

## Noss.

Mr. Angelo	Mr. Money
Mr. Broun	Mr. Mullany
Mr. Draper	Mr. Nairn
Mr. Duff	Mr. Pickering
Mr. Foley	Mr. Plesse
Mr. George	Mr. R. T. Robinson
Mr. Harrison	Mr. Stubbs
Mr. Hickmott	Mr. Teesdale
Mr. Hudson	Mr. Hardwick
Mr. Johnston	(Teller.)
Mr. Letroy	

Amendment thus negatived.

Clause put and passed.

[The Speaker resumed the Chair.]

Progress reported.

House adjourned at 10.55 p.m.

## Legislative Council,

Tuesday, 15th October, 1918.

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

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

### BILL—CRIMINAL CODE ACT AMENDMENT.

Received from the Assembly and read a first time.

### BILL—PRESTON ROAD DISTRICT SOLDIERS' MEMORIAL.

On motion by Hon. J. Ewing, read a third time and *passed*.

### BILL—INTERPRETATION.

#### Second Reading.

Debate resumed from the 2nd October.

Hon. J. NICHOLSON (Metropolitan) [4.35]: The debate on the second reading should be very limited indeed, because there is nothing in the Bill which is of a controversial character, except perhaps one clause. In fact, I think it is a Bill in reference to which we may congratulate the Government on seeking to adopt a course which might be followed with advantage in regard to many other Bills. An effort is here made to codify the law and, instead of bringing in amendments to Acts, as is usually done, we are now to get a consolidated measure. The ex-

ample set in this case might well be followed in future. The Colonial Secretary in moving the second reading referred to Clause 31. I take it that his reference was made under a misapprehension, that he overlooked the fact that Clause 31, as it appeared when the Bill was originally introduced, was deleted in another place. The chief clause upon which debate centred in another place was Clause 32, in which an effort is made to get over what has been a legal difficulty in the construction of many Acts of Parliament, not only here but in other parts of the Empire; that is to say, in regard to the use of the words "may" and "shall." The interpretations of these words have varied. For example, the word "may," although in ordinary language we would regard it as permissive, has been held by the courts in many cases to be obligatory, whereas on the contrary "shall," which ordinarily is regarded as mandatory, has been held in certain cases to be permissive. I believe that the clause to which I refer has been taken from an Act in force in South Australia, and I understand that that Act has not worked any hardship. It is not intended that this particular clause should be retrospective, and it will not affect Acts which are already in force. We might, therefore, follow the example set and see whether the difficulty which has been experienced in other Acts may not be overcome by this clause, when these words are employed in future Acts. Whilst, generally, I support the second reading, I may have certain observations and suggestions to make when in Committee.

Question put and passed.

Bill read a second time.

#### In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2, 3—agreed to.

Clause 4—Meanings of certain terms:

Hon. A. SANDERSON: The definition of "Minister" here given is "a Minister of the Crown." Does that mean an Honorary Minister?

The Colonial Secretary: No.

Hon. J. NICHOLSON: On the definition of "sitting days." In various clauses in the Bill reference is made to sitting days. I had heard of sitting hens, but not previously of sitting days. In the definition which is supplied, "sitting days," used in reference to either House of Parliament, means days on which such House actually sits. I move an amendment—

That in line 3 "sits" be struck out and "meets for the despatch of business" inserted in lieu.

Standing Order 48 uses the expression "meets for the despatch of business."

The COLONIAL SECRETARY: I fail to see any good purpose which would be served by the amendment. "Sitting days" seems to me to express exactly what is wanted.

Amendment put and negatived.

Clause put and passed.

Clauses 5 to 30—agreed to.

Clause 31—Meaning of service of a notice or document:

The COLONIAL SECRETARY: I move an amendment—

That in Subclause (1), paragraph (c), line 1, the word "registered" be struck out.

If this amendment passes there are two consequential amendments. The word "registered" was inserted in the original Act by the Legislative Assembly; it did not appear in the original draft. Neither in the Imperial Interpretation Act, nor in the Commonwealth Interpretation Act nor in the Interpretation Acts of any of the Australian States, is service by post required to be made by registered letter. That procedure is in many cases quite impracticable. It would involve considerable additional cost if each service was to be by registered post. In the case of the Taxation and Electoral Departments the registration of thousands of notices would entail a breakdown of the registered letter branch of the General Post Office. The word "registered" crept into the Western Australian Act of 1898, with the result that in various measures a special provision has had to be inserted taking them practically out of the Interpretation Act.

Amendment put and passed.

The CHAIRMAN: Two consequential amendments will be made as a matter of form.

Hon. J. NICHOLSON: I desire to move an amendment in an earlier portion of this clause. Perhaps the Colonial Secretary will agree to recommit for that purpose.

The Colonial Secretary: Yes.

(Clause, as amended, agreed to.)

(Clauses 32 to 35—agreed to.)

(Clause 36—Implication of power to make regulations:

Hon. J. NICHOLSON: Subclause 2 provides that—

Notwithstanding any provision in any Act to the contrary, if either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything in the amendment.

It occurred to me that the clause does not clearly express the intended meaning, because notice of a resolution cannot be given. We give notice, not of a resolution, but of a motion; and the resolution is passed on the motion. However, I merely call attention to the wording. With regard to the subclause, I move an amendment—

That in Subclause (2) line 3, after the word "disallowing" there be inserted "or amending."

The House might desire to agree to a regulation subject to amendment. At present there is only power to disallow a regulation in its entirety.

The COLONIAL SECRETARY: I think it would be a great mistake to insert those words, which would be a violation of the spirit of the clause. The principle involved in this clause has been frequently discussed both here

and in another place. Some of our Acts of Parliament contain a provision that, a regulation having been made, it can only be disallowed on the vote of both Houses of Parliament. To that course this House has taken the strongest exception, arguing that since it requires both Houses of Parliament to make the law no regulation under that law should be framed which is not agreeable to the wishes of both Houses of Parliament. If a regulation is framed with which either House disagrees, then it is proper for that House to disallow the regulation. The suggestion to amend is, therefore, to destroy the spirit of the clause, because the intention is not that there shall be controversy between the two Houses with regard to a regulation. Obviously, we cannot give power to either House to amend a regulation. By far the preferable course is to adopt what is in this Bill—the right of either House to disallow regulations. There is also in this clause a valuable interpretation of "sitting days," because it has happened that regulations have been submitted to Parliament almost at the close of the session and that, in consequence, the time during which exception could be taken to them has elapsed before there was an opportunity of calling them in question. That occurred in one instance in regard to the regulations under the Pure Foods Act, and some confusion arose. I ask the hon. member not to press the amendment, as it may lead to some controversy between the two Houses in regard to regulations.

Hon. J. NICHOLSON: I have no wish to press the amendment. These regulations have the force of law. So with a Bill, when it becomes an Act it is the law. Before it is passed we have power of suggesting amendments. In regard to regulations, the House should have an opportunity of amending them if it is thought fit. Perhaps the Colonial Secretary might hold over the consideration of the clause so that it may be looked into.

Amendment put and negatived.

Hon. J. NICHOLSON: I have another amendment to move. If a regulation be disallowed there is no provision in the clause for the refunding of any payments which may be made under the disallowed regulations. It frequently happens regulations impose the payment of certain sums of money and from the time of the regulations being gazetted it is necessary for those responsible to observe them. Occasionally payments are provided for under the regulations, but there is no provision if regulations are disallowed for payments being refunded. I therefore move—

That the following paragraph be added:—

"If any payment be made under any regulation which may be disallowed, then all such payments shall be refunded to the party making the same."

The CHAIRMAN: I have some doubt as to whether the amendment is in order in regard to the appropriation of moneys.

The Colonial Secretary: I have no objection to reporting progress on the clause.

The CHAIRMAN: I will take it that the hon. member has not moved his amendment. Progress reported.

## STANDING ORDERS AMENDMENT— CONTROL OF PAPERS.

The PRESIDENT: With regard to the amendment of the Standing Orders passed by the Council on the 24th September, 1918, I have to state that on the 14th day of October, 1918, they were approved by His Excellency the Governor.

## BILL—STATE CHILDREN ACT AMENDMENT.

### Second Reading.

Debate resumed from the 2nd October.

Hon. W. KINGSMILL (Metropolitan) [5.7]: There is one point in connection with this Bill on which I am in accord with the Colonial Secretary. I may be in accord with him on more than one point, but I may say on one most certainly the Colonial Secretary may claim to have my hearty support, and that is the necessity that exists for us to make good the laws to recognise the importance, never greater in the past than at the present, to foster and improve in the greatest possible degree that child life amongst us. Never in the history of the Empire has there been greater need than at the present time when we have unfortunately for us such a tremendous number of gaps to make good in the community. Under these circumstances I welcome anything put forward as an attempt to improve the existing conditions. And while I agree to the utmost possible extent with the object of the Bill, I may be pardoned if I disagree with some of the details. For the last few years I have disagreed with some of the details of the parent Act of the Bill which we now have before us, and I have done so for reasons which I think are good and valid reasons. It is simply a difference in the method of administration and the nature and character of the central authority so to speak, which I demand on behalf of a somewhat large section of the public, in order to make the Bill more perfect. In asking for this change it makes my task the easier that I have already been privately informed by the leader of the House that he has no objection to a course being adopted in the House whereby the people whom I claim to represent shall have an opportunity of pleading their own case, which they are able to do far more eloquently than I can. That is by the reference of the Bill at the proper stage to a select committee in order that all parties, the several parties largely and vitally interested in the question, may be heard, and in order that all parties shall have the utmost opportunity of putting their views forward and having their views thoroughly tested by a competent tribunal of this House. I think the honourable gentleman will find somewhat surprising the stir that this Bill has raised amongst various classes of the community. The Bill is the exposition of departmentalism against all other dealings with the subject of the betterment of the child. The Bill represents only one side of the question. We have before us crystallised in this measure the departmental view alone, and those persons who are actuated by motives just as good—I do not say better—than those of the department admin-

istering these affairs, wish to have their views taken into consideration, and I hope that such a course may be achieved. There has been and is now a contest, none the less earnest because it is not very open in manifestation, waging between persons who believe that children are better looked after in institutions, that is in the mass, than they are individually when they are made the subject of such home life as may be available for their upkeep. Both parties have a certain amount of right on their side, but it would be almost impossible that this House sitting as a committee of the whole or in this Chamber itself, can adjudicate on a question like this without calling in expert evidence, not only of those who believe in institutionalism, but those believing in what is known as the boarding out system. Then again we find that the representatives of institutionalism as represented by the heads of the two principal churches in Western Australia—the Anglican and Roman Catholic Archbishops—are finding something to cavil at in the Act. They object to the power to place out and put under the control of those necessary those children who have reached a suitable age when such placing out can be done. When the select committee is appointed I most certainly would not like to act on it, because I feel I am somewhat prejudiced. I may state at once why. I happen to be the vice-president of a society which has done a very great deal in the community towards the protection of child life. I refer to the Children's Protection Society, which has been most inadequately considered and in some ways harshly treated, not only by this but by preceding Governments. I am also trustee for another society which has introduced into this State the most sensible and what is likely to be the most successful form of immigration which this State has yet seen. Occupying both these offices, I would look upon myself as too prejudiced to sit on such a committee.

Hon. J. J. Holmes: We could trust you.

Hon. W. KINGSMILL: The hon. member is kind to me, but I do not know that I can trust myself. As to the Children's Protection Society, it may be gathered from what the Colonial Secretary said that the State Children Act of 1907 was the direct outcome of a certain case known as the Mitchell case which was most revolting in its details, and revealed a state of society very far from being perfect, and that acting on that case the Government of the day had framed this State Children Act. As a matter of fact it was not quite so. The Mitchell case and the prominence given to it brought into existence the society of which I have spoken, the Children's Protection Society, to whose credit may be placed whatever good has followed that case. I have said that this society has been harshly treated. I think that is so. Successive Governments have refused to subsidise it adequately, and the society has struggled along and done an immense amount of good work without any assistance. Further than that it remained for this Government to strike it from the Estimates the paltry £50 per annum which was given to the society, whereby the were enabled to run what is known as the

creche, or day nursery, in the city, which made it possible for working mothers who could not leave their children at home to have them looked after during the day at an absolutely nominal cost, and looked after better than they could be in their own homes, while they went out to earn enough money to live upon. The attitude of the Government towards this society may be taken from the fact that this amount of £50 has been struck off the Estimates. I have nothing more to add to what I have said, except to express my pleasure that the leader of the House has already declared his readiness that the fullest inquiry should be made into this Bill before it is passed. It may be that the Committee will think that purely departmental control is the best object to achieve, the best method which this Legislature could employ. If, on the other hand, the committee elect to follow the example of South Australia and make the controlling body in this connection not a Government office but what is known in South Australia as the State Children's Council, comprising representatives of all those—and there are many indeed—who take an intelligent and expert interest in this matter, then I should be pleased indeed, and I think the State will have taken a wise step. I suppose if that were so the leader of the House, who controls this department, would not be averse to adopting the suggestions of the select committee. I hope that such may be the result. The State Children Act, however, as it stands at present, was referred to a select committee of this House on a previous occasion. That select committee reported adversely against the adoption of the State Children's Council. But at the same time I think that, with the added evidence which years have brought us, a select committee of this House may now be inclined to think that the course which I advocate is the proper one. I know that years ago, when I was under that departmental influence which all Ministers appear to suffer from, I thought at the time that an outside body would not be the best to control such an Act. Amongst those who voted against me in the House on that occasion was the present Colonial Secretary. I notice a suspicious bundle of papers before the leader of the House in this connection. I may perhaps cut the ground from beneath his able and speedy feet by making this declaration, which I made on a previous occasion, that the years were given to us that we might acquire our knowledge. I have to that extent acquired knowledge, and I hope the leader of the House will not be averse to my making this declaration, which will perhaps render it unnecessary for him to read that minute which I well recognise, even at this distance, as being in his mind to read in the course of his reply. I am glad he has assented to the appointment of a select committee, and I honestly think that the Bill, when it becomes an Act, will go before the public all the stronger because it has had that consideration. With these reservations I support the second reading of the Bill.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.20]: I listened with a great deal of attention to the second reading address made

by the leader of the House on this very important Bill, and I must say that the House is deeply indebted to him for the valuable information which he gave on that occasion. I have also listened with attention to the remarks of Mr. Kingsmill. I concur in those remarks, and say that the Bill has evoked wide-spread interest not only in the metropolitan area but throughout the State. Since the second reading of the Bill was moved in this House a few days ago, numerous meetings have been held by those societies which take a deep interest in child welfare in Western Australia. It is as a result of those meetings that certain recommendations have been made in regard to new clauses proposed in the Bill, and with regard to amendments to the existing sections of the Act. I welcome the suggestions which have been made by Mr. Kingsmill and am pleased to hear that the leader of the House has no objection to the Bill being referred to a select committee. I feel in duty bound to say that the active societies in the State will render advice which will be of vast importance in dealing with a subject of such deep and wide-spread interest to the people of Western Australia. Not only in view of the abnormal times through which we are passing at present, but also in view of our return to normal conditions, we must realise that the condition of the child whose circumstances have been so unfortunate that he has been practically thrown upon the State or upon those who are acting in his interest, should receive that due consideration to which he is entitled. In view of the fact that the Bill is to go before a select committee, it is not my intention to give notice of any proposed amendments, but I shall be pleased to offer to the select committee any information which I have at my disposal and do anything I can in the direction of helping along the cause which we have under consideration. Opportunities of this nature do not often occur. We are frequently inclined to take the opportunity of growling when anything is done by Government departments which does not entirely meet with our approval. When an opportunity such as this occurs it is only meet and proper, and our duty, to give to officers who are administering an important Act such as the State Children Act, all the praise to which they are entitled, just as it is our duty and privilege to offer adverse criticism when we think such is necessary. There is no doubt that great credit is due to the officials who are at present administering this Act. During the past few weeks I have been getting about and seeing for myself some of the work which is being carried out by this department. To say that it is highly creditable is only a meagre way of expressing the praise to which I think they are entitled. I was struck by the attention and perseverance with which they are carrying out this work. Their management, especially in regard to the boarding-out system, and the reports which are coming in from the inspectors, show that they are doing excellent work. It is therefore right and proper that it should be acknowledged on the floor of this House, that the officers of this department are carrying out

their duties admirably and well. The Bill has evoked wide-spread interest. I possess certain information which I would like to make known to members, but for private reasons I have been asked not to do so at present. I can, however, say, without committing myself, that the interest and sympathy which are being shown by the present Government in the child welfare of the State have been the means of calling forth the praise of one of our principal residents, one of our best citizens, who has for many years devoted much time and attention to this question. This gentleman is now taking steps to show in a practical and tangible form this deep interest which he has for many years manifested in such a manner as to redound not only to his own credit but to the credit of the State as well. I shall reserve to myself the right to make any further remarks when the report of the select committee comes before the House, and in the meantime have pleasure in supporting the recommendation that the Bill should go before a select committee.

Hon. J. W. KIRWAN (South) [5.27]: In the few words I have to say about this Bill, I wish to express my appreciation of the action of the Colonial Secretary in providing members with a memorandum giving the details of this measure. The Bill is an amendment of the existing Act. Ordinary Bills of that nature call for some sacrifice of time and trouble on the part of members who look up the original Act in order to ascertain the exact nature of the amendments proposed. The Colonial Secretary has now provided us with a memorandum setting forth the main amendments contained in the Bill. I cannot remember any Bill introduced into this Chamber which has been associated with a similar memorandum, which enables us to see at once the purport of it. It is an innovation which might be followed with advantage by other Ministers when introducing Bills that amend existing measures. The Bill itself is one of those measures which seem to me to be another instance of the deep concern evidenced by the Colonial Secretary in the child life of this State. One of the features of the Colonial Secretary's administration has been the great zeal he has displayed for the education and the care and welfare of the young people of Western Australia. I do not see any very strong objection to the Bill, but there are a few of the provisions that to me could be improved by certain modifications. One of the provisions that struck me as being rather drastic is the proposal which prevents the employment of any child under 16 years of age in or on any premises or place used or intended to be used for any public entertainment for the purpose of singing, playing, or performing thereat, or offering anything for sale. There is a provision further on which exempts occasional entertainments for charitable and patriotic purposes. The proposal will undoubtedly affect visiting theatrical companies. If it were strictly enforced it might reduce the number of theatrical companies visiting Western Australia, and I think it goes altogether too far, especially as those entertainments in a number of cases are themselves educational. Many instances might be

quoted where children, appearing at such entertainments, far from being affected in any way by their early appearances on the stage have become great stars. Several of the most celebrated actors and actresses began their theatrical careers at a much earlier age than 16 years. The famous actor, Edmond Kear was on the stage when he was four years of age when he appeared as "Cupid." Jenny Lind the famous Swedish singer and actress, commenced her career on the boards at 10 years of age. Of course everyone knows the instance of Ellen Terry. She began her career by appearing in "A Winter's Tale" when she was eight years of age, and she played her part for 102 nights. A reference will be found in the story of her life that she attributed much of her subsequent success to her early appearance on the stage and to becoming accustomed to theatrical work at that early age. It is true cases may be quoted where the appearance of young children on the stage has been injurious, but it seems to me that it is merely a question for the State to see that the education of children who are employed on the stage is not neglected, and also that the children are not overworked or subject to corrupt influences. I think some safeguard might be inserted in the Bill on those lines instead of the existing clause. The clause as it stands goes too far. What makes it all the more remarkable is that there is no restriction so far as employment in the neighbourhood of racing stables for boys over the age of 14 years, is concerned. It is true that the age has been raised both as regards street trading and employment about racing stables, but surely the influences of a well conducted theatre are no worse than the influences of a training establishment or the influences of street trading. To make the age so very high in the case of theatrical performances, when we allow 14 years in the one case and 16 years in another case, is a contradictory feature in the Bill. However, in view of the remarks which have been made by the two hon. members who have preceded me, it is a good suggestion that the Bill should be referred to a select committee, and I am glad to hear that the Colonial Secretary has agreed to it.

The COLONIAL SECRETARY (Hon. E. P. Colebatch—East—in reply) [5.35]: I welcome the suggestion made by Mr. Kingsmill that the Bill should be referred to a select committee, because I know there is a difference of opinion regarding certain features of the Bill, and it is a matter that interests all sections of the community. It is a matter also in which a great many philanthropic men and women are doing a great deal of work, and those people are entitled to be consulted. I am also sensible of the good work done by a select committee appointed by this House on the Health Bill a year ago. The investigation of the Select Committee on that Bill enabled the measure to go through, and I shall be glad to see a similar committee appointed on this occasion. Mr. Kingsmill referred to the controversy between those who believe in the institutional system and the boarding-out system. The object of the Bill has not been to

take either one side or the other, because we recognise that certain of the institutions, particularly the existing organisations, have been encouraged to spend large sums of money in this State by way of providing facilities for the bringing up of orphan and neglected children, and we know they are doing their work very well indeed. On the other hand the department does think that where a suitable home can be found for a child it is the best substitute possible, and we are strengthened in that opinion by the number of children originally boarded out to foster parents and finally being adopted and getting really as good a home as if they had been living with their own parents. No one appreciates more fully than I do the splendid work which is being done by the Children's Protection Society. Regarding the references which have been made to the desirableness of establishing a council such as they have in South Australia, I think that is a very suitable matter for the select committee to investigate, and if I do agree with the opinion expressed by the hon. member, I do so not to taunt him with it but merely because he expresses it in language better than is suggested to me at the moment. On this very subject Mr. Kingsmill said—

Personally I do not think there is the slightest necessity to create this body. I should imagine such a body would be very difficult to deal with, and, furthermore, I do not think anybody can justly take exception to the manner in which the work which would be undertaken by such a council is at present carried out by the State.

These words express my opinion at the present time so exactly that I might give that as my excuse for repeating them now. A similar opinion was expressed by two or three Ministers who from time to time have been in charge of the department, and from inquiries I have made in the other States, I have little hesitation in saying that if the department decide to create such a council, Parliament must be prepared to face increased expenditure. I think that is inevitable. And whilst it will mean increased expenditure it is questionable whether it will mean increased efficiency. I highly appreciate Mr. Duffell's remarks regarding the work of the officers of the department. I am sure those remarks are thoroughly well deserved. Mr. Kirwan has referred to the memorandum attached to the Bill. No particular credit is due to me for that. I simply copied the practice which the Attorney General has initiated and which I hope will be followed in connection with all Bills which are introduced. So far as the question of employment of children under 16 years of age in connection with the theatrical entertainments is concerned, the hon. member perhaps took an extreme view. Some of the other States have taken the same view as we have. In Western Australia we have no protection whatever so far as children employed in theatrical performances are concerned, and the object of including the provision in the measure is to protect young children. As to whether the age should be 16 years or lower, that is a matter which the select committee may also deal with. It is

possible to cite instances where famous actors and actresses have commenced their careers at a very early age, but those are comparatively isolated, and I have no doubt it would be just as easy to quote hundreds of instances of young lives being entirely ruined and bright careers destroyed through children while still of tender years appearing constantly at theatrical entertainments. There is something to be said in favour of uniformity so far as the age of street trading and of attendants at racing stables are concerned. Regarding the latter, I would be glad if the consensus of opinion in Parliament was in favour of a higher age. So far as street trading is concerned, this applies chiefly to boys selling newspapers and particularly of the afternoon newspapers. I will take this opportunity of mentioning that directly after the Bill was made public, the first man who came to me was the proprietor of the afternoon newspaper, and he suggested that it would be better to make the age much higher than was the case at the present time, and that gentleman was likely to suffer more than anyone else by the introduction of the Bill. However, as the Bill is to be referred to a select committee there is no need for further remarks from me.

Question put and passed.

Bill read a second time.

To refer to Select Committee.

Hon. W. KINGSMILL: I move—

That the Bill be referred to a select committee consisting of Messrs. Duffell, Ewing, and Millington with power to call for persons and papers, to sit on days over which the House stands adjourned, and to report on Tuesday, 29th inst.

Hon. J. Ewing: Would I be in order in suggesting that Mr. Kingsmill's name be added?

Hon. J. DUFFELL: I too would like to see Mr. Kingsmill's name added to the select committee. I move an amendment—

That the name of Mr. Kingsmill be added to the names mentioned in the motion.

The PRESIDENT: It would be advisable to have a ballot.

Hon. J. DUFFELL: There would hardly be need for a ballot. The object of my amendment is merely to increase the number to four, and to add Mr. Kingsmill's name to the personnel of the committee.

The PRESIDENT: It would be better then for an amendment to be moved that the select committee should be composed of four members.

Hon. J. J. HOLMES: I move an amendment—

That the Bill be referred to a select committee consisting of Messrs. Duffell, Ewing, Kingsmill, and Millington with power to call for persons and papers, to sit on days over which the House stands adjourned, and to report on Tuesday, 29th inst.

Hon. J. DUFFELL: I withdraw my amendment, and second the amendment moved by Mr. Holmes.

The PRESIDENT: We will require the select committee of four to be appointed by ballot, since there has been a dispute about one of them.

The COLONIAL SECRETARY: I do not think there has been a dispute. Three were nominated, and it has now been made four. If Mr. Kingsmill agrees to act, it will be the unanimous wish of the House.

Hon. W. KINGSMILL: I feel highly complimented that the House should ask me to go on this committee. I certainly will have pleasure in doing so.

The PRESIDENT: Then the hon. member accepts the amendment. The question now is that a committee of four, consisting of Mr. Duffell, Mr. Ewing, Mr. Millington, and Mr. Kingsmill, be appointed, to report on the 29th inst.

Question put and passed.

## BILL—VERMIN.

### Second Reading.

Hon. C. F. BAXTER (Honorary Minister—East) [5.47] in moving the second reading said: The general intention of the Bill is to consolidate legislation relating to rabbit and vermin eradication, and to enact additional provisions. Bills to amend the Vermin Act and the Rabbit Act received the consideration of this Chamber last session. Unfortunately, there has been delay in passing those measures, but this Chamber is in no way responsible. Drafts were prepared amending the Vermin Act and the Rabbit Act in 1910, some eight years back, but were not proceeded with before my taking office. I took those matters in hand at an early date and, last session, introduced Bills to amend the Vermin Act and the Rabbit Act. After their introduction the other Chamber appointed a select committee to inquire into the rabbit question and, consequently, the amending Bills were held up for a considerable time. They were then considered, and sound, workable measures were ultimately agreed to and forwarded to the Legislative Assembly. Thereupon the Legislative Assembly appointed another select committee, and after the committee's report was sent in, and lengthy consideration given to it, a consolidated measure was agreed to. Unfortunately, that stage was reached only a few days prior to this House adjourning, and the Government did not think it at all reasonable to ask hon. members to give consideration to a Bill of such magnitude in the few remaining hours of the session. There are a great many minor differences between the Bills introduced by me last session and this measure, but at this stage I will deal only with matters of vital importance. Before commenting further on the Bill I have to refer to a recent decision of the Government to extend the operations of the rabbit branch in exterminating rabbits from the worst breeding places on Crown lands. Formerly the operations were confined to Crown lands in the vicinity of salt lakes. It has also been decided that the Government shall eradicate rabbits on abandoned farms under the Agricultural Bank and the Industries Department. Hon. members will have noticed that on the Estimates of the Department of Agriculture a substantial additional sum has been apportioned to rabbit

eradication. The whole of the addition is for the purpose of extending operations to breeding places on Crown lands and abandoned farms. In consequence of the decision of Cabinet in this matter, a conference was held between the Agricultural Bank, the Industries Department, and the Department of Agriculture, with the object of insuring co-operation in the work of rabbit destruction. It was arranged that the work on abandoned farms shall be carried out by the Agricultural Bank, under general instructions, as to methods, of the chief inspector of rabbits. Arrangements were made to prevent overlapping and unnecessary expense, so that where work on an abandoned farm and a breeding place on Crown lands can be jointly carried out by the same man, this will be done. "Abandoned farms" are those on which advances have been made by either the Agricultural Bank or the Industries Assistance Board, and from which the settler has departed. The chief inspector of rabbits is undertaking a series of trips throughout infested districts for the purpose of formulating and applying a scheme for the further destruction of rabbits in pursuance of the Government policy mentioned. He has recently returned from a trip to the Cowcoving, Wallambin, Kununoppin and Wyaleatchem districts. His report decidedly shows that there are not as many rabbits in the districts visited as there were last year, and that the damage to crops is not nearly so great. One of the greatest troubles throughout has been to induce individual settlers to properly eradicate rabbits on their holdings, and it is a feature in which the former legislation was deficient. Mr. Crawford's report shows that where the settlers are fairly close together, and are doing a reasonable share of poisoning, there will be practically no loss of crop at all in the districts visited. In other places, where only some settlers are poisoning and others are doing nothing, the crops have, in some cases, suffered severely. In the Cowcoving country the Government poison carts have greatly reduced the number of rabbits, but as they are still numerous in places, arrangements are being made to put on extra carts at Lakes Cowcoving and Wallambin, also at Hindmarsh and to the east thereof, on the rabbit-proof fence north of Cunderdin, and at Booralaming. In regard to supplies of poison, it is anticipated that there will be no further trouble. Four tons of phosphorus now on the way should be here next week, and it is expected that this supply will be followed by regular shipments. Twelve additional poison carts will be in operation almost immediately, and 30 more will be put in use as soon as the carts and equipment can be procured. These, in addition to those now working, will make a total of 56 carts in operation. In the Bill before the House the general scheme provides for placing all areas concerned under the control of vermin boards and placing on these boards the responsibility for the prevention and eradication of vermin within their respective districts. The Government are to have general overhead supervision and powers of inspection, to enable them to determine whether or not the boards are effectively

carrying out the functions and responsibilities devolving upon them. On private lands the cost of eradication and prevention is to be borne by the holder of the land. So far as the boards are concerned, the revenue necessary for meeting the expenses of carrying out their functions is to be raised by vermin rates. Provision is made for financial assistance to landholders, individually, or in groups, in the erection of rabbit-proof fences, in the way of financing the purchase of netting, to be repaid by instalments over a term of years. (Clauses 1 and 2 deal with the title of the Bill and the repeal of previous measures. Clause 3 deals with interpretations. The definition of "owner" includes mortgagee, also, if there is no person in possession, the person entitled to possession. Clause 4 deals with provisions in relation to fencing. Clause 5 places on municipal councils, roads boards and reserve trustees, in respect of land vested in them or placed under their control, the responsibilities of "owners" under the Bill. Clause 6 defines the geographical limitations of the powers of the Minister and of the boards respectively. Clause 7 provides for the administration of the Act by a Minister of the Crown, as appointed by the Governor. This is practically the same as the original Act. Clause 8 provides that the chief inspector and other officers may be appointed by the Governor. Clause 9 provides that funds applied to the specified purposes under the Bill shall be provided by moneys appropriated by Parliament. Clause 10 contains provisions relating to the office of inspector under the Bill. Clause 11 refers to the delegation of the Minister's powers. Clause 12 provides for the establishment of vermin districts and for the abolition, alteration, subdivision, etc., of same. Clause 13 provides for the constitution for boards of vermin districts, with provision that the Governor may appoint the Minister to act as the board for such time as may be thought expedient. Clauses 12, 13 and 14 are almost identical with the original Act, except that paragraphs (g) and (h) of Clause 12, relating to wards of districts, have been added. Clause 14 provides that the board shall be a body corporate, the same as in the original Act. Clause 15 provides for the original board, as appointed by the Governor, being replaced by an elected board. It also alters the date of the expiration of the office from the third Thursday in March to the second Wednesday in April, to conform with the date of road boards' elections. Clause 16 provides for the election of boards and the term of office under the rotation system. Under the old Act all members had to be elected annually; under this Bill they will be elected for three years. These are almost the same as in the original Act. In regard to Sub-clause 3 of Clause 16, in order to make the wording clearer, I propose to move in Committee an amendment to transpose the proviso so that the subclause, after the word "board," shall then read as follows:—"So that, as nearly as may be, one-third of the members shall retire in each year and no member shall continue in office for more than three years." Clause 17 deals with the qualifica-

tions of board members and is practically the same as the original Act. Clause 18 provides for voting under the ward system. Clause 19 prescribes the number of votes in relation to the sizes of holdings for pastoral holdings, and for other holdings to be the same as under the Road Act. This gives an extra vote to holders of 500,000 acres or more. I propose to move in Committee an amendment to omit the word "under" and substitute the words "not exceeding." Clause 20 provides for the compilation by boards of voters' lists. Clause 21 deals with proceedings in relation to elections, and provides that these shall be in accordance with regulations made under the Bill. Clause 22 is the same as in the original Act. It provides for the vacation of office of a member of a board. Clause 23 is practically the same as in the original Act. It deals with extraordinary vacancies. Clause 24 is the same as in the original Act. It deals with the constitution and gazettal of a board. Clause 25 provides that the Governor may appoint members if sufficient are not elected. Clause 26 is the same as in the original Act. It provides for the meetings of boards. Clause 27 is the same as in the original Act and provides for the appointment of chairman. Clause 28 fixes the chairman's tenure of office. Clause 29 provides for the election of a member to preside in the chairman's absence. Clause 30 deals with vacation of office by the chairman. Clause 31 provides for the appointment of clerk and inspector, and provides that members of the board can act in these capacities, but without remuneration. Clause 32 deals with the ousting from office of a non-qualified member. Clause 33 provides that ordinary meetings of the board must be held not less infrequently than once per quarter-year, in this respect following the original Act. Clause 34 makes provision for special meetings of the board. Under Clause 35, fourteen days' notice must be given of the holding of meetings. Clause 36 fixes the quorum, and defines the procedure to be followed when a quorum is not present. Under Clause 37 the chairman has a casting vote. Clause 38 follows the original Act in providing that the board's business may proceed notwithstanding vacancies in membership. Under Clause 39 the proceedings of the board will be valid notwithstanding defects in appointment, election, and so forth. Clause 40 provides that minutes of the board's proceedings are to be kept, and the following clause provides that the minutes must be open to the inspection of ratepayers, while Clause 42 authorises signed minutes to be received in court as evidence. Clause 43 provides that where several roads districts are formed into a vermin district the several roads boards shall each nominate one of their members to be their representative on the vermin board. This is a very useful clause, saving the trouble and expense of separate elections for vermin boards. It is an addition, and it also provides that the Government may appoint a roads board district to be a vermin board district where the boundaries of the two coincide, or where the vermin district is within the roads district. Clause 44 provides for action to be taken by the Govern-



ment when a vermin board makes default. By Clause 45 the Minister is empowered to act upon the suspension or the abolition of a vermin board. Clause 46 is new, and provides for the re-establishment of a board previously suspended or abolished. Clause 47 sets forth the functions, obligations, and duties of the Minister while acting as vermin board of a district. Clause 48 provides that the Governor may abolish an elected vermin board and in its place appoint the roads board. The reason for confining this provision to the South-Western division of the State is that in the northern area roads boards may not often be sufficiently representative of the pastoral interests. Clause 49 provides machinery for adjustments upon the division of a vermin district. Clause 50 is new, and provides that public reserves and holdings within municipal districts and townsites shall not be ratable. This represents a departure from the original Bill, which read as follows—

Provided that holdings within a municipal district, and public reserves, shall not be ratable, and that holdings, within a townsite or portion of a townsite shall not be ratable in any case in which the Governor by proclamation so declares.

I propose, in Committee, to move an amendment for the insertion of a clause to stand as Clause 50, as follows—

"The Board shall, within a month of the expiration of every financial year, forward to the Minister a statement in writing in the prescribed form of—(a) the rates levied by the board; (b) the rates collected; (c) the rates not collected; (d) the manner in which the rates and other moneys received by the board have been expended."

This is necessary to enable the Department to keep a reasonable oversight of the board's operations. Clauses 51 to 55 are also new, and they relate to the keeping of the board's rate book. Clause 51 provides for the entry in the rate book of the necessary particulars, and makes the book available for inspection by ratepayers. Under Clause 52 vermin boards, or the Minister, may inspect, free of charge, the valuations, rate books, and so forth of local authorities. By Clause 53 a penalty is imposed on local authorities refusing to the Minister or to vermin boards access to valuations, rate books, etc. Clause 54 lays down the procedure for amendment of rate books, etc. Clause 54 lays down the procedure for amendment of rate books, and under Clause 55 a former year's rate books may be re-used. Clause 56 provides power for making a vermin rate, and prescribes a maximum rate of 1s. per hundred acres for pastoral holdings, and for any other holding half the maximum rate which may be levied on the unimproved capital value of the land by the roads board. Several newly formed vermin boards have taken strong exception to the maximum, asserting that such a rate would not provide them with sufficient funds to carry on operations. But I am inclined to think that the boards who argue in that way have not carefully read this clause, otherwise they would not hold such an opinion. In any case, the maximum here proposed should be given

a twelve-months trial, and if it should prove to be insufficient it can be amended. Clause 57 is a new clause, prescribing how the rates shall be made. Clause 58 provides the procedure in regard to appeals against rating. Clause 59 makes the vermin rate a first charge on the land after State and local rates and taxes, and provides machinery for recovery. Clause 60 prescribes how, upon a change of ownership, rates shall be apportioned between successive owners. Clause 61 provides that a mortgagee may add, to the principal, vermin rates paid by him. Clause 62 adopts certain provisions of the Roads Act which are applicable to the payment and recovery of rates. Clause 63 provides for exemption by the Governor from rating in cases where vermin boards may have in hand sufficient funds to carry on. Clause 64 provides that a vermin board may, subject to the Minister's approval, write off arrears of rates. Clause 65 represents the usual provision regarding appropriation of funds by Parliament. Clause 66 deals with repayment to the Minister of loans in accordance with agreements. Clauses 67 and 68 contain the usual provisions relative to loans. Clause 69 is a new clause empowering the vermin board to obtain advances by way of overdraft, pending collection of rates. This is inserted in order to dispose of the difficulty of newly established vermin boards having no funds, pending the levying of rates. Clause 70 is the usual provision for application of funds by boards. Clause 71 continues the usual powers of a Minister regarding fences and entry on lands. Clause 72 is new, and provides for the placing, with a board's consent, of Government fences under the board's control. Clause 73 gives power to affix netting to existing fences; this with a view to saving expense. Clause 74 refers to contributions by owners to the cost of Government fences which they make use of. It represents a continuation of the former measure, except as regards Subclause 4, which is new, and which provides against any difficulty there may be in making the person who actually receives the benefit pay the contribution. In Committee I propose to move the following amendment:—

To Subclause 3 add the following words: "But if any such fence is, with the consent of the Minister or the board, made use of by the owners of adjoining holdings as a dividing fence in fencing their holdings, each owner shall be liable to pay to the Minister or the board an annual sum equal to interest at prescribed rate per annum on a moiety of the cost of such alteration, repair, improvement, or renewal."

This addition is necessary for equitable apportionment of the expense. Clause 75 prescribes the procedure for determining and recovering contributions due under the preceding clause. Clause 76 prescribes the arrangement for contributions in respect of boundary fences being payable by holders on both sides of the fence, and for determining the liability in regard to same; the object being to ensure an equitable apportionment as between two or more contributors. Clause 77 deals further with the matter of liability for contributions, and prescribes that agreements in re-

gard thereto, after being registered, shall be binding on future owners; also, in the event of there being no agreement, the board are empowered to apportion the expenses. This clause is again with the object of equitable dealings as between interested parties. Clause 78 provides for arbitration in cases of dispute. Clause 79 re-enacts the former law regarding ring fences, this being an economical arrangement as applied to groups of farmers. Clause 80 fixes the legal positions as between contributors inside and contributors outside a ring fence. Clause 81 relates to the compulsory fencing of water supplies within proclaimed areas. This clause has been so amended as to make the provisions more definite and more practicable. The clause applies only within areas proclaimed by the Governor for the purpose, as being vermin infested. Clause 82 places on local authorities the responsibility for keeping in repair rabbit proof fences round wells, dams, or reserves, constructed by the Government. Clause 83 provides for the supply of wire netting to holders by boards or by the Minister. Subclause 2 provides that mortgages for repayment of advances for purchase of netting shall be executed to the Agricultural Bank; the reason for this being that in many cases the bank already hold a first mortgage over the property of the settler requiring the netting, and that it would complicate the position for another department to have a further priority mortgage. The remainder of the clause deals with the general procedure governing these transactions; and for apportioning the liability as between occupier and owner, the reason for which is obvious and does not at present call for special comment. As a verbal improvement in this clause, the following amendment will be moved by me in Committee:—

That in Subclause 6, paragraph (3), the words "An occupier and owner" be struck out, and "any occupier and owner for the time being" inserted in lieu.

This will make the clause more definite. Clause 84 provides for settling the matter of contributions by adjoining owners in respect of rabbit-proof netting obtained under mortgage. Clause 85 provides that the mortgagee may add to his mortgage debt sums expended or contributed in respect of vermin and rabbit-proof fences. Clause 86 fixes the legal position in cases where land under mortgage is sub-divided. Clause 87 makes it unlawful to use or dispose of wire netting supplied under the Act for any other purpose. This is very necessary, as on various occasions wire netting has been used for purposes other than that for which it was supplied. In some cases it has even been sold. Subclause 2 provides further that wire netting supplied under this clause shall not be allowed to remain unutilised for an unreasonable time. Clause 88 gives to the Minister and to boards additional powers for destruction of vermin. Clause 89 deals with compulsory notice to be given by an occupier, of vermin on his holding. It provides for this notice being given to the local vermin board or to the Minister instead of, as in the original Act, to the nearest inspector. This clause estab-

lishes a more definite and more convenient arrangement.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. F. BAXTER (Honorary Minister): Before proceeding I should like to draw hon. members' attention to the fact that on some member's files the draft Bill presented to the Legislative Assembly on the first reading of the Vermin Bill has been placed.

The PRESIDENT: The hon. member had better continue his speech and deal with that afterwards, because it is entirely new matter. It has nothing to do with the speech which the hon. member is now making.

Hon. C. F. BAXTER (Honorary Minister): But members cannot follow my speech because they have the draft which was presented in the Legislative Assembly before them.

The PRESIDENT: Did the hon. member know that before?

Hon. C. F. BAXTER (Honorary Minister): I only found out during the adjournment.

The PRESIDENT: Have the messengers copies of the Bill to place before members?

Hon. C. F. BAXTER (Honorary Minister): Yes.

The PRESIDENT: I will allow the hon. member to move that the Bill be placed on the files.

Hon. C. F. BAXTER (Honorary Minister): I simply drew attention to the fact so that members might have a copy of the Bill before them. I move that the Bill be placed on the files.

The PRESIDENT: The hon. member can continue his speech.

Hon. C. F. BAXTER (Honorary Minister): In Clause 89 I propose when in Committee to move an amendment to strike out the words "secretary to the local vermin board or the Minister" and insert "inspector whose residence shall be nearest to the holding." This is with the intention of effecting a more easily practicable and workable arrangement. Clause 90 is perhaps the most important provision in the Bill, as it makes it quite clear that every owner and occupier of a holding is under a compulsory obligation to, at his own cost and expense, destroy vermin upon such holding, and upon adjoining roals. It is a vital principle of the proposed measure that holders of land shall keep their holdings free of pest at their own cost. Clause 91 gives power to inspectors to enter holdings, but they must produce authority if demanded. The idea underlying Clause 92 is that by the arrangement mentioned all the land owners in any district shall take combined action at the same time for destroying vermin. Clauses 93 and 94 provide penalties for default or neglect. Clause 95 fixes the liability for costs and expenses. Clause 96 provides for a legal formality in regard to the Minister representing the Crown for all purposes of the Bill. I propose to move in Committee an amendment that a new clause

be inserted to stand as Clause 96 as follows:—

Board to secure enforcement of Act.  
 "It shall be the duty of the board to secure the enforcement against all owners and occupiers of holdings within its district of the provisions of this Act relating to the suppression and destruction of vermin. 1, If in the opinion of the Minister a board has neglected to exercise its powers or perform its duties in the suppression and destruction of vermin the Minister may cause all such means to be taken as he may deem necessary, and the cost incurred shall be a debt due to the Minister by the board in default."

The reason for this is that the measure may clearly show what are the duties of the board in this connection. Clause 97 preserves Government fences as the property of the Crown or board, and in Subclause 2 makes it permissible for erecting fences across roads and providing gates therein. This clause will be particularly availed of in connection with the proposed system of ring fences. A group of holdings may be enclosed within a ring fence. Clause 98 legally safeguards the security on changes of ownership of land mortgaged or subject to charges under the Bill. Clause 99 makes it obligatory on the chief inspector to issue certificates as to fences being vermin or rabbit proof, and for such certificates being received in evidence. Clause 100 makes it permissible for private fences, with the approval of the Minister, to cross roads, provided suitable gates are erected. Clause 101 gives inspectors power to enter private land. Clause 102 provides that a board may grant bonuses for vermin, except rabbits, at rates and conditions prescribed. Clause 103 provides for necessary penalties for injuring fences or leaving gates open. Clause 104 makes it a matter of trespass to drive cattle along or over any Crown lands adjoining any Government fence, and prohibits camping of cattle or sheep against any Government fence. This is required on account of the damage done to the fences at various times and places by travelling stock, and by stock being allowed to come against the fence when it is used as a wing or break for mustering and drafting cattle. The result has been great damage to the rabbit-proof fence. This will prevent such occurring in the future. Clause 105 provides a penalty for interference with traps, poison, etc. Clause 106 provides against the keeping or liberation of live vermin. Clause 107 provides against passing live vermin through a vermin or rabbit-proof fence. Clause 108 provides against people bringing rabbits into a district and afterwards being paid for the scalps, when they had increased. This clause is contained in two of the Eastern States Acts, and was copied originally directly from the Queensland Act. Clause 109 prohibits the sale of rabbits without license in areas west of the No. 1 fence, and makes it a defence to the charge to prove that the rabbit was imported from beyond the State. There is no doubt that the trapping of rabbits in these

westward areas would tend in the direction of increasing the pest; this having been the universal experience throughout the Eastern States. It will be noted that there is no embargo in regard to imported rabbits. Clause 110 gives power to protect natural enemies of rabbits. Clause 111 is for the protection of Government water on lands or reserves set apart for the purposes of the Act. This is rendered necessary by the wholesale destruction of water conserved for the use of boundary riders along the fences. On some occasions men have almost lost their lives through the water at their camps having been used. I explained last session that on two occasions boundary riders had received a hard time; one man nearly lost his life through want of water. Clause 112 provides penalties for obstructing inspectors in the performance of their duties. Clause 113 provides against false representation as inspector. Clause 114 indemnifies against damages, persons acting under the provisions of the Bill. Clause 115 provides for the description of a holding to be inserted in any notice. Clause 116 deals with evidence as to costs, etc., in proceedings for recovery of amounts. Clause 117 prescribes what constitutes legal service of notices. Clause 118 provides for procedure where the name of the occupier or owner is unknown. Clause 119 provides that in court proceedings the board may be represented by the chairman or clerk or other officer appointed by the chairman. Clause 120 defines what constitutes proof of ownership. Clause 121 makes it lawful for Ministers, boards and owners and occupiers of land to lay poison and set traps; also for the Minister and boards to sell and supply poison. These provisions are necessary in consideration of other statutes regarding dealings with poisons. Clause 122 makes it permissible for a roads board to incur expenditure on lands of the board which may be subject to this Bill. Clause 123 makes the necessary provision in connection with the Agricultural Bank Act so that it may be permissible for lands mortgaged to the bank to be further mortgaged for advances for netting or other charges under this Bill. Clauses 124 and 125 are in connection with legal formalities. Clause 126 provides the power to make regulations and impose penalties for breach of same. Clause 127 provides that such regulations shall be laid before Parliament. Clause 128 provides that the chief inspector shall make quarterly reports to the Minister and an annual report to Parliament. The First Schedule describes the Acts repealed. The Second Schedule describes what constitutes vermin and rabbit-proof fences respectively. The Third Schedule prescribes the fees payable on distress warrants issued by a board under Clause 59. I move—

That the Bill be now read a second time.

On motion by Hon. G. J. G. W. Miles debate adjourned.

House adjourned at 7.43 p.m.