony unless such Bill contained a clause suspending its operation until the pleasure thereon was signified; otherwise they must be reserved. The royal assent to such reserved Bills has frequently been refused.

That shows the importance that is attached by the Imperial Government, at any rate, to a Divorce Act. In addition to that, as pointed out by previous speakers, this matter has been handed over to the Commonwealth. It is quite true that the Commonwealth has not yet found time to deal with the divorce laws. But that is only another example of how it has neglected its functions. We ought as far as possible to compel the Commonwealth Government to deal with this question, and to make the divorce laws uniform throughout Australia. Quick and Garran proceed in their comments—

> The object of this subsection is to enable the Federal Parliament to abolish the varied and conflicting divorce laws which prevail in the States, and to establish uniformity in the causes for which divorce may be granted throughout the Commonwealth. This is considered advisable in order to avoid the great mistake made by the framers of the Constitution of the United States of America, who left the question to the States to deal with as they respectively thought proper. It has been well said that if there is one defect in that Constitution, more conspicuous than another it is its inability to provide a number of contiguous and autonomous communities with uniformity of legislation on subjects of such vital and national importance as marriage and divorce.

I sincerely trust that this Bill will not even pass the second reading. The matter is too important to be treated in a flippant way. It is a matter too important also to be treated by a State Parliament such as this, representing only 300,000 people. And so far from commending private members for bringing in Bills of any sort at the present juncture, at a time when all the attention of members should be devoted to the affairs of the State—our time should not be taken up with a Bill of this nature which opens the flood gates of discussion on a subject which has been and ought to be treated by the Federal Government.

Hon. J. Cornell: Without variety we might become melancholy.

Hon. A. SANDERSON: If that appeals to the hon. member as a serious contribution to an important question such as this, well then it is not my fault. We want to put our affairs at the present time into some kind of order, and I say that this question of the divorce laws should be left to the Federal Parliament to deal with, and until it is dealt with by them we should not complicate the position by taking upon ourselves to make divorce easier in Western Australia. I have communicated with several authorities on this matter, and when I say authorities, I mean those people who are specially interested in the subject. If the Bill goes into Committee, and I hope it will not, I shall be able to place before hon. members comments and explanations of what the Bill really involves. I very much regret that the member for the Metropolitan Province has thought fit at this juncture to introduce a Bill of this nature.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.25]: I have very few remarks to offer, and I speak only because there are two reasons why I do not wish to give a silent vote on this measure. The first is that what I say, and my vote, will be merely my individual opinion and will not indicate in any way, the attitude the Government may desire to adopt in regard to the Bill. The second is that I wish to make clear my reason for opposing the measure, and that is closely associated with the remarks made by Mr. Sanderson. It is undoubtedly a necessity for the well-being of Australian life that our divorce laws should be uniform throughout Australia. The framers of the Australian Constitution recognised that, and they gave the Federal Parliament power to make uniform laws in this matter. Why they have not done so during the past 18 or 19 years I do not know, but it seems to be inevitable that sooner or later they will be compelled to take that course, and I think it is highly undesirable that, in order to meet a few exceptional cases, we should make the position more difficult than it will be when the Commonwealth Government comes along to assume its obligation. The present Bill is introduced for the pur-

pose of embodying in the divorce laws of Western Australia certain provisions which at present apply in England, and possibly elsewhere. On top of that, a new ground for divorce is suggested. I do not intend to make a reference to a further ground which one hon. member has indicated his intention of proposing. I think with you, Mr. President, the time for placing amendments on the Notice Paper is after the second reading stage has been passed. All I would suggest is that when a Bill is brought forward which seeks to embody in the Western Australian divorce laws certain provisions that apply elsewhere, and tacks on another provision, the argument given being that it is introduced because two people cannot live happily together——

Hon. J. Duffell: And a good argument, too.

The MINISTER FOR EDUCATION: There is a temptation for members, both here and in another place, to tack on further clauses providing new grounds of divorce, the basis of which will be the contention that the circumstances suggested are such that the parties cannot be expected to live happily together. If we go on in this way, taking from the law of Great Britain and from the law of some other place, every provision they have for divorce which we have not, and then tack on one or two other provisions which do not apply anywhere, we shall soon arrive at such a situation that the City of Perth will become the Australian Reno, that refuge of restless hearts in America where people flock when they wish to rid themselves of their obligations. It will be a sufficiently difficult matter for the Federal Parliament to introduce divorce laws which, without going to extremes, will embody the provisions relating to divorce which exist in the different Acts of the various Australian States. Since Federation we have passed in this State divorce laws which go further than those in most of the other States and, I believe, we have a larger percentage of divorces in Western Australia than the other States have. If we keep on adding to our divorce laws in this way, we shall only embarrass the Federal Parliament in passing uniform divorce laws for Australia. For these reasons, I cannot see my way clear to support the second reading of the measure.

Hon. J. DUFFELL (Metropolitan-Suburban) [8.32]: In taking a stand and expressing an opinion with regard to this Bill, one has to realise the seriousness of the subject. We are all agreed that in regard to anything which has for its object an interference with marriage or divorce laws, one is treading on delicate ground, but we have to bear in mind that we are living in abnormal times. Great changes have taken place in the world during the past few years. Men and women plight their troth before the alter and, in spite of the old injunction "whom God hath joined let no man put asunder," nothing has been uttered to the effect that those whom the devil has joined should have to continue to cohabit under circumstances which might lead to murder or something else contrary to law and order.

Hon. J. Cornell: There is another, not to put sand in sugar.

Hon. J. DUFFELL: We have to bear in mind that we are living in very progressive times. A few years ago there was a great fight in England over the Deceased Wife's Sister Marriage Bill. For years that was a vexed question, but with the progress of events, we have lived to see that law changed, and we have arrived at a stage when we as reasonable men should realise the necessity for the amendment even of our marriage and divorce laws. We have in this fair City of Perth, alas, too many unhappy marriages. We have people united in the bonds of holy matrimony whom we know can never live in harmony or add to the population offspring which would be a credit to them and useful to the nation. In the circumstances something must be done. I have already given notice of my intention to move another provision when the Bill reaches the Committee stage, and I have done so because there is good and sufficient reason for the amendment. Mr. Kirwan, in his well thought out remarks, mentioned Clause 4 dealing with the question of insanity, and went on to state that insanity is a disease. We fully concur in that, but insanity differs from the other diseases he mentioned inasmuch as the person afflicted does not know the ground upon which divorce is being sought. Therefore the case differs greatly from those of people suffering from consumption or leprosy. The provision suggested might meet the advanced thought of the present day for such cases. Generally speaking I approve of the Bill and realise how necessary it is to be careful in handling any amendment to such an Act, but there are occasions when we must face such questions. The provisions outlined should meet cases arising from time to time and result in good and save much of that trouble which often leads to worse crime than the sundering of the marriage bond. I support the second reading.

Hon. A. J. H. SAW (Metropolitan-Suburban) [8.37]: I intend to support the second reading. On looking through the provisions enumerated in the memoranda, I consider the grounds for which relief is being sought are valid ones. Many people are alarmed at the considerable number of divorces which have taken place. This affords me no alarm whatever. I look upon them as a happy release to those who have been so unfortunate and whose marriage has been attended by such distressful circumstances that they had to seek the relief of the Act at present in force. I do not regard divorce as violating the sanctity of marriage. The sanctity of marriage is violated when love ceases to enter into it. Take the case of insanity: Is there any reason why insanity under certain circumstances should be a valid ground for divorce when

the insane person is in this State? Why, when the afflicted person is confined in a neighbouring State, should not the same clause apply? In regard to the restitution of conjugal rights and the refusal of one party to obey a decree of restitution, surely that should be a ground for divorce; and in regard to the third clause where a woman, knowing herself to be pregnant to another man, enters into the bonds of matrimony, what hope can there be that their marriage will prove a success?

Hon. J. Cornell: It is imposition as well.

Hon. A. J. H. SAW: Under the present law, the infant must for all times arise as a barrier between the man and a woman. There is a well known novel by Thurstan entitled "Traffic" or "The record of a faithful woman," which deals with this point. I am sure the picture drawn in that novel, dealing as it does with circumstances arising out of such a condition as this Bill proposes to relieve, would convince anyone of the necessity for such an amendment, when the consequences can be traced to such an unhappy marriage. The leader of the House said we should not embarrass the Federal Parliament when it comes to legislate on this subject, by any advanced legislation in this State. I do not regard the proposals in this measure as being advanced. They merely seek to remedy things which there is just as much justification for relieving as can be claimed for many of those provisions enumerated in the existing Act. The Federal Parliament does not at present indicate that it is likely to be embarrassed by any legislation we are putting into force and, instead of embarrassing them, such a measure may give them a friendly lead.

Hon. J. NICHOLSON (Metropolitan—in reply) [8.42]: I thank those members who have been kind enough to offer me encouragement in undertaking the introduction of this measure, and I would assure those who have expressed their opposition to the Bill that I have the fullest respect for their opinions. When I was asked to undertake the responsibility of piloting the measure through this House, I did so, recognising that undoubtedly it would provoke a good deal of criticism and probably adverse comment. Such remarks as have been made, therefore, have not been unexpected. The subject of divorce, being of such paramount importance and surrounded as it has been for centuries past with a halo of sanctity, is such that one cannot but approach the subject with the greatest possible feelings of respect for those who entertain opposite views. I have come to regard this subject with what one might term the present day outlook. I have at all times respected, and shall at all times respect, the marriage bond. It is sanctified by religious proceedings, and to rob that very sacred association of any part of its sanctity would be wrong indeed for any community. But I have a desire, and an honest desire, to try to relieve those suffering members of our community from a bondage which, in many cases, amounts to nothing short of hell. If I were to go into details to-night, I think I would move the most hardened opponent of this measure to sympathy and support. The instances I could relate in support of the grounds mentioned in this Bill are so distressing and so harrowing that, I venture to say, there is no member here but would be glad to declare that the relief proposed in this Bill is proper and just. The Government are charged with a very serious responsibility indeed as regards the conduct of affairs of State, but also as regards something even more serious, and that is the welfare of the community. Can any Government claim that they are discharging that onerous duty fully and thoroughly if they do not provide reasonable measures of relief, such as are proposed in this Bill, from a bondage which I have described as distressful in the extreme? I agree with what each of the hon. members who have spoken has stated regarding the desirability of divorce being the subject of Federal legislation. We should have uniform law throughout Australia in regard not only to marriage but also to divorce and many other subjects. But are we to wait until such time as the Federal Government in their wisdom think fit to introduce these necessary measures of relief? If so, we might wait very long. Is it right that, where a man or a woman is linked to a person in a union which has assumed such a character that their continued association is good neither for themselves nor for the community, the link should be kept intact? There are, no doubt, conditions in which it should be kept intact, but the grounds set forth in this Bill are grounds which are solid and reasonable and such as I venture to believe the Federal Government, with all their combined wisdom, will readily grant to be solid, and therefore will not hesitate to include in any future Federal measure. Let me refer for a moment to what was said on the introduction of a Bill amending our divorce law in 1911 by Mr. Moss. It is interesting to revert to what took place then. With regard to some adverse comment that has been made on the propriety of the introduction of such a measure as this by a private member, let me point out that the measure now on our statute-book was also introduced by a private member, not only in another place but also here. So that the procedure which was followed on that occasion is being followed in the present instance. The Government did not undertake the introduction of the previous measure at all. I hope, therefore, hon. members will appreciate that there is nothing out of the way in a measure such as this being introduced by a private member. Mr. Moss in 1911 spoke as follows:—

> I have been asked by Mr. Hudson, the member for Yilgarn, to undertake the fathering of the measure in passing it through this Chamber, and I do so with a very great amount of pleasure indeed. In 1901, when my Bill was introduced and passed through this Chamber, I was then

confronted by arguments on all hands that the Western Australian Parliament might just as well leave this question alone. Divorce was one of the matters which the Federal Government had been invested with authority to deal with, and in course of time a comprehensive measure dealing with the divorce laws of Australia would be dealt with by the Federal Parliament. That was in 1911, and even to-day the Federal Parliament have not dealt with the matter.

So far no attempt has been made to deal with this important question by the Federal Parliament, and this Bill, although it does not go so far as I am personally prepared to go, removes from the statute-book a blot that should have been removed a long while ago. In order to understand accurately the position of the divorce law in Western Australia it is necessary to go back and ascertain what the position was in England prior to the coming into force of the Divorce Act of 1857 in England, because our present law is almost entirely a transcript of the Act passed in 1857 in England. Down to the end of 1857 the theory of the law of England in regard to divorce was exactly the same as the theory of the Roman Church. Divorce was not recognised, and there was no measure on the statute-book of England that allowed persons to procure divorce.

I may say here that I believe in Ireland at present there is no law of divorce existing.

While the law in England remained like that, there was a means adopted, and was a means that could be adopted by persons only of considerable wealth, of obtaining dissolution of marriage. The conditions which were necessary to satisfy the Imperial Parliament were these: A divorce know as a "divorce a mensa et thoro" had to be obtained from the Ecclesiastical Court, and which is known as a judicial separation, separating the parties; but they were not entitled to marry again. That was the first condition that persons about to procure divorce had to comply with. Having obtained this judicial separation, a mensa et thoro, from the Ecclesiastical Court, they had to bring an action for damages against the adulterer in the civil courts. Having procured damages, the next step was to go to Parliament and get an Act passed. Having obtained the dissolution a mensa et thoro and damages as required, a person had to proceed to the Imperial Parliament. A special Act of Parliament had to be procured in each case enabling the marriage to be dissolved; so that three suits were necessary—one in the Ecclesiastical Court, one in the civil court, and one before the Parliamentary tribunal; and, of course, as has been repeatedly said, divorce became the remedy for the rich, and the poor were driven to bigamy. When I introduced my Bill in 1901 in Parliament, I quoted from an address to a prisoner by a very eminent judge in England, Mr. Justice Maule. The man was convicted of bigamy, and Mr. Justice Maule put the absurdities of the existing law in a way not quickly to be forgotten. The prisoner's wife had robbed him and run away with another man, and this is what the judge said: "You should have brought an action and obtained damages, which the other side would probably not have been able to pay, and you would have had to pay your own costs, perhaps a hundred or a hundred and fifty pounds. You should then have gone to the Ecclesiastical Courts and obtained a divorce a mensa et thoro, and then to the House of Lords, where, having proved that these preliminaries had been complied with, you would have been enabled to marry again. The expense might amount to five or six hundred or perhaps a thousand pounds. You say you are a poor man. But I must tell you that there is not one law for the rich and another for the poor."

The judge's remarks are truly a fine piece of irony. That position is a position which exists even to some extent at the present time, because in certain circumstances parties are held together in this bond of union which cannot possibly be severed unless by the sanction of our laws. We as a Parliament, in seeking to frame legislation, must think of the wants of our electors. It is our duty to remedy those wants. In the present measure there is no attempt to introduce anything of a wildly novel character such as we know exists in the divorce laws of some American States. In certain American States divorce can be granted upon almost any ground. I ask hon. members to turn with me to the provisions of this Bill and to say, after fully and conscientiously weighing each of the clauses and the grounds set down for them, would not they, if adjudicating on a case based on any of the grounds mentioned in this Bill, consider that it was right they should have the power to grant relief from a union yoking together two parties after mutual confidence has disappeared, and therefore constituting something very different from a sacred marriage? I am desirous of upholding the sanctity of our marriage laws, but when two people find that conditions have arisen which render it impossible for them to live longer together, is it not better, in the interests of the community, that they should be released from the bonds so that they may enter lawful wedlock again and discharge those duties which are more essential to-day than ever before? If the parties are kept bound together, there is only one means whereby they can get release, namely, by one or other of then committing a marital offence which would cast a stigma on their future marriage. Is it not better therefore that if a second marriage is entered into by either of the afflicted parties they should be given an opportunity of entering that marriage free from the stigma of a blot such as too often happens when one or other of the parties has a petition brought against him or her on the

grievous ground of adultery. I pointed out when introducing the measure that the first six clauses, with the exception of Clause 5, are re-enactments. Clauses 2, 3, 4, and 6 are an exact transcript of the English law, which has been in existence since 1884. The only difference in Clause 5 is that our Act of 1911 provided for divorce on the ground of desertion, and in order to bring Clause 5 into line with our existing law, the necessary modifications had to be made.

Hon. J. W. Kirwan: Has not an Act been passed in England recently?

Hon. J. NICHOLSON: I think not, but during the last year or so a society has there been formed with the object of bringing in a measure to provide wider grounds for divorce. If such a Bill is not already before the House of Commons, it will be there very shortly.

Hon. J. W. Kirwan: What about waiting until we see whether that Bill passes?

Hon. J. NICHOLSON: That would be most unwise. This part of the Bill has actually been the law in England since 1884, and therefore we should have no hesitation in adopting it. We have at the present time a provision for divorce on the ground of lunacy, but we have to bear in mind that in the existing Act it is provided that the party afflicted with insanity must have been confined as such in an asylum or institution in accordance with the Lunacy Act of 1903 for a period or periods not less in the aggregate than five years, within six years preceding the filing of the petition, and that the party is unlikely to recover. Every safeguard has been retained in respect of lunacy. There has been no attempt to reduce the period stated in the Act, the only modification being the elimination of the words "in accordance with the provision of the Lunacy Act of 1903," which rendered it necessary that the patient should have been confined in an asylum within the State. It is only right that relief should be afforded in cases where the patient, for reasons of better convenience, has been confined in an asylum outside the State. In regard to Clause 8, it is a fair and proper provision, one which is specially designed to meet the case of women cruelly deserted by husbands who probably have gone to places where they cannot possibly be reached. It is for the purpose of giving deserted women a matrimonial domicile. Such a woman in certain cases finds she is unable to get relief because in law the husband's domicile is her domicile. It is only right that some matrimonial domicile should be provided for her and relief accorded to her. There is no chance of the parties coming together again. That woman should be discharging her functions; probably she could be happily wedded if only she could get relief. If she desires to re-marry is it well that we should leave that woman and others exposed to the risk of being charged with bigamy and brought up before the Criminal Court, there to suffer the ignominy and disgrace attending upon such a charge? It is the duty of Parliament to relieve that condition. The one novel clause is the ground of divorce for ante-nuptial incontinence with pregnancy. Had this clause been framed without the provision which is inserted as to pregnancy I admit at once it would have serious objection. But what could be more abhorrent? What confidence is shattered when a man wedded to a woman finds that that woman is in a pregnant condition to some other man! There could be nothing better calculated to give a man an unholy hatred of marriage than such a condition as that. We are seeking to preserve the sanctity of marriage, but the man who is unfortunate enough to be the victim of such a marriage is to be pitied in the extreme, and Parliament should only be too glad to extend to him every possible measure of relief. I hope the Bill will be accepted. I again assure hon. members that it is my desire only to provide such a measure as is fair and proper. I submit that the Bill can be supported on all grounds.

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

Ayes	8
Noes	6
Majority for	2

AYES.

Hon. J. F. Allen	Hon. R. J. Lynn
Hon. J. Cornell	Hon. E. Rose
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. J. Nicholson (*Teller.*)

NOES.

Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. W. Kirwan	Hon. H. Stewart
Hon. J. Mills	Hon. H. Carson (*Teller.*)

Question thus passed.

Bill read a second time.

BILL—JUSTICES ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.15] in moving the second reading said: The object of this Bill is to cure some defects which have been found in the Justices Act, 1902, more especially in applying the provisions of that Act to other Acts. The first difficulty arises in connection with the definitions which are given in the principal Act. The definition defines breach of duty to mean "any act or omission not being a simple offence or non-payment of a debt." "Simple offence" is defined to mean "any offence, indictable or not, punishable on summary conviction

before justices by fine or imprisonment or otherwise.'' In practice it has been found that the definition of breach of duty does not cover all the matter in other Acts of Parliament, where summary jurisdiction is applicable, and in many cases where it is the only jurisdiction which can be applied. Because of this, difficulties have arisen in enforcing orders made by justices. Recently a case went to the Full Court under the Bastardy Act, where the question arose as to how far a certificate of dismissal in summary jurisdiction would apply to proceedings taken under the Bastardy Act. In that case an affiliation plaint had been made against a man under the Bastardy Act, and the plaint was dismissed. He obtained a certificate of dismissal, which, had the procedure of the Justices Act applied in its entirety, would have prevented any second proceedings being taken for the same cause. But proceedings were taken against him for exactly the same thing, and he pleaded the certificate which he had obtained under the Justices Act. The Full Court, after going into the matter, held that the certificate under the Justices Act was no bar to proceedings again taken under the Bastardy Act, which, of course, is quite contrary to the ordinary ideas of English justice. Again, under the Lunacy Act a man may be charged with being found wandering abroad and being of unsound mind; he is proceeded against under the Justices Act. But in that Act the definition of ''breach of duty'' is ''any act or omission not being a simple offence or non-payment of a debt,'' and it must be obvious that being found wandering abroad and being of unsound mind can hardly, in the ordinary sense, constitute a breach of duty. Similar defects have arisen under the Roads Act, since breach of duty does not include failure to obey an order for the payment of money. The same thing applies under the Inebriates Act, since being an inebriate would not come within the definition of breach of duty. Similar cases might easily arise under the Master and Servant Act. To get over these difficulties the Bill strikes out the definition of ''breach of duty'' in the principal Act and substitutes the word ''matter'' therefor, and ''matter'' is defined to mean ''any act, omission, fact or event (except in an indictable offence not punishable summarily) upon complaint whereof justices may give any decision against or in respect of any person.'' The object of this Bill is to bring everything into conformity so that when complaints are being dealt with under various Acts and summary jurisdiction is given, justices, and especially country justices, may find the whole procedure laid down in the Justices Act. Provision is further made that no person shall be liable for imprisonment who is exempted under any Act, as, for instance, a female who cannot be imprisoned under the Master and Servant Act. There is a further difficulty which frequently arises under the Bastardy Act and the Married Women Summary Jurisdiction Act. Under both these Acts orders can be made for periodical payments, but as the Justices Act does not apply in its full entirety to those two Acts there has always been a difficulty in enforcing an order for a periodical payment of money under the Bastardy Act or the Married Women Summary Jurisdiction Act. The effect of the definition which I seek to include in the principal Act, as regards ''matter'' will avoid the difficulties which have arisen in this respect. The Bill also provides for a proper ratio in the matter of fine or imprisonment in default. Sometimes one sees a sentence imposing a fine, and in default a term of imprisonment absurdly out of proportion, and the opposite may also occur. Then there is the case where a man may be fined £10 or a month's imprisonment; he is given time to pay; after paying £5 he is unable to find the balance and has to serve the whole period unless he obtains some special remission by appeal to the Attorney General. The Bill provides that proportion of the sentence comparable to the amount of fine he has paid shall be deemed to have been served, or, in other words, shall be automatically remitted. There is another important class of cases in which we ought to secure uniformity and give greater elasticity. I refer to appeals. The present right of appeal is twofold in its nature. Section 183 of the existing Act allows the right of appeal to any person summarily convicted, when an order is made by any justice, in which imprisonment is adjudged without the option of a fine. I do not propose to interfere with that. But the provision goes on to say ''or a fine or penalty is imposed exceeding £10, then an appeal lies.'' The appeal lies either to the circuit court or to the court of general or quarter sessions, or to a judge of the Supreme Court. In appealing to quarter sessions from a conviction made by a justice, it very often happens that one is appealing from Cæsar to Cæsar, which is not very satisfactory. While preserving to any person who has been imprisoned without the option of a fine the right of appeal to a district court or to a judge of the Supreme Court, the Bill proposes to abolish all other rights of appeal mentioned in that section, and to substitute another method. Another method which is already prescribed by the Act, is appealing by way of a case stated. That arises out of points of law only. In cases where a person is convicted and a point of law arises, the magistrate can be asked to state a case for the opinion of the Full Court. But that is not satisfactory for the reason that, first of all, it means that the parties have to agree upon the facts stated. In practice it generally works out that the magistrate is asked by the appellant to state a case. The magistrate then asks the appellant's solicitor, and also the solicitor for the respondent, to appear before him and agree upon the facts. It generally means rather lengthy and not very satisfactory argument. Again—and this is only human

nature—there is in the minds of some people, unfortunately, a natural desire to have their findings upheld. Generally speaking, in practice I do not think the profession have found that an appeal by way of case stated on a point of law really works very well. Before deciding to rescind this method of appeal, the Crown Law officers, with the Attorney General, consulted judges of the Supreme Court to see how far in their opinion the present practice of cases stated is worth while. In lieu of this a right of appeal will now be open to anyone, whether it be a question of law or of fact. We propose to insert in the Bill clauses which will enable an order for review to be obtained. An order for the review of any decision which may be given under the Justices Act can be obtained from a judge of the Supreme Court in chambers, ex parte, upon affidavit, only of course the party must satisfy the judge he has a prima facie case for an appeal. That will prevent appeals being brought which have no possible chance of success. When that order is obtained the judge who makes the order can direct that the appeal be heard either before the Full Court or before a single judge. It might be convenient, where there is a circuit judge, to make an order for the appeal to be heard before a single judge. Hon. members interested in this question will find provision for procedure of this nature in the Victorian Act, and also in the Queensland Act. This appeal, while it is wider in its scope than the present method of appeal prescribed in the existing Act, will be, I think more satisfactory—both as regards its working and also in the possible prevention of unnecessary and hopeless litigation. There is another matter to which I would call attention. It sometimes happens that goods are seized under a warrant in execution to carry out an order made by justices. In such cases sometimes a claim arises for the goods. The goods may belong to somebody else. At present, if the person executing the warrant persists in retaining these goods, or in selling them, the only remedy is against the unfortunate officer, by bringing an action for damage or for trespass—or if the goods have been sold, the person who claims them may obtain an injunction from the Supreme Court. Both those remedies are cumbersome. In the Supreme Court and also in the local court, if anything of the kind arises a simple procedure is adopted. In the Bill provision is made that the same procedure shall be adopted as in the Local Court Act, namely, when a claim of this kind is made, the person executing a warrant can cause a summons to be issued in the nearest local court, calling upon the claimant of these goods to justify his claim. It is a quick and inexpensive method of disposing of the claim of persons, who rightly or wrongly, contend that the goods seized under warrant belong to them. Those are the principal objects which it is sought to attain by the Bill. There are many other amendments which, however, are rather of a machinery nature. I move—

That the Bill be now read a second time.

Hon. J. CORNELL (South): As a justice of the peace—not that I have ever officiated in dealing out justice, although I may be called upon to do so—I have compared this Bill with the parent Act and found it to be essentially a measure for Committee. When it reaches that stage I propose to suggest an amendment to definitely and concisely provide that women may be appointed justices of the peace. I have consulted the Crown Law authorities in this regard and the belief held by the Crown Solicitor is that the parent Act does not by its phraseology preclude women from being appointed justices of the peace. The first paragraph of Section 6 is extremely explicit. It says that the Governor may appoint such and so many justices from time to time as may be deemed necessary to keep the peace in the State of Western Australia. There is nothing in that phraseology to suggest that a justice of the peace shall be a man or a woman. Never yet in the history of this State, or indeed even in Great Britain, has a woman been appointed to the commission of the peace. Although the parent Act does not debar the appointment of women, the practice may have a serious effect if the Government of the day decided upon appointing women justices of the peace. The position might be challenged in accordance with practice and procedure, and it may have to be decided, as I believe it would, within our courts, and it is quite possible that our courts would rule that as the Act did not specifically lay down that women may be appointed justices of the peace they could not be appointed. An Act was recently passed in Great Britain which provides that women may be elected as mayors of councils or similar minor bodies, but there is a proviso which sets out that they shall not act as ex-officio justices of the peace. There is an inference there—although it may be construed both ways—that there is nothing in the laws of England which will permit of them being appointed justices of the peace. The fact remains they have never been appointed. Let us, however, take the law which covers our highest authority. We find that the Crown of England may be worn by a woman. That is the pivot on which the British Empire moves. If the laws of England say that a woman can wear the Crown of Empire, that places the hall mark upon the ability of women to perform other functions of a semi judicial character. There may be objections raised at a later stage as to the temperament of women in connection with the discharge of the duties associated with the administration of justice. I have no desire to in any way reflect upon my brother justices of the State, but I think if they calmly consider and reflect without drawing invidious comparisons, they will realise if they make a fair and honest comparison, that some women would be equally capable of presiding on the bench with many men. This State has gone so far as to vest in women some of the functions of a justice of the peace without actually bes-

towing the title of justice of the peace upon them. To-day in our Children's Court, women exercise equal functions with male justices. The State in its wisdom has seen fit to declare women quite capable of attending to the duties associated with the Children's Court, an innovation which I think is in the right direction.

Hon. J. J. Holmes: Women are coming into the legislature. Why not wait until then to see what they want.

Hon. J. CORNELL: I have yet to learn what women do not want. We have heard it said that women are fit to carry out the functions which are discharged by hon. members. Therfore when we give her that prerogative we destroy any other argument which we might bring forward. The Premier has promised that women shall have equal rights with men, and I am informed that a comprehensive measure is likely to be introduced so as to remove all disabilities which are to-day placed on women. We have, however, an opportunity in the Bill before us to say whether we shall extend equal rights to men and women in respect of appointments to the commission of the peace. I will outline an amendment I propose to submit if I am in order in doing so.

The PRESIDENT: Yes, though it is unusual.

Hon. J. CORNELL: It will be an amendment to Section 6 of the Act, and it will read—

> Section 6 of the principal Act is hereby amended by adding a paragraph as follows: Women shall not be disqualified by sex or marriage for appointment as justices of the peace.

The Crown Solicitor states that there is nothing in the phraseology of the Act to prevent the appointment of a woman to the position of justice of the peace, and if we get the assurance of the other House that that law as it stands is sufficient, and the leader of the House on behalf of the Government will inform us that women will be appointed to these positions, I will not press my amendment. The amendment after all merely sets forth that the embargo, if there is one, shall be effectively removed. There are innovations in the Bill that are desirable and are an improvement on the parent Act, and I commend the Government for having introduced the Bill.

Question put and passed.

Bill read a second time.

House adjourned at 9.45 p.m.

Legislative Assembly,

Tuesday, 9th September, 1919.

QUESTION—REFORESTATION.

Mr. NAIRN asked the Premier: 1, Is it the intention of the Government to commence sylvicultural operations and reforestation as sanctioned in the Forests Act, 1918, Section 41? 2, If so, when? 3, Has a locality for such operation been decided upon? 4, If so, where? 5, If such sylviculture and reforestation have been decided upon, will employment, as far as possible, be confined to returned soldiers? 6, Will suitable homes be erected for those employed? 7, If so where? 8, Is it the intention of the Government to establish a forest products laboratory? 9, If so, when?

THE MINISTER FOR MINES (for the Premier) replied: 1, Yes. 2, As soon as a working plans officer is appointed. 3, Yes. 4, Working plan No. 1 will cover country from Mundaring to Jarrahdale. Working plan No. 2 will cover country between Capel and Sabina rivers. 5, Yes. 6, Yes. 7, Adjacent to the work. 8, No. The Federal Government will establish the forest products laboratory. 9, When the Science Bill becomes law.

QUESTION—AGRICULTURAL HALLS, GOVERNMENT SUBSIDY.

Mr. PICKERING asked the Premier: In view of the urgent necessity for making country life attractive and providing some of the advantages appertaining to city life, of which most country districts are destitute, will he reconsider the Government's decision, arrived at in 1914, to shut down on subsidies on the pound for pound basis for the erection of agricultural halls, as in many instances the question of providing such funds is beyond the financial possibilities of the residents?

The MINISTER FOR WORKS (for the Premier) replied: Yes, as soon as the finances of the State permit.

QUESTION—POLICE, PROMOTIONS.

Mr. JOHNSTON asked the Minister for Mines: 1, Who actually selects members of the police force for promotion, the selection board or the Commissioner of Police? 2, Are the recommendations or selections of the selection board recorded? 3, Who makes the recommendation to the Minister that the decisions of the board be carried into effect?