children for their own sakes, relying confidently that if we do that they will give the best possible service to the State.

On motion by Hon. E. M. Heenan, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West): I move—

That the House at its rising adjourn till 4.30 p.m. on Tuesday, the 30th October.

Question put and passed.

House adjourned at 8.35 p.m.

Legislative Assembly.

Wednesday, 24th October, 1945.

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

QUESTION.

TROLLEY-BUS SERVICES.

As to Equipment for Extensions, etc.

Mr. CROSS asked the Minister for Railways:

1, Has he received a full report from Mr. W. H. Taylor, manager of the Government Tramways, in regard to whether new trolley-bus chassis and overhead line equipment, necessary immediately for the extension of trolley-bus services, are obtainable at a reasonably early date?

2, Have new trolley-buses and overhead equipment for the conversion of the South Perth tram service been ordered?

3, If so, when will the buses and equipment arrive in the State?

The MINISTER replied:

1, No. Approval has been given to the calling of tenders for 50 trolley-bus chassis for use in developing the trolley-bus system and conversion of tram routes to trolley-buses.

2, No.

3, Answered by No. (2).

BILLS (2)—FIRST READING.

1, Municipal Corporations Act Amendment.

Introduced by the Premier.

2, Criminal Code Amendment.

Introduced by Mr. McDonald.

BILLS (2)—REPORTS.

1, Medical Act Amendment.

2, Town Planning and Development Act Amendment.

Adopted.

SUPERANNUATION AND FAMILY BENEFITS ACT.

As to Notice of Motion.

MR. DONEY (Williams-Narrogin) [4.35]: On the notice paper appears the following motion standing in my name:—

That in the opinion of this House steps should be taken to amend the Superannuation and Family Benefits Act, 1938-1939, to provide that increases in the basic wage be proportionately reflected in the amounts payable from time to time to beneficiaries under the Act.

I desire to move that this Order of the Day be postponed.

Mr. SPEAKER: The hon. member is not eligible to move that it be postponed.

Mr. DONEY: Is that a ruling against me?

Mr. SPEAKER: It is according to Standing Orders. Unless the hon. member is prepared to rise and move—

Mr. DONEY: Sir, I beg leave to disagree with your ruling.

Mr. SPEAKER: Will the hon. member put it in writing?

Hon. J. C. Willcock: Put it on the notice paper tomorrow.

The Minister for Mines: The ruling has been given dozens of times.

Mr. DONEY: I do not think it has.

Dissent from Speaker's Ruling.

Mr. Doney: I move—

That the House dissent from the Speaker's ruling.

Mr. Speaker: Does the member for Williams-Narrogin wish to speak?

Mr. Doney: Merely to say that I was surprised at the ruling because I do not recall its having been given before. On the contrary I can recall many occasions when a desire has been expressed to have a notice of motion postponed, and the desire has been accepted by the Chair. It seems to me therefore that you, Mr. Speaker, are going against a precedent that has been established for years. I cannot agree with the Minister for Mines and the couple of score of other interjectors that I am wrong. Nevertheless since you, Sir, are ruling against what I have always accepted as one of the ordinary usages of the House, I think I have every right to take exception to your ruling and consequently I do so.

Mr. Speaker: The member for Williams-Narrogin is not the only one surprised this afternoon. I, as a member of long standing, am equally surprised with the member for Williams-Narrogin. Since I have been here I have ruled several times in the same way that I am ruling now. Standing Order No. 106 provides—

After a Notice of Motion has been given the terms thereof may be altered by the Member reading aloud and delivering at the table, at the usual time of giving Notices, an amended Notice, any day prior to that for proceeding with such Motion, or may withdraw the same when called upon. And if a Member be not in his place when the Notice of Motion given by him is called on, or fails to rise and move the same, it shall be withdrawn from the Notice Paper.

Standing Order No. 105 makes the following provision—

A Member desiring to change the day for bringing on a Motion may give notice of such motion for any day subsequent to that first named, but not earlier, subject to the same rules as other Notices of Motion.

Question put and negatived; the motion lapsed.

BILL—SUPREME COURT ACT AMENDMENT (No. 1).

Second Reading.

Order of the Day read for the resumption from the 10th October of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

HON. N. KEENAN (Nedlands) [4.45] in moving the second reading said: This is a short Bill, the object of which is to amend Section 14 of the Legal Practitioners Act of 1893. It seeks to amend the section in two respects. In the first place, it proposes to add after the word "Scotland" in paragraph (b) the words "or is a law agent enrolled pursuant to the provisions of the Law Agents (Scotland) Act, 1873, in Scotland." The paragraph in question would then read—

Is a writer to the Signet in Scotland or is a law agent enrolled pursuant to the provisions of the Law Agents (Scotland) Act, 1873, in Scotland.

Mr. Needham: What about Ireland? Another injustice to Ireland.

Hon. N. KEENAN: The second amendment, to satisfy the hon. member who interjected about an injustice, seeks to add after the words "Bachelor of Law" in paragraph (e) the words "or a degree in law or in jurisprudence." The paragraph would then read—

Has actually and bona fide served under articles of clerkship to a practitioner as required by this Act, and has so served for the full term of five years, or in case such person has taken the degree of Bachelor of Law or a degree in law or in jurisprudence at any University recognised by the board in England or Ireland, or any of the Australian colonies, including Tasmania and New Zealand, has so served for the full term of three years.

Dealing with the first amendment, I may explain that a law agent is a person who is authorised to practise in law in Scotland. The term may appear peculiar to some of us, but it simply means that the individual is a legal practitioner entitled to practise in law in Scotland. He gets his status as a legal practitioner from an Imperial statute —the Law Agents (Scotland) Act, 1873. Although under that statute such a person was entitled to practise law in Scotland, he

was not necessarily admitted to the Roll of Practitioners. If he wanted to be admitted to the Roll of Practitioners in addition to being capable of appearing in court to practise his profession, he had to go to Edinburgh and there sign the roll and pay, which is a most important point, a very substantial amount which was, I believe, £75. He was under no obligation to do that for he could practise in any court in Scotland under the statute to which I have drawn attention. Accordingly, a large number of young men in Scotland who joined the legal profession did carry on their practices without actually being enrolled in Edinburgh and without paying the prescribed fee. The Legal Practitioners Act of this State authorises, under paragraph (c) of Section 14, the admission only of—

> . . . a solicitor admitted and entitled to practise in the High Court of Justice in England or Ireland, or in the Supreme Court of Scotland.

Consequently the Barristers' Board here ruled, and rightly so, that a person could be admitted to the legal profession here only if he had been "admitted" in accordance with the provision and therefore refused the application of a law agent for admission to the legal profession in Western Australia. That decision was undoubtedly correct and is on all fours with decisions reached in the Eastern States in rulings given on exactly the same question. It arose in the first instance in Victoria where under the Legal Profession Practice Act of 1929 a law agent of Scotland was not eligible for admission to the Victorian profession because he was not "admitted," and the phraseology of their legislation was identical with that adopted here. So the law in Victoria then, and the law here now, are identical. Some particular applicant was refused; and, in consequence, by the Statute Law Revision Act of 1933 of Victoria, this position was amended by providing that a law agent in Scotland, duly enrolled as such, should be deemed to be duly admitted and entitled to practise as a legal practitioner in the superior courts of Scotland, and therefore eligible for admission in the Victorian courts.

That is a clumsy method to adopt, and so I have adopted in this Bill the method which every other State in Australia and New Zealand has adopted and simply put in the words that are necessary to enable the law agent, duly admitted under the Statute of 1873, to apply for admission to the local profession here. Members will see, by looking at the Bill, that that has been done. It has exactly the same result. It enables the law agent such as I have described to apply for admission, of course subject to all the other provisions of the Act. He has to be a man of good repute; he has to be a British subject; and various other qualifications are imposed, but those are only qualifications which are imposed on all applicants. He is eligible, by reason of his being a law agent, to be admitted. In New South Wales the qualification for admission is prescribed by rule, not by statute. The rule is No. 428 and provides that among the persons who are eligible for admission to the legal profession in New South Wales shall be attorneys or solicitors of the supreme courts of England or Ireland, Writers to the Signet and enrolled law agents under the Law Agents (Scotland) Act, 1873.

In Queensland the matter is again dealt with by rule. The rule is No. 16 of the Rules of the Solicitors Board of Queensland and it defines the persons who are to be entitled to apply for admission in Queensland. Paragraph 4 provides that the person applying must be a solicitor of the Supreme Court of Judicature in England or Ireland, or a duly qualified law agent in Scotland. In South Australia the matter is dealt with also by rule—Rule No. 12 of the Supreme Court Rules of South Australia, 1925. That rule provides that amongst those eligible to be admitted to practise are enrolled law agents under the Law Agents (Scotland) Act, 1873. Members will therefore observe that the phraseology which is used in my Bill, and which I am asking the House to accept, is identical with the phraseology of every other State of Australia except Victoria, which arrives at the same result by what I venture to describe as the more clumsy method, but in effect it produces the same result.

The Minister for Justice: Is there no provision in Tasmania?

Hon. N. KEENAN: In Tasmania the position is that in 1932 the Lieut.-Governor acquainted the Secretary of State in England, that the Southern Law Society—which is the name of the body governing the profession in Tasmania—had recommended that an amendment be made to the local Act to

place law agents, Scottish, on a similar footing to Writers of the Signet, who are eligible for admission. I have not been able to ascertain, however, whether effect was given to that recommendation, because it might have been by rule, and rules are difficult to trace. It is necessary to apply to the secretary of the board for a copy of the rules, and I have not gone further than to find out that actually in 1932 the Lieut.-Governor of Tasmania acquainted the Secretary of State in England that the governing body of the legal profession in Tasmania had recommended that law agents, admitted under the Scottish law, should be placed on a similar footing to Writers of the Signet, who, under legislation existing in that State, are eligible for admission to the bar in Tasmania.

In New Zealand, the Law Practitioners Act, 1908, as amended by the Law Practitioners Amendment Act, 1921, and the Law Practitioners Amendment Act, 1930, provides, by Section 15, that among persons entitled to be admitted and enrolled as a solicitor of the Supreme Court of New Zealand is a law agent enrolled pursuant to the provisions of the Law Agents (Scotland) Act, 1873, in Scotland. Members will notice that in the Bill I have taken the form, ipsissima verba, adopted by the other States of Australia, except that they do not add the words "in Scotland." It is obvious that those words clarify the position. They mean that the applicant is a law agent enrolled pursuant to the provisions of this cited Act in Scotland; and the form is more accurate, therefore, than the short reference made in the other Australian States. That is the position so far as the person mentioned is concerned.

It is clear that this State stands entirely alone and entirely apart from the other States of Australia and New Zealand, and from nearly every one of the British dominions or colonies, although in other cases the matter is more complicated by requirements as to language; as, for instance, in some of the Indian provinces an applicant must be able to speak Urdu, and in some of the South African provinces he must be acquainted with Dutch law. In Ceylon I think he must have a knowledge of Roman law, because in those places, although English law is the prevailing law, there is also a kind of under-current of the old laws of which knowledge must be possessed in order that a person may practise with proficiency. Those conditions, of course, do not obtain here. We here are identical with the other States of Australia and New Zealand, and in all the other States of Australia and New Zealand this alteration has been made.

The second amendment is the one dealing with the additional words to paragraph (e); after the words "Bachelor of Law" insert the words "or a degree in law or in jurisprudence." I think it would explain the matter fully to the House if I read a letter which I have received from the Professor of Law in our University, requesting me to bring this matter forward. His letter is dated the 12th of this month, and he asked me to provide in the Bill for the insertion of the words "or a degree in law or in jurisprudence." The reason for the request is this—I am now reading the letter—

> One of my students, who had done two years of the course here before joining the R.A.A.F., intends to apply for one of the Service Rhodes Scholarships, entries for which close on 31st October. As he has not obtained a degree here, he will not be allowed, if he gets a scholarship and goes to Oxford, to take the B.C.L. course but must read for the B.A. in the Final Honour School of Jurisprudence, which consists of eight law subjects.

That is the rule at Oxford; we cannot change it. We have no power to change it and the position as set out by Professor Beasley is that if he does not get the B.A. at this University before he leaves, he is not allowed, under the rules and practices at Oxford, to take out the B.C.L., but must proceed to the final honours in the School of Jurisprudence. The professor also points out that that involves eight law subjects. He goes on to say that the chairman of the Barristers' Board here, Mr. Walker, asssured him that the board gave a ruling that the Act does not allow the board to do anything but refuse the application of a Rhodes Scholar who has obtained a final honours in the School of Jurisprudence at Oxford. The board intimated that it did not desire to question the high value of that qualification, but only to point out that under the terms of the Act, as now fixed, it was unable to accede to the proposal to allow him to be admitted to the Western Australian Bar. By following the Act, members will see that his admission is subject to a two-years' course here. He does not come back from Oxford and, by reason of his diploma, have the right to be

admitted, but has the right under paragraph (e) only after two years' further study here to apply for admission; therefore he is released only from the three years which otherwise he would be obliged to put in under existing conditions.

It is pointed out by Professor Beasley that if the Rhodes Scholar had sufficient funds, he could go through the Inns of Court in London and, by getting a degree there and being called to the English Bar, could come out here and be called straight off. That, however, involves considerable expenditure of money and is not open except to a fortunate few of whom one is fortunately in this Chamber. The professor also points out that the Inns of Court recognise the Oxford degree to the extent that if any member has passed those examinations at Oxford he is called upon to pass no examination in the Inns themselves. It is merely a formal matter. He has his dinners there; they are not very delectable, but it is an old custom. After eating his dinners there, he is called to the English Bar, if he wishes. That is the justification for the second amendment. I might state that both amendments have the approval of Mr. Walker, as chairman of the Barristers' Board. Therefore, it may be taken that they have the approval of the governing body of the profession. It only remains to remind the House that this amendment will simply make our law the same as the law of every other State of Australia and of New Zealand, and is something in respect of which there is an amount of precedent.

Mere precedent alone, however, although of great weight, is not entirely sufficient. I would remind the House that these lawyers are highly-trained professional men and there is every chance of a number coming to Australia as a result of the migration which everyone thinks is certain to take place from the Home country as a result of many causes, the principal being the end of the war. If they should come here, or even if they should think of coming here, it would be a grave disadvantage to Western Australia for them to know that it is the only State in the Commonwealth in which they would not be allowed to practise their profession, and it would be a great inducement to them to go to some other State. We do not want that to happen. Moreover, some are actually here, though the number is limited. It is the future to which I am looking, the future which we all hope will lead to a considerable influx of population of the right character; and there could be no character more excellent than that of a Scottish-trained lawyer. That is the position. I do not intend to detain the House on a matter in which there is such a large measure of precedent to guide us, as well as the particular merits of the case. I move—

That the Bill be now read a second time.

On motion by the Premier, debate adjourned.

MOTION—SANITARY SITE, SOUTH PERTH-CANNING DISTRICTS.

To Inquire by Select Committee.

Order of the Day read for the resumption from the 10th October of the debate on the following motion by Mr. Cross:—

That a Select Committee be appointed to inquire and report on the following matters:—

(1) Whether that area of land, consisting of approximately 75 acres 1 rood 30 perches, being portion of Canning Loc. 37, on deposited plan 3383, lot 25, situated right on Clontarf highway, the main road between Armadale and Fremantle and against Clontarf Orphanage, is a suitable place for a sanitary site.

(2) Whether the proposed new site will be detrimental or have any detrimental effect on—

(a) The inhabitants of Clontarf Orphanage;
(b) the inhabitants of Castledare Orphanage;
(c) the children who attend South Como School;
(d) the staff and students of Aquinas College;
(e) the proposed new school for which land has been recently acquired, adjacent to Hobbs avenue, South Perth;
(f) the owners of surrounding lands;
(g) the construction of workers' homes on the numerous blocks of land recently acquired by the Workers' Homes Board as set out in the "Government Gazette" of the 21st September, 1945;
(h) residents of either the Canning or South Perth Road Board Districts;
(i) the general progress of either South Perth or Canning Road Board Districts.

(3) Whether there are any alternative proposals which will eliminate the need for any sanitary site within both the South Perth and Victoria Park districts, within a reasonable time.

The PREMIER: I would like the hon. member who moved this motion to agree to its postponement, the reason being that——

Mr. SPEAKER: Is the Premier moving the postponement of the debate?

The PREMIER: I would like that to come from the hon. member in whose name the motion stands.

Mr. SPEAKER: The Premier cannot make a speech on a motion for postponement.

Mr. CROSS: I move—

That the debate be postponed.

Mr. SPEAKER: The hon. member cannot do that. Someone else can do it.

The MINISTER FOR MINES: I move—

That Order of the Day No. 5 be postponed.

Motion put and passed.

MOTION—YAMPI SOUND IRON-ORE.

As to Koolan Leases Control and Local Smelting.

Debate resumed from the 17th October on the following motion by Mr. Cross:—

That in the opinion of this House the Government should take necessary action to—

(1) Acquire for the benefit of the State, the seven iron-ore mineral leases on Koolan Island, now held by Brasserts, Limited; and

(2) After obtaining control of the leases to make certain that the iron-ore is smelted in Western Australia, either by the State or by private enterprise.

THE PREMIER (Hon. F. J. S. Wise—Gascoyne) [5.9]: The Minister for Mines, in speaking to the motion, gave the House a very interesting discourse on the history of the Koolan leases and on proposals for the better use of iron-ore deposits in this State. He pointed out that it is necessary for the Government to recognise its part in the covenants and leases associated with such a proposition and that the fullest consideration would be given to the suggestion embodied in the motion. I would point out to the hon. member, however, how impracticable is the second part of his motion, which reads—

(2) After obtaining control of the leases to make certain that the iron-ore is smelted in Western Australia, either by the State or by private enterprise.

This is one of the largest iron-ore deposits in the Southern Hemisphere and one of the most important unexploited deposits in the world, and is of tremendous tonnage. The motion asks us to agree to make certain that the ore is smelted in Western Australia. Such a proposition might contain a considerable number of impracticalities. It might not be possible to make certain that the iron-ore at Koolan Island is smelted in Western Australia. The intention of the hon. member is obvious: He wants the resources of this State to be treated and used in this State; but if this motion is to be regarded as anything but a pious one, even if it be carried and the Government's attention drawn to the desires of the House, it would be necessary to delete all words after the word "lease" in the first line of paragraph (2) for the purpose of adding the following words:—

"to take all steps practicable to ensure the smelting and use of the ore in Western Australia, either by State or private enterprise."

It is unwise to carry a motion which requests the Government to make certain of the use of all that ore in this State when there might be very many technical difficulties associated with such use. But the attitude of the Government will be to make use of the maximum quantities possible of use by smelting in this State. I move—

That the motion be amended by striking out after the word "leases" in line 1 of paragraph (2) the words:—"to make certain that the iron-ore is smelted in Western Australia, either by the State or by private enterprise," with a view to inserting other words.

MR. CROSS (Canning—on amendment) [5.12]: I do not want the House to carry what is merely a pious resolution. I want a motion carried that will bring some benefit to this State. I do not want to happen here what is apparently going to happen with the Cockatoo Island iron-ore. That ore is to be taken by ship from Cockatoo Island, around the north of Australia to Newcastle, and smelted there; and the ships on their return will pick up even the stores and everything else required for use at Cockatoo Island. We do not want that sort of thing to happen. I realise it might be impracticable to smelt every bit of iron-ore here, but I brought this motion forward so that people of the State would get the benefit of one of our most valuable assets. Perhaps some arrangement may be made later on with the B.H.P. to set up smelting works in Western Australia, bring coal from Newcastle and take manufactured steel back. If that were done, provision should be made by an agreement or in some other way for some of the ships to come past Fremantle.

The Premier: The Minister mentioned that, I think.

Mr. CROSS: Did he?

The Premier: Yes.

Mr. CROSS: Well I can mention it also, and emphasise it; it will stand reiteration. Being extremely heavy, those ships have always a certain amount of upper space in which cattle could be brought from the North-West to Fremantle in the cattle season and the ships coming back from the Eastern States could bring some Newcastle coal here and then take stores up along our coast.

Mr. Mann: But we passed a motion regarding the utilisation of Collie coal.

Mr. CROSS: I know; but it may be found that in order to smelt that ore successfully, a percentage of Newcastle coal has to be brought to this State. If that were the only drawback to smelting in this State, we would need to have Newcastle coal. An inquiry could be made into that phase. I believe we should use the State's resources to smelt the iron. As a result of the successful gasification of Collie coal, it should be possible to reduce iron-ore by the use of gas produced from Collie coal. I agree to the amendment.

MR. DONEY (Williams-Narrogin—on amendment) [5.15]: I think the motion was perhaps drawn along unduly peremptory lines but, subject to the amendment moved by the Premier, it should now be acceptable to the House. I am wondering by what means we will give effect to the wish of this House to re-possess these leases. As I recall the remarks of the Minister for Mines a day or two ago, I think he said—in regretful tones—that there were but few methods by which the Government could repossess. When he said "few methods" one naturally took it that at least one of those few methods would be sufficiently feasible to allow the Government to re-possess. On further reviewing those methods the Minister appeared to decide that, after all, they were not over-promising, particularly having regard to the nearness, comparative accessibility and richness of the deposits at Koolyanobbing. Later in his speech—if I am in error here I think the error is shared by the member for Mt. Magnet—the Minister came nearer still to closing the door on the Koolan deposits, by telling the House that it was competent for Brasserts Ltd., merely by repegging the leases, to secure them for yet another 21 years. I do not know whether the member for Mt. Magnet and I misunderstood the Minister there, but if that is a possibility—

The Minister for Mines: My statement was on the correct position in law. The member for Mt. Magnet was under a misapprehension.

Mr. DONEY: Then apparently I shared in the misapprehension, and I am glad that it is so, because I would be sorry to see any bar placed in the way of re-possession by the Government. I support the amendment.

HON. N. KEENAN (Nedlands—on amendment) [5.20]: The amendment was moved by the Premier for the purpose of inserting other words, but without a knowledge of those words—

The Premier: I informed the House what those words were.

Hon. N. KEENAN: Without a knowledge of those words it would be impossible to resolve the question. I know what those words are, and I agree with the Premier that it is the only practical way to approach the matter. It would be absurd to pass a motion to which we could give no effect. In its present form—if passed—it would mean that no effect could result from it. As the last speaker's remarks covered such a wide field, am I now entitled to speak on the whole question or only on this particular amendment?

Mr. SPEAKER: The hon. member is entitled to speak on the amendment only.

Hon. N. KEENAN: Then I strongly support the amendment.

Amendment (to strike out words) put and passed.

THE PREMIER (Hon. F. J. S. Wise—Gascoyne) [5.21]: I move—

> That the words "to take all steps practicable to ensure the smelting and use of the ore in Western Australia either by State or private enterprise" be inserted in lieu of the words struck out.

Amendment (to insert words) put and passed.

HON. N. KEENAN (Nedlands) [5.22]: I am afraid I do not follow the Minister for Mines in his view that an applicant for a mineral lease is absolutely entitled, on pegging, to acquire that lease. My impres-

sion—though I have not corrected it by looking at the Act again—is that it is at the discretion of the Crown.

The Minister for Mines: They have 21 years, with a right of renewal for a further 21 years.

Hon. N. KEENAN: There are two acts in the discretion of the Crown; the first is to accept the surrender, before they can repeg, and the old title must be obliterated by surrender. It is my recollection that that is a matter for assent by the Crown. The application is made to surrender and the Crown has to admit the right of the party to surrender. After that, when the ground is re-pegged—again subject to correction, but with a strong belief that it is correct—it is not obligatory on the Crown to grant the lease simply because the ground has been pegged.

Hon. J. C. Willcock: If that were so, it would nullify the whole mining law.

Hon. N. KEENAN: It is certainly so in connection with goldmining, with which I am better acquainted, and I am still under the impression that the right of the Crown to refuse an application for a lease remains in the case of mineral leases, but apparently the Minister for Mines has been advised that that is not so.

The Minister for Mines: I do not say so. I am speaking about the tenure of the lease and not the right of the Crown to refuse it.

Hon. N. KEENAN: As I understood what was said by the member for Williams-Narrogin, and what was agreed to then by the Minister, it was that the holder of the mineral lease could first of all surrender his lease.

The Minister for Mines: That was years ago, in 1937.

Hon. N. KEENAN: And then, having surrendered his lease, he could, as a matter of right, peg out the ground and—again as a matter of right—acquire the title to the mineral lease for a further term of 21 years. I do not propose to look at this motion in the light of facts such as those, which I am not in a position to accept, and with which I therefore cannot deal. It is undoubtedly true that we possess a valuable asset in this iron-ore. It is a matter of general knowledge that it has the highest iron content and is of the most valuable character of any iron-ore in Australia.

The Minister for Mines: In the world!

Hon. N. KEENAN: I am not prepared to say "in the world" because I do not know sufficient about the world, but I know from hearsay that it is the best in Australia, and it should be regarded as the best in the Commonwealth. It is a matter of grave importance that this State should realise the gift that Providence has given us in these deposits, and I think the Government is prepared to do everything in its power in that regard, but there are difficulties in the path. For instance, for a great number of years the Broken Hill Company has been shipping ore from Iron Knob to Newcastle for smelting, and it has only done that because it is cheaper to ship the ore to the coal than to ship the coal to the ore.

Hon. J. C. Willcock: They take some coal to Whyalla and smelt some ore there.

Hon. N. KEENAN: They carry some coal to Whyalla from Newcastle and carry iron-ore back.

Hon. J. C. Willcock: They smelt at both places.

Hon. N. KEENAN: That is because the run suits them both ways. One cannot imagine any company carrying coal from Newcastle—if Newcastle is the only place where suitable coal can be obtained—right round to Yampi Sound, with no return cargo except possibly some iron-ore. We will have to allow for commercial development, and for the fact that although this is a separate State it is part and parcel of the Commonwealth, and that therefore smelting ore at Newcastle is smelting it in the Commonwealth of Australia. I claim the highest consideration for our own needs, but if we set up in opposition to the influences that the Commonwealth can bring to bear, we will have an impossible task. All that the Premier can do is to get the best possible terms for the development of this ore; to get the highest consideration given by any individual, company or State—I think Queensland once owned one of these deposits.

The Premier: Queensland once owned Cockatoo.

Hon. N. KEENAN: The best that can be done is to get the best terms possible for the State, and not set out to dictate terms by saying that they are to ship the ore round the southern coast instead of going by whatever is the easiest route from the

point of view of easy passage. I do not think we can possibly insist that they should ship it round the south coast of Western Australia, instead of by the northern route. We might use our best endeavour and possibly if it were in our power to offer some concession or advantage we might get it, but we could not lay it down as one of the terms for the use of any leases that are properly held by a private individual, a company, or any other proprietor. So I view what the Premier said with great approval that we should make every endeavour to get the best possible results for the State from these deposits, but should not spoil that endeavour by aiming at the impossible. I support the motion as amended.

Question put and passed; the motion, as amended, agreed to.

MOTION—VERMIN ACT.

As to Adopting Royal Commission's Recommendations.

Debate resumed from the 17th October on the following motion by Mr. Watts:—

That this House requests the Government to give Parliament an opportunity this session of deciding whether all, or how much of the recommendations for alterations to the Vermin Act made by the recent Honorary Royal Commission should be given legislative effect.

MR. SEWARD (Pingelly) [5.32]: It was with a feeling of regret that I heard the Minister say he was not prepared to take any action this session to give effect to the recommendations of the Royal Commission. The reasons he gave were that he had not read all the evidence, and that the Royal Commission had taken a long time over the work and that he should be given an equally long time to peruse the evidence and report. I venture to say the Minister will never read all the evidence. Doubtless he will read a lot of it, but probably it would be a waste of time to read all of it because much of it must necessarily overlap. No matter how long he waits, he will not read it all, and probably he will eventually find that he is too busy to go through much of it.

I should imagine that the Minister will get his departmental officers—those whose duty it is to deal with vermin—to peruse the evidence and probably mark the particularly important parts so that he may study them more leisurely. The Minister ought to bear in mind that this matter is one of extreme importance and therefore it cannot be allowed to wait until somebody is ready to go on with it. While we are waiting, farmers are losing thousands of pounds, and that is the aspect we are concerned about.

I would refer the Minister to the statement made by his predecessor in office when a similar motion for the appointment of a Select Committee was before the House in 1941. On that occasion the then Minister said that, from the district of the member for Mt. Marshall, there would have been a wholesale exodus of people if the emus patrolling the rabbit-proof fence had got through. That was four years ago, but so far as the emus are concerned, the position has not improved. In fact, in my opinion, it has grown worse since 1941. There are farmers in the eastern portion of my electorate who were troubled by emus at that time, but last year one farmer lost 200 acres of wheat through the depredations of this pest. When I was out there 18 months ago, it was no uncommon sight to see not fewer than 200 emus on a small crop of wheat, and they will be worse this year. At that time the emus in my electorate, generally speaking, were confined to the far east in what is known as the Lakes country, which is just inside the No. 1 rabbit-proof fence, but since then I have seen emus 80 miles further west—to the east of Kulin and close to Lake Grace.

If we are going to wait another couple of years, which is what it means if legislation is not brought in till next session, before any benefit can accrue from the new measures that will have to be taken, those unfortunate people on the outer edges of the wheatgrowing country will have their crops smashed down and destroyed, simply because we are not prepared to take the requisite steps immediately to bring the matter to a head. I would not say that it is necessary for the Minister to bring down a comprehensive measure to deal with the whole of the vermin question this session. I would not go so far as that, but it would be quite possible for the Minister to hold a conference with the members of the Royal Commission and his departmental experts and arrive at a decision as to which of the particular recommendations immediate effect might be given to, bearing in mind that it must form part of a long-range policy to deal with vermin generally. The measures

thus decided upon could be brought into operation as early as possible, which would be infinitely better than postponing all action till next session.

I would direct the Minister's attention to the recommendation of the Royal Commission on grasshoppers. A lot of the land infested by grasshoppers could be treated; there is no need to wait for a couple of years till new legislation can be introduced, discussed and passed through both Houses before taking steps to cope with the grasshopper pest in the way of ploughing additional areas. That is one way in which we might be able to get on with measures to deal with this menace. It is not reasonable to suppose that the Minister intends to start off, as it were, with the Royal Commission's report as the only guide in any decisions he may arrive at. Again I refer him to a statement by his predecessor when agreeing to the appointment of the Select Committee last session. The then Minister said—

> I am quite prepared to say I am willing to disclose to the House plans that I have already in mind in regard to amendments to the parent Act and to produce documents which have come to me in the pursuit of evidence as to how best to deal with this problem and associated problems.

Thus the previous Minister admitted that he had been making extensive investigations, and I have no doubt that his departmental officers also have made very thorough investigations, and it is only reasonable to conclude that they have already come to certain decisions. If those decisions were considered in conjunction with recommendations of the Royal Commission, I venture to say that some alterations to our vermin policy could be brought in before the end of this session, leaving the remainder to be dealt with later in subsequent legislation that the Minister might bring down.

The previous Minister for Agriculture, too, admitted on that occasion that the matter was one of national importance. There is no doubt that it is. One has only to read the report for evidence of that. On page 5 of the report the Commission gives an estimate that the depredations of vermin have reduced the carrying capacity of our lands by 30 per cent. I have no hesitation in saying that that is a conservative estimate. In certain of the southern parts of the State, the carrying capacity has been reduced closer to 50 per cent. than 30 per cent. But let us take it at 30 per cent. With a sheep population, according to the Royal Commission, of 10,000,000 sheep, and that representing 70 per cent. of the sheep-carrying capacity, we should be carrying another 4,250,000 sheep representing 30,000,000 lbs. of wool which, at 1s. 3d. per lb., would be equal to £2,000,000. That is an enormous amount of money, and yet we have to stand out of its equivalent in production until some effective vermin policy is introduced.

The Royal Commission, on page 4 of its report, quotes from the evidence of Mr. Hogarth who said—

> Last year I had 30 dogs inside which killed 3,900 of my limited flock.

Mr. Hogarth had what used to be a dog-proof fence around his property, but he says that it is impossible to keep the dogs outside. He added—

> I used to carry 9,000 sheep; now I am down to 2,500. I have never reared a lamb for two years, on account of dogs, so it means to say we will have to get off.

Mr. Hogarth closed by adding that it was pretty hard to have to get out after the fight that had been made.

On the opening day of the present session, several North-West members drew attention to the state of affairs in the North-West where five stations had been abandoned. Those people had been battling along for years in the face of great difficulties and had found that the vermin got ahead of them. It was said that they had abandoned their stations because the financial companies were not willing to carry them on any longer, but that was not so. I interviewed some of them and read the correspondence to the managers, which stated that the companies were prepared to carry them on, but the reply was that they could not cope with the vermin and therefore could not carry on. This means that all the improvements on those properties will have to be taken away and sold. If they were left, they would simply disappear in a gale or would rust away. If those properties are to be taken up again, the cost of improving them will be double or more than double the original cost. What is still more serious, the vermin will have a free run in that country and will come in and attack other settlers, and if something is not done to cope with the vermin, possibly those people also will be driven off their holdings. This is a most serious question for the State and one that will brook no delay.

Evidence was given by Mr. E. H. Green, chairman of the Marble Bar Road Board. In reply to the question, "What is going to happen to your country if these kangaroos are not dealt with?"—kangaroos are a serious menace there—he replied—

> We shall have to walk off. I am not referring to the whole of the North-West, of course, but to the hilly country where the inland stations are. My remarks apply to the country within a radius of 80 miles of Marble Bar and possibly a bit more.

There is evidence of how these people have been trying to carry on in spite of difficulties created by shortage of manpower and other factors. They cannot deal with the vermin, and it is not much encouragement for them to be told to wait another two years before anything is done.

When the previous Minister for Agriculture agreed to the appointment of a Select Committee, he expressed the opinion that he was not very keen on Select Committees, because sometimes the findings of such bodies might be used politically. However, he admitted that he had the assurance of the Leader of the Opposition, both in his speech and in conversation with him, that nothing was further from his mind, and I can say that the Leader of the Opposition spoke for every member of his party when he said that. If this matter is to be shelved until next session, the responsibility must rest upon the Government, because members on this side of the House realise the desperate position of settlers owing to the depredations of vermin, and we appreciate the importance of getting on with the job of coping with the vermin.

When the Minister was speaking he asked what farmer was going to spend time and money in eradicating rabbits from his property if the board could do it for half the cost. I venture to say that there are many farmers who would do it at double the cost at which the board would do it. But if the farmer does the work himself he, being in control of his own property, can shift his sheep from one part to another before he lays poison and decide when it suits him to do the work. If the board comes in it will go through the property and will control the situation. The farmer will have to dance to the tune of the workmen employed by the board. These men may come in at any time when it suits the authority to send them. One could not expect the board to deal with one farm five miles east of the centre of operations and after that go 10 miles west, and then return to the original area. The board would come in when it suited it and at a time when it might not suit the farmer. It would not be surprising that the farmer should want to do the work himself. He would be able to shift his stock as he liked to any paddocks that he liked, and at a time when he thought the work should be done.

It was also stated by the Minister that the other States used 1½ inch mesh netting, and I interjected, "Victoria does not." The Minister then said, "I am informed that it does." To clear up the matter I telegraphed to the Minister for Agriculture in Victoria, Mr. Ronald Cumming, and asked him whether he could tell me what the position was in his State. The reply from the Minister was as follows:—

> Your wire received. Superintendent Vermin Destruction Branch, Victoria, advises 1½ inch mesh not absolutely rabbit proof. One and a quarter inch mesh highly recommended.

I was in Gippsland on the occasion of the rabbit plague. The rabbits came in during the year 1909, and people began to erect rabbit-proof fencing. A controversy arose as to 1½ inch or 1¼ inch mesh. I had seen rabbits go through 1½ inch mesh. There is no need for them to go back to the doe; they can live on their own. If one had not seen rabbits going through 1½ inch mesh one would not believe it, but I have seen them do it. It was recognised in Gippsland that in order to keep out the rabbits properties must be netted with 1¼ inch mesh. There is nothing more disheartening to a farmer than to have surrounded his property with what he believes to be rabbit-proof netting, of say 1½ inch, with a view to eradicating the rabbits, only to find that the vermin are still getting in, after he has laid out a considerable sum in erecting the netting. If netting is required we should see that the farmer gets that of the proper mesh, namely, 1¼ inch. That will keep out the rabbits and give the settler a chance.

There are properties—the Minister referred to one at Katanning—where rabbits are kept down without netting. That is

quite possible provided the farmer has no rocky outcrops on his property. But if he has such outcrops he must put rabbit-netting around them, because there are numbers of fissures in the rocks which make it impossible to poison in such country. Then, owing to the presence of the rocks, it is impossible to dig the rabbits out. The farmer has either to erect 1¼ inch mesh netting around his whole property and deal with the rabbits within by poisoning them, or net around the outcrops so that the rabbits cannot get out. For the reasons I have given I deplore the Minister's statement that he does not intend to introduce legislation this session. I hope he will re-consider his decision. If he cannot bring down a complete Bill to amend the Vermin Act he could at least arrange for a conference to be held between members of the Royal Commission and his departmental officers with a view to debating certain recommendations contained in the report and others he may have on the files, such as have been admitted by his predecessor to exist.

Some relief must be given to the settlers concerned before the plague becomes too great to handle. If matters are left too long as they are we shall reach the stage when people will no longer stay on their holdings. At the eastern end of my electorate where the settlers are only now getting a school and have no rail transport, if the people concerned are left too long before the rabbit menace is combated they will leave their holdings. For their income they are dependent entirely upon their properties. Already they are suffering severe loss through the emu pest and on that account alone are inclined to throw up their ventures. That sort of thing will mean that more of the country will be abandoned, which will be a bad thing for the State and a grave injustice to all those who have taken up land in those parts and made a home for themselves out of virgin bush. I hope the Minister will re-consider his attitude towards the proposal that he should bring down an amendment of the Vermin Act before the end of the session.

On motion by Mr. Doney, debate adjourned.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd October.

THE MINISTER FOR EDUCATION (Hon. J. T. Tonkin—North-East Fremantle) [5.55]: The purpose of the Bill introduced by the member for Subiaco is to raise the age at which children can obtain licenses for street trading from 12 to 14. I have taken the trouble to ascertain what the position is in the other States. In New South Wales the prohibited age for street trading is under 15, so that licenses are necessary for those children who are 15 years of age or over. In special circumstances licenses are issued to children of 14 years of age. Beyond 16 no license for street trading is necessary. In Victoria any child under 12 is prohibited from street trading. Licenses are granted to children from 12 to 14, but for those over 14 no license is necessary. Children over that age may trade without a license. The Street Trading Act under which licenses are issued in Victoria applies only to the municipality of Melbourne. There is no legislative provision for the rest of the State. In South Australia the prohibited age is under 13. A license is necessary in Adelaide for children who are 14 years of age and over, but in the suburbs a child who is 13 can obtain a license. We have no information as to the age when licenses become no longer necessary.

In Queensland the prohibited age is under 12. Licenses are necessary for children aged from 12 to 14, but no license is necessary for a child over the age of 14. In Tasmania the prohibited age is under 15. No licenses are required or issued. Any child under 15 is not permitted to engage in street trading, but if he is 15 years of age or over he can do so without a license. In this State under 12 is the prohibited age, and children of 12 and up to 16 require licenses for street trading. Beyond the age of 16 they may engage in street trading without a license. In South Australia recently certain newspaper distributors made a request to the City Council, which is the body that issues the licenses in that State, to have a revision of the Act so that the age could be lowered to 12. The Education Department in South Australia contested the move on the ground that street trading

seriously interfered with the education of the children. As the result of the opposition the move to have the Act amended did not succeed.

It is very regrettable that children should be obliged to engage at all in street trading. When they are so engaged they are subjected to influences which are very harmful to their development. They remain about the streets sometimes up to a very late hour, and during that time not only is it fatiguing to them but they gain experiences which are definitely harmful to them. I suppose if we could reach the most desirable state we would prohibit children from trading in the street at all. The move that has been made to raise the age when children may engage in street trading comes at a time when it should not be difficult to bring that about. There are a number of men returning from the war who have been seriously injured. Many of them have lost a leg or an arm or two arms, and it would be difficult to place them in work at which they can earn a livelihood. There are one or two men about the city today who are cripples but who do earn a good livelihood through selling newspapers.

It seems to me that instead of having children on the street selling papers, if a number of them were taken off the streets there would be an opening for men who would be prepared to do that class of work, that is sell the papers which the children are now selling. There should not be any difficulty, therefore, in having the papers distributed. I should like Parliament to decide to make a thorough job of this if it desires to do anything at all. Legislation has already been passed to provide for the extension of the school-leaving age to 15. That legislation will be proclaimed as soon as possible. When the necessary buildings are available to accommodate the additional number of children involved and the Act has been proclaimed it will be compulsory for children to remain at school until they are 15 years of age. We should provide that children should not engage in street trading if they are to be compelled to attend school.

It is very unfair to a child who has to engage in street trading if he is at the same time endeavouring to cope with the work involved in being educated to a higher standard. It is necessary that a certain amount of home study should be done by children in the higher standards in order that they may take the fullest advantage of the lessons that are given to them at school. It is not possible to rely entirely upon the school hours, nor is it desirable that this should be so because the principle of home study enables a very valuable habit to be formed in the children, a habit that pays handsome dividends in later years. Any child who goes through school life without being obliged to do any home study will find it irksome, when he becomes occupied in some job, to be compelled to do a certain amount of home study in connection with his work. We must endeavour to form correct habits in the children. Home work is one way of forming a very useful habit if children expect to go far when they leave school.

If a child is obliged to spend several hours on the street before attempting to do his home-work, then it is subjected to stresses that might well prove to be beyond its capacity. It would suffer physically and mentally. So we should aim to see that there is no street trading for a boy, or a girl, obliged to attend school. As we propose to make it compulsory for children to remain at school until they are 15, we should protect them against the stresses that are imposed upon them when they engage in street trading while attending school.

Mr. Thorn: They must leave school before the finishing time each day to be on the street in time to sell papers.

The MINISTER FOR EDUCATION: I was coming to that. My experience as a teacher in a metropolitan school was that children who asked to be let out at a certain time each afternoon did so for the purpose of selling papers. Such children did not get the full period of tuition at school, which the law said they ought to get. They missed lessons daily and either did not make up the work at all or it was completely forgotten. If a child misses a portion of the time at school, the task of keeping up with the work becomes inevitably more difficult. The missing of a certain lesson, or portion of a lesson, makes it very difficult for a child to pick up the thread of the subject. When that goes on day after day and year after year, members can readily appreciate the harm done to the child.

We should endeavour to protect children against such harmful influences. I propose, therefore, to endeavour to amend the Bill to make the age 15 instead of 14, and that will be coincident with the compulsory school-leaving age, for which provision is already made. It might be a little unfair to bring this in immediately, so as to affect children who already have licenses and are engaged in street trading. When reforms of this nature are made, it is better for them to be brought about gradually than to make a sudden change. I propose, therefore, to endeavour to amend the Bill to provide that the sections of this Act making that alteration shall not apply to the existing position, but shall apply only to the granting of new licenses.

Mr. Doney: What, in respect of time, are the terms of the contract that children have with newspaper shops?

The MINISTER FOR EDUCATION: I do not know that they have any contract. They have a license to sell newspapers.

Mr. Doney: I mean, the terms of the license.

The MINISTER FOR EDUCATION: If the child is the right age, the department issues a license permitting it to trade until the license is revoked. When the child reaches the age of 16, it no longer requires a license. It must be licensed for street trading if it is between the ages of 12 and 16. We might have the position that many children of 14 and 15 years of age, and perhaps 13, are at present trading. If this Bill has immediate effect, their licenses would be revoked straight away, and there would be a transition stage that would be somewhat difficult. That would not be quite fair. I prefer that we should say to people who are already engaged, "You have your license; we do not propose to revoke it. You can carry on selling papers." By doing that, sufficient time would be afforded newspaper distributors to make other arrangements. It would also permit people who are to some extent dependent on the earnings of their children to make other arrangements. If we say that no new licenses shall be issued to people under 15, then we shall cause hardship to nobody. We simply enact that a new policy is to be brought into operation so that henceforth no child under the age of 15 shall be permitted to engage in street trading.

Mr. North: Time will do the rest.

The MINISTER FOR EDUCATION: Yes. That would be preferable to saying to those at present so engaged, "After a certain time your licenses will be revoked." The way to avoid these difficulties is to make the alteration gradually. We can indicate that we do not propose in future to issue licenses to children under the age of 15. That would be perfectly clear and people would know what to expect. I think members will agree that it would be a hardship to say to a boy of 14, and, therefore, beyond the present compulsory school age, "Even though you have been selling papers for two years, you must now stop." He has been subjected to these influences; the harm has already been done. At best he has one more year to remain at school, if the Act providing for the school-leaving age of 15 is proclaimed immediately, which it will not be. In my opinion it would not be wise to revoke such a license at once. It would be better to permit these licenses to remain in force and, as the member for Claremont said, let time effect the improvement.

MR. MANN (Beverley) [6.5]: I have listened with interest to the Minister's remarks on the Bill and his proposal to raise the age to 15 years. I would like to know when he intends proclaiming the amendment of the Education Act making the compulsory school leaving age 15 years.

Mr. SPEAKER: The hon. member cannot discuss the Education Act.

Mr. MANN: I am trying to join the two. The Minister said that the raising of the school leaving age to 15 years would be put into effect when the opportunity, in regard to manpower and buildings, arose. If this Bill is amended, as the Minister suggests, to provide for the age of 15 years, I would like to know when it will come into operation. It appears from the hon. gentleman's remarks that it may be another 18 months or two years. It is essential that an age shall be fixed when the children must be off the streets. Child endowment was brought in with the idea of helping children and their parents. Strangely enough, some of the most brilliant men of the world have come from the ranks of the street sellers.

The Minister for Justice: Why is that strange?

The Premier: They were educated in the university of the world.

Mr. MANN: That brings up the point: What is education when all is said and done? These ragged-trousered boys sell papers!

The Premier: Do you ever understand what they say?

Mr. MANN: No, I do not. One author who has written a couple of classics is Jack London, and he was a seller of papers in the streets of London.

The Minister for Justice: I think education is beyond the conception of man, really.

Mr. MANN: When the Education Vote comes up for discussion there should be a most interesting debate. I hope the House will discuss educational matters for a long time. When does the Minister intend to give effect to this Bill if it is amended? Will he wait for the Act to be proclaimed?

The Premier: I think the answer is: As soon as practicable.

Mr. MANN: That is a vague term.

The Minister for Education: To which Bill do you refer?

Mr. MANN: The one under discussion.

The Minister for Education: It will have effect immediately it is passed and proclaimed.

MR. SHEARN (Maylands) [6.10]: I support the principle of the Bill but, like the Minister, I am concerned about the repercussions if it is assented to immediately after the closing of this Parliament. I know of boys who, through economic reasons probably, have been forced to sell papers. They do that to supplement the meagre income of their home. I think, therefore, there is a great deal in the suggestion of the Minister that some deferment of the restrictions embodied in this proposal should be made. I see no reason why the Bill should not be so amended as to bring it into force 12 months from now. That would coincide, I presume, with the intentions of the Minister in regard to raising the school leaving age. I am sure that most members, if not all, know of men who have held important positions in this community, and even in the Legislature, who got the principal amount of their education in street trading. So it cannot be said that street trading is entirely undesirable. But we do know that, with the modern conditions obtaining in this State, as elsewhere, it is undesirable that boys should be forced to go on the streets to sell papers. So I am entirely in accord with the principle of the Bill. I feel that, wherever it is found, and it will be in some instances, that with the passing of this legislation the economic position of some families is affected, it is the duty of the Government and the State to assume the loss thus incurred.

In endeavouring to protect the interests of the children and our family life, the State should accept some financial responsibility. At present, both State and Federal departments take into account the earnings of boys and girls who go out to sell papers. So, in effect, the mother is affected economically because of the earnings of the children. There is, therefore, much to be said for the Minister's suggestion. It is, I consider, the duty of the State to be responsible for families in poor circumstances, and it is equally the duty of the State to see that the children of such families get the fullest benefit of our educational system. Among the many desirable aspects dealt with at length by the hon. member, there is the position that, with the passing of this measure coincidental with the raising of the school leaving age, will ensure that every child, irrespective of his or her parents' economic position, will have an equal opportunity. In supporting the Bill in principle I also support the amendment outlined by the Minister, with this exception, that I think he should specify a definite date on which the existing licenses shall be cancelled. I do not agree that the present licenses should go on indefinitely.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.15 to 7.30 p.m.

In Committee.

Mr. Mann in the Chair; Mrs. Cardell-Oliver in charge of the Bill.

Clause 1—Short title:

Mr. McDONALD: I think the principle enunciated by the member for Subiaco in introducing the Bill and that stressed by the Minister for Education are the same. The Bill aims at preventing street trading by any child of school age. The Minister has indicated that the Government wishes to raise the school leaving age to 15 and, as the amending legislation seeks to fix the age in keeping, the principle seems to be the same.

The CHAIRMAN: The Committee is dealing with the short title, which is covered by Clause 1.

Mr. McDONALD: That is so, and I wish to raise a point on Clause 1. I suggest for the consideration of the Committee that the commencement of the Bill might be fixed for the 1st January, 1947. May I move that as an amendment to Clause 1 or should I do so in the form of a new clause at the end of the Bill?

The CHAIRMAN: The hon. member should move it as a new clause at the end of the Bill.

Mr. McDONALD: I shall do so.

The CHAIRMAN: I find I have made a mistake. The hon. member can move his amendment as an addition to Clause 1 if he so wishes.

Mr. McDONALD: I move an amendment—

That the following words be added:—"This Act shall come into operation on the 1st day of January, 1947."

The object of moving the amendment is to comply with what seem to me to be good reasons adduced by the Minister for delaying for that period the operation of the Act. As far as I know, a license can be granted to a child who is 12 years of age and that will operate until the boy is 16 years of age.

The Minister for Education: That is so. After reaching 16 years of age he does not require a license.

Mr. McDONALD: There may be a not inconsiderable number of children of 12 and 13 years of age who may still be labouring under disabilities regarding their education, which the Minister so forcefully pointed out. If we give more than 12 months' notice of the commencement of the new law, it will provide an opportunity for those concerned to adjust themselves to the new legal position.

The MINISTER FOR EDUCATION: I hope the Committee will not agree to the amendment because I do not think it will achieve what the member for West Perth desires. If we defer the operation of this legislation for 12 months it will result in a number of children now 12, 13 or 14 years of age being licensed during the next 12 months. We want to prevent that. The position is bad enough as it is and we should not make it worse by giving an additional number of children the opportunity to be licensed. The amendment would mean that the present position would continue for 12 months before we could do anything. That is bad. We should do something straight away and decree that in future no child under 15 years of age shall be granted a license and that that position should commence straight away.

I would prefer the amendment I indicated earlier, the effect of which would be that the Bill would operate immediately it was passed and no further children would be licensed, but existing licenses would be allowed to run out by effluxion of time. That would mean that children of 12 years of age who have secured a license will have three years of street trading, those of 13 years of age will have two years of trading and those who are 14 will have the right to trade for one year only. Those who are 15 years of age will be able to engage in street trading whether they have a license or not. Under that system the transition stage would be gradual. The newspaper distributors would be able to make other arrangements and the impact generally would be cushioned down. If the legislation were to operate immediately it would take away from many children something they have enjoyed for two years or more.

Mr. McDONALD: The objections raised by the Minister to the amendment are well founded. I agree with him that it would possibly lead to more licenses being granted during the period prior to the commencement of the Act, and that would make the position difficult. I do not propose to press the amendment because I do not think it would help in the way I anticipated. I am concerned about those children who may well have three years of street trading ahead of them. If some means could be suggested by which they could be prevented from street trading so that they could devote the whole of their time to their education, I would be pleased to hear of it. I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mrs. CARDELL-OLIVER: Am I in order in referring to the points mentioned by the Minister?

The CHAIRMAN: We are still dealing with Clause 1.

Mrs. CARDELL-OLIVER: I disagree with the Minister's remarks about children. It might be all right gradually to require children to discontinue street trading, but——

The Minister for Education: I suggest that the member for Subiaco should wait until I move my amendment before she discusses it.

Mrs. CARDELL-OLIVER: Very well!

Clause put and passed.

Clause 2—Amendment of Section 104:

The MINISTER FOR EDUCATION: I move an amendment——

> That in line 4 the word "fourteen" be struck out with a view to inserting another word.

It is my intention to move later on for the inclusion of the word "fifteen" if the amendment is agreed to.

Amendment (to strike out word) put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

> That the word "fifteen" be inserted in lieu of the word struck out.

Hon. J. C. WILLCOCK: What will happen if we agree to the amendment? Is the proclamation regarding the advanced school leaving age to 15 years to synchronise with the proclaiming of this legislation? If that is not so, some children will go to school until they are 14 years of age and then leave. By virtue of the amendment now proposed, the State would have the right to prevent such children from working at all. Unless the proclamation regarding the school leaving age synchronises with the commencement of this legislation, many children will be prevented from continuing to assist in keeping their families. There will be no compulsion upon them to go to school, yet I take it that is the object.

The Minister for Education: Yes.

Hon. J. C. WILLCOCK: I would like to know whether the proclamation of the new school leaving age and the commencement of this legislation will synchronise.

The MINISTER FOR EDUCATION: Undoubtedly the member for Geraldton has put his finger on the weakness of this situation. It would not be desirable to defer the application of this Bill until the proclamation of the Act that has been passed to extend the school leaving age. The latter proclamation cannot be issued until adequate accommodation is available for the children who will be obliged to stay at school for an additional year. However soon we may desire to proclaim the Act raising the school age, we must bear in mind our inability at present to erect school buildings. It is desired that no further licenses shall be issued and that we should not make two bites at a cherry. Now that this legislation is being amended, we should take advantage of the opportunity to make the age 15 years, which will be the school leaving age in the future. A difficulty arises, however. At present it is not compulsory for a child to remain at school until he attains the age of 15 years, yet he is not to be permitted to engage in street trading until he reaches that age. We hope the child will continue at school despite the fact there is no compulsion upon him to do so.

Hon. J. C. Willcock: But we have no accommodation for him.

The MINISTER FOR EDUCATION: We would have the accommodation for the number of boys engaged in street trading. If we prevent children over 14 years of age, but under 15 years, from engaging in street trading, there is other work which they can do if they leave school. We do not want them to be idling throughout the day for the purpose of selling newspapers at night. They should be engaged in a daily task; and if they were working during the day they would not desire to work at night also. In the final analysis, there will not be much hardship because of the fact that the proclamation of the measure dealing with the school leaving age does not synchronise with the proclamation of this measure, if it becomes law.

Mr. CROSS: A permit should be granted under the Factories and Shops Act to allow boys to engage in street trading. There are lads at Victoria Park only 12 and 13 years old selling papers on the street. They are working for widowed mothers and, in some cases, helping to maintain large families. It would be a great blow to those depending upon them if the boys were deprived of the opportunity to earn from £3 to £5 a week, as they do now.

Hon. J. C. Willcock: The conditions under which widows and children now live have been greatly improved of late.

Mr. CROSS: That is so. I sold papers before I was 12 years old and it kept me out of mischief. It might keep many other boys out of mischief.

Mr. Doney: You ought still to be selling papers in that case.

The Premier: It helped to make you versatile.

Mr. CROSS: In my opinion, there is merit in my suggestion.

Mrs. CARDELL-OLIVER: I am rather surprised at the member for Canning, because there has been no more vehement orator in this Chamber than he standing up for the rights of widows and other people with insufficient money to maintain themselves and their families. He said that children were earning from £3 to £5 per week. In my opinion, we should not do anything to encourage children to be on the streets to earn this amount of money, especially in view of the argument put forward by the Minister that sooner or later we might have people returning to the State who will be in much more need of the money, and who could possibly supplement their incomes to the amounts mentioned by the member for Canning. I trust he will not move an amendment dealing with a permit, as he suggests.

Mr. SMITH: In the circumstances I prefer to oppose the whole Bill. An amendment has been moved to strike out the word "fourteen" and substitute in lieu the word "fifteen." I am not in favour of the amendment and I propose to move that the word "thirteen" be inserted in lieu of the word "fifteen."

Hon. J. C. Willcock: Make it 13 years and 9 months.

Mr. SMITH: I do not think we should make such a violent change all at once. If the age is raised to 15 years, we shall exclude from street trading children of school age, that is, children up to the age of 14 years. Now we propose to go further and exclude children between 14 and 15 years. These children are not compelled to attend school, yet they will be denied the right to engage in street trading. I did some street trading in the Eastern States when I was a boy, and I consider the proper age for a boy to engage in street trading is between 12 and 15 years. At the latter age, unless a boy can afford to go to a high school or to a university, he must look around for work of a permanent nature. The question arises, who is to do the street trading in the future if we make the age 15 years? Personally, I found the art of selling newspapers somewhat educational.

Hon. J. C. Willcock: It brightened you up.

Mr. SMITH: Yes. It gives one a great deal of confidence at an early age, and that is desirable from the point of view of one's future career. Street trading children are not the children of wealthy people. In my own case it was a matter of necessity. My mother was compelled, being a widow, to go out and work for myself and my sister. After attaining the age of 15 years a lad should look for a position in a shop or work at some trade. What is street trading? If one visits the markets in the Eastern States—I do not know what happens in our markets here—one finds, particularly in the Western Markets, Melbourne, many boys between 12 and 13 years assisting their fathers and mothers to sell their wares. Those children are learning the art of buying and selling, which is much more important than anything they could learn at a university. Those boys will become the businessmen of the future. If I were to look for the businessmen of the future in this State I would not ignore boys selling papers on the street.

Mr. Cross: If the member for Brown Hill-Ivanhoe moves in the direction he has indicated, I will support his amendment.

Mr. SMITH: I desire to move an amendment that the word "thirteen" be inserted in lieu of the word struck out.

The CHAIRMAN: Standing Order 374 provides—

> When there comes a question between the greater and the lesser sum, or the longer or shorter time, the least sum and the longest time shall be first put to the Question.

Therefore, the amendment now moved must follow the one moved by the Minister.

The MINISTER FOR EDUCATION: The member for Brown Hill-Ivanhoe has asked, "Who will sell papers if children under 15 years are prevented from doing so?" I reply, "The people who are selling papers in Tasmania at present." Papers will be sold in shops, in kiosks and by maimed and limbless returned soldiers. Tasmania has experienced no difficulty in selling newspapers and the age fixed there for boys is 15 years. The member for Brown

Hill-Ivanhoe referred to the hard times through which he passed and said it was necessary for him, as a boy, to sell papers; but I point out that at that time there was no child endowment, nor was the scale of allowances then in operation for children as high as is allowed by the Child Welfare Department in these days. The Government has endeavoured progressively to raise the amounts payable to families in necessitous circumstances, so as to obviate children being put to work while they are of school age.

The object of this Bill is not to encourage children to work on the street, but to remain at school. I point out to the member for Brown Hill-Ivanhoe that, no matter how valuable the experience may be that a boy will gain in selling newspapers, he will also gain much experience not valuable. He will get a very much enlarged vocabulary; he will learn many words that could not be used in the best of circles. Our idea should be not to encourage young people to engage in blind-alley occupations or start off in occupations they must drop in order to commence something else, but to endeavour to educate them to a certain stage and then start them off in an occupation which gives them some prospects at the end. We should not expect that, in order to fit them for the work they are going to do, they should run about the streets at night until they reach the age of 15 and then look for some other job. That is entirely wrong. We should encourage them to obtain as much education as possible at an age when it is easy for them to learn, and should discourage them from going to work. When they have that education, there is plenty of time left for them to obtain the experiences which the hon. member says they will get if they engage in buying and selling, and they will get those experiences at an age when they are better able to distinguish between right and wrong.

We speak from time to time about better educational facilities and about increasing the school leaving age. Most members want that age increased to 16. Is it to provide education for the few or a higher standard for the many? If we desire to provide a higher standard for the many, do we want a proportion of them to go to work at the same time, selling papers in the streets? I do not think members want that. It is unfortunate that because of circumstances beyond our control we cannot tomorrow decide that 15 shall be the compulsory school leaving age. We are obliged to wait until buildings are available; but that is no reason for waiting with regard to this matter, and we should indicate that our belief is in more education and less work when children are young, so that when they have to go to work they will be better fitted to do so.

Amendment (to insert the word "fifteen") put and passed; the clause, as amended, agreed to.

Clause 3—Amendment of Section 105 of the principal Act.

The MINISTER FOR EDUCATION: I move an amendment—

> That in line 3 the word "fourteen" be struck out and the word 'fifteen" inserted in lieu.

Amendment put and passed; the clause, as amended, agreed to.

Clause 4—agreed to.

New Clause:

The MINISTER FOR EDUCATION: I move—

> That a new clause be inserted as follows:—
>
> 4. Sections 2 and 3 of this Act shall have effect only in relation to licenses granted after the commencement of this Act.

Mrs. CARDELL-OLIVER: I do not agree with the amendment. We have raised the age to 15. If this new clause is inserted, many children aged 12, who have a license, will be able to go on for another three years. In fact, they could go on beyond that, because there would be no limit. As I said when introducing the Bill, most of these children are young and they are the very ones that need protection. I would be prepared to agree to an amendment providing for a delay of one year.

Mr. Rodoreda: How many children are on the streets?

Mrs. CARDELL-OLIVER: A considerable number.

Mr. Rodoreda: What do you mean? Are there no figures available?

Mrs. CARDELL-OLIVER: To be honest, I do not know. I have not any figures.

Mr. Doney: The Education Department should have them.

The Minister for Education: The figures are in the report of the Child Welfare Department.

Mrs. CARDELL-OLIVER: I know that the Child Welfare Department, the Police Department, and all organisations are be-

hind the Bill as it stands. The reason I was willing for the age to be raised to 15 is that the Child Welfare Department would have liked it to be made 16. If we are going to allow children of 12 years of age still to trade on the street for three years, that will do away with a great deal of the good I had intended achieving when I introduced the Bill.

Mr. HOLMAN: I do not agree to the amendment, especially after listening to the Minister's remarks on the last one. He proposes now to give to the younger element of street traders a period of up to three years to remain in that occupation, and that is in distinct contradiction to the essence of the Bill. I move an amendment—

> That a proviso be added as follows:—"Provided that the licenses already operating shall cease to operate 12 months after the proclamation of this Act."

That would limit the operation of licenses already in existence. If the extra words were inserted, after 12 months those now aged 12 would be 13 and would have two years more schooling, whereas those now aged 14 would be 15 and able to trade without a license. That would safeguard all without penalising any. If the Minister is not agreeable, I would be prepared to move an amendment to that effect.

Mr. DONEY: I would not be able to vote for the new clause. It is plain that the Minister is deliberately permitting to continue the very disability the Bill seeks to cure. The Minister must give some very good reasons not yet mentioned by him before this side of the Chamber is likely to support him.

Mr. CROSS: I am somewhat surprised at the attitude of the member for Subiaco. I do not know what we would have to do to please her. I think that the amendment I suggested should be adopted; namely, that a proviso be inserted that in special cases a license may be granted before the person reaches the age of 15 subject to the approval of the Minister. That would mean that children under 15 who are selling newspapers could be eliminated but bigger lads could be given a license. I will support the amendment at present. If it is defeated, I will move that that proviso be added.

Mr. RODOREDA: Could the Committee be informed of the actual wording of the amendment? I would like a ruling as to whether this amendment is within the scope of the Bill.

The CHAIRMAN: Does the member for Roebourne insist on a ruling from the Chair?

Mr. RODOREDA: I do not insist; I merely ask for one.

The CHAIRMAN: It is confusing, but I will rule that it is within the scope of the Title of the Bill.

Mr. HOLMAN: I wish to amend the amendment, and I want a ruling as to the procedure to be adopted. I desire to amend the Minister's amendment by adding certain words.

The CHAIRMAN: The member for Forrest has moved an amendment to add the words "provided that the licenses already operating shall cease to operate 12 months after the proclamation of the Act."

Progress reported.

BILL—SUPREME COURT ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 17th October.

MR. SEWARD (Pingelly) [8.20]: One statement was used by the sponsor of this Bill with which I whole-heartedly agree. He said the measure was profoundly important to the social basis of the life of the people of Western Australia. It certainly is, and if this Bill should become law it will not increase the happiness or raise the standards of society. The member for Subiaco pointed out that this is the third or fourth time that this Bill has come before the House in recent years. It might almost be called a hardy annual. It has been altered on this occasion by changing the time from three years or five years to ten years, and one might be tempted to say that it looks as though that was a bait to get the Bill passed, though I do not apply that to the member who introduced the Bill in this House.

Hon. P. Collier: A man's age advances——

Mr. SEWARD: Under the Bill, if passed, a man might be able to get a divorce in a year's time, because it would be retrospective. Some members have indicated that they are in favour of a reduction of the time from ten years to some lesser period, and I have no doubt that if the Bill passed in its present form there would probably be a move, next year or the year

after, to reduce the period. I am certain that, if this Bill is passed, it will not add to the happiness of the people of this State. Other members have said that they know of sad cases, which should be relieved, and I also know of such cases, with which I have great sympathy, but one must ask what the effect of such a measure would be on the community generally. I draw the attention of members to the figures for divorces in this State alone. In 1938, there were 327 applications for divorce; in 1939, 281; in 1940, 349; in 1941, 357; in 1942, 442; in 1943, there were 568, and in 1944 there were 724, an increase of from 281 in 1939 to 724 in 1944, which amounts to an increase of about 157 per cent.

Hon. W. D. Johnson: That was an abnormal period.

Mr. SEWARD: That is the very reason why we should take steps not to perpetuate that abnormality, but to remedy it.

Hon. W. D. Johnson: We would have to go to war again.

Mr. SEWARD: In the time at my disposal it has been difficult for me to get other figures, but in the Statesman's Year Book I found the divorce figures for Scotland. There, with a population of 5,600,000, as against 470,000 in this State, the divorce figures for 1939 were 1,021; for 1940, 879; for 1941, 740; and for 1942, 763. With a population of over 5,000,000 their divorce figures were practically the same as those of this State, with a population of 470,000.

Mr. Wilson: The Scots are a good people!

Mr. SEWARD: In England, in 1939, the divorce figures were 6,332, increasing to 9,999 in 1943, with a population of 41,000,000, an increase of 57 per cent., as against 157 per cent. in this State. I think it behoves us to take a serious view of the position obtaining here today. As the member for Guildford-Midland interjected, we have had a war. Those of us who went oversea in World War No. 1 saw practices and scenes in other countries that we hoped we would never see in Australia, and we did not see them—generally speaking—until the war came very close, and brought those things with it. It is our duty to eradicate them and get the country back to conditions resembling those existing in 1939 when the divorce figures were 281. Reading the proceedings in the Children's Court almost any day, one must pity the unfortunate children in the positior in which they are placed through unhappiness brought about by the prevalence of divorce in this State. I think we are modelling our lives more on Hollywood than on countries where that sort of thing is controlled.

At the pictures, one sees those who indulge in crime and vice exalted, and living under most luxurious conditions. That is having a detrimental effect on the morale of this country. We have to ask whether the alarming increase in divorce in this State will be lessened by adding another reason to the already long list of grounds for divorce. I say it could not have that effect, and I hope the House on this occasion will again negative this Bill. Some members consider that all we have to do is to release people who are unhappily married—with whom I have the greatest sympathy—and that they will marry again and be happy ever afterwards. I do not know on what they base their reasoning. I prefer to base mine on the known rather than the unknown.

The more we can imbue our people with the belief that the most serious step in life is when they decide to marry, so that they will give the matter the most careful consideration beforehand, the better for all. Where the reverse is the case, where there is an easy exit from matrimony after people have rushed into it, there is a danger of developing into the state that prevails in Hollywood in the United States where a man may marry one day, get divorced the next day and marry again the following day. I earnestly hope that the Bill will not be passed because, if it is, I am afraid the effect on the general public will be such as will not lead to an uplifting of the married state and the general happiness and prosperity of our people.

MR. GRAHAM (East Perth) [8.31]: Because there have been suggestions in many quarters that certain influences are at work to get this measure passed, I find that a valid reason why I should make a contribution to this debate. It has been seriously suggested that this legislation has been brought forward in the interests of one particular individual. It has also been suggested, not once or twice, but on more occasions, that those who are sponsoring or supporting this measure are to be handsomely rewarded by persons of considerable influence and resources on account of the re-

lief that these wealthy people will be afforded if the Bill becomes law. I cannot speak for other members, although I have sufficient confidence in them to believe without reservation that they would not be susceptible to such influences, and furthermore that those who have been making such statements do not themselves believe in those statements, but I wish to say definitely that in my case no influence whatever has been brought to bear.

I appreciate the fact that, because of the misrepresentation that has been indulged in, any member would perhaps be more circumspect if he refrained from addressing himself to the measure, but I hold that if one has some ideas worth advancing, they should be submitted irrespective of possible consequences. If we determine our attitude with our ears to the ground, and make that our guiding principle, we shall break very little new ground at all.

Having said this, members will probably have arrived at the conclusion that it is my intention to support the Bill. In order that there may be no misunderstanding, I wish to add that the chief fault I find with the measure is that the period of 10 years is too long. We have been told that this measure is an additional threat to the sanctity of married life and, therefore, on that account ought to be spurned. It is generally appreciated that marriages, unfortunate though this might be, in too many cases run upon the rocks and in fact cease to be marriages. As I view the situation, it is a question of a fait accompli that the law will not recognise. If two persons, partners to a marriage, are of incompatible natures or, because of unfaithfulness on the part of one or the other, or for any other reason whatever, find themselves unable to live as man and wife, the marriage is finished and ceases to exist.

We are merely deluding ourselves if we pretend, by shutting our eyes to the facts, that such a marriage is still valid and there is still some chance of its continuing. Because we adopt that attitude, we are condemning two persons, who find it impossible to live together in harmony and content—though they might be very desirable citizens in other respects—to live unnatural lives, because they must live separately and apart for the whole of their lives if neither has any ground for divorce at the time. Those people are condemned to live in that unnatural state, because I believe it is a natural state for a man and woman to live together as husband and wife. Still, as it is human to err, so many of these human arrangements fall short of the ideal.

We have been informed that this Bill received scant consideration in the Legislative Council—I understand that only two members of that House addressed themselves to it—and that this is a reason why we should not pass it. I prefer that not only this Bill, but also any other measure should be judged on its merits and its fate determined accordingly. Whether two or twenty-two members spoke on the Bill does not alter the merits or demerits. I feel, therefore, that certain members are merely endeavouring to make excuses or searching for reeds at which to clutch in order to justify the stand they are taking. It has also been suggested that certain difficulties will arise in the matter of maintenance and that the proviso contained in the Bill means that it will operate against the poorer sections of the community. That is broadly true, but the same argument applies when divorce is granted on the grounds already provided for by law. If a man divorces his wife or conversely and the marriage no longer exists, he has now to pay maintenance for his children at least, and it might be argued that only a richer man would be in a position to take unto himself a second wife.

Mr. Needham: Why give any more grounds for divorce?

Mr. GRAHAM: If there is any principle in that, it should have been urged when the original legislation was introduced. I believe there will be no greater harm done under this proviso than is already being done under the provisions on the statute-book. I was saying that persons are condemned, because they have made a mistake in their choice, though probably they had the best intentions in the world, to a life of single-blessedness or single state anyhow, but it has the effect that many persons are driven, because of the very nature of human beings and their reaction to natural instincts, in the case of a man to adopt a de facto wife or for one or the other or both parties to live in a state of adultery. In those circumstances, if there are any children of the first marriage, of the marriage which still continues in the eyes of the law, the whole surroundings and atmosphere are certainly to the detriment of those children.

Mention has been made of the fact that we can be appalled at the decline in the birthrate in Australia, which state of affairs is, of course, not confined to Australia. If that is to be submitted as an argument, I suggest it is an argument in favour of the Bill; because we are confronted, in accordance with the provisions of the Bill, with a situation where a husband and wife—because they are regarded as such by the law—are nevertheless not husband and wife in fact, and so it becomes utterly impossible for either of them legitimately to become a parent or have additional children. So, whereas the husband might marry again and rear a family, or the wife might do so, thereby resulting in an increase in the population, such a state of affairs is not possible, unless there be an increase in the illegitimate population; and I suggest that is not desirable.

I appreciate that many persons conscientiously oppose this measure because of religious convictions and because of the moral outlook they have. I respect those points of view; and I say that sincerely. But I suggest at the same time that there is no inference whatsoever in this Bill that it is to be made compulsory that where parties have been living separately and apart for ten years, they shall automatically be divorced. It is still the right of the partners who have fallen out to make the decision for themselves as to whether they will petition the court. People who are guided by religious or moral convictions will in no way have those convictions interfered with, because theirs will be the choice of deciding whether or not to proceed.

Mr. Holman: One or other of the parties.

Mr. GRAHAM: Yes.

Mr. Holman: That alters the situation completely.

Mr. GRAHAM: I maintain it does not. The argument reminds me very much of the case submitted by teetotalers. Because a certain individual does not approve of the drinking of alcoholic beverages, he seeks to deny every other person the opportunity to enjoy them. In the same way, because certain persons, for the best reason in the world according to their convictions and light, do not believe in divorce under these circumstances or on any other grounds, they seek to prevent other persons not so bound by religious or other convictions from obtaining release. I say, therefore, that it is somewhat in the nature of a dog-in-the-manger attitude to follow such a course.

Another idea canvassed is that an objection to the Bill is that it is retrospective in its effect and application. I submit that is not a ground for opposing the measure. To give a parallel: As every member is aware, legislation was enacted by the Commonwealth Parliament to provide for child endowment, and that was retrospective in that parents who already had a family had a flying start. That is to say, if they had five children, four of them immediately, from the date the legislation came into effect, qualified for child endowment. It was retrospective in the fact that payment was made in respect of children who were born from one to 15 years before. In exactly the same way, the provisions of this Bill will go back, not 16 years but for a period of ten years; and I hope the period will be less. Nobody in the legislative halls of any State of Australia, to my knowledge, condemned the child endowment legislation because of its retrospective effect. We should show consideration for the children of a marriage that no longer exists in fact.

It would appear that it is the intention of those who oppose the measure that a married couple should be compelled to continue to live together—because unless they do it is certainly no marriage—notwithstanding the fact that there is a constant cat-and-dog fight in the home. Surely it is not seriously suggested that those are ideal surroundings for any young children to be brought up in! After all, if we continue with the position as it is, where persons have separated not on account of violation of any of the existing provisions but simply because they find it impossible to live together, then, to turn the story the other way around, they will be compelled to live together with results that one can easily imagine so far as the children are concerned. Surely it would be far preferable if we admit the fact—and surely it has been demonstrated frequently—that when two persons are incapable of living together as man and wife, the wife should be able to wed a second time a man who would be prepared to take an interest in and play the role of father to those children. Of course there is a possibility that even the second marriage might be unsuc-

cessful; but I think we are delving into the realms of the unseeable when we endeavour to speculate on that point.

I should say that a person having been married on one occasion and having proved the marriage not a success would be extremely careful before embarking upon a similar expedition a second time. None of the provisions of the Act or of the Bill will make or unmake marriages as such because, as I stated previously, the marriages would have already ceased to exist. That is the reality that must be faced. Those who are alarmed at there being so many divorces, particularly in recent years, have, to my mind, missed the point completely. What members should be perturbed about is that there are so many unhappy marriages leading to divorce. No person embarks upon divorce for the mere sake of adventure. He does not undertake that step and leave a happy home in order to feature in the columns of the Press, but because of the sheer impossibility of continuing in his present state. I submit, therefore, that, when a Bill is submitted for the purpose of affording relief to people who are unable to continue living with their present partners in matrimony, there is a responsibility on such members to submit more positive proposals.

There must be some very definite reasons why marriages are so unsuccessful. It is all very well to say that crime and so on are glamorised in the films. While I am not a particular devotee of the moving pictures I cannot recall one single instance of crime being glorified, or where those who have offended against our moral principles have been applauded or placed in a favourable light.

Mr. North: Except in the first round.

Mr. GRAHAM: That is so. They win in the first round, but pay in the long run. There is a tendency to ascribe far too much influence to the movies. Their influence on our method of living, except possibly for mannerisms of speech, is, to my mind, very small indeed. We have to ask ourselves what are some of the factors causing these unhappy marriages which in turn make people seek to obtain relief. I have several ideas on the matter, and I intend, briefly, to submit them. If we were to give more consideration to positive proposals rather than condemn a measure, which is only a recognition of the state of affairs that exists, then we might be making some progress.

I suggest in the first place, that consideration might be given to making it compulsory for couples who intend to marry to register their intention six months in advance of the marriage date. That is to say that couples should register with an appropriate authority, giving notice of their intention to marry, and that it should be unlawful for a marriage ceremony, in their case, to be celebrated within that period. I make that suggestion because I feel that far too many marriages take place, and have done particularly in recent times, when the interested parties have known one another for a matter of only days or weeks and are, therefore, not fully known to each other. Accordingly when they settle down they get to know one another as they actually are, and their marriage, of course, comes to grief very early. If there were a minimum waiting period of six months, we could at least be assured that before any marriage could be solemnised the parties thereto would have known each other for that period. Surely no one would suggest that six months is too long when we bear in mind the fact that a marriage should be, and, in theory, is a lifelong contract.

My second suggestion is that there should be freer instruction on sex matters. I appreciate that many people do not like discussing this question, but no one who has any cognisance of the facts can deny that the sexual factor is an exceedingly important one in the marriage state. Because there is so much ignorance about the question and because of the lamentable fact that so many children and older persons too have gained their sole knowledge of this question, which is a biological and scientific one, per medium of the gutter and the street corner, I suggest that more attention should be given to this question. Members are unable to deny that statement as applying to the great majority of the people, at any rate. How many ordinary married people make a study of this question and have a full and proper consideration of sex relationships and sex problems generally? A very small proportion indeed! Ye they play a vitally important part in the married state.

Mr. Triat: This Bill will not bring that into operation.

Mr. GRAHAM: No, but I am suggesting that instead of certain members being so completely negative as to seek to defeat a Bill which does not cause any breakdown of the married state but merely gives relief where the marriage has already broken down, they should make some positive proposals. They view the increase in divorce with alarm, and they should make some suggestions to reduce the numbers of unhappy marriages that exist. Those who condemn this measure have made no proposals. Because I like to be constructive, I am submitting these ideas. I do so in the hope that there will be a lesser inclination on the part of the people to take advantage of the existing laws or of the provisions of the Bill now before us.

Another contributing factor to unhappiness and disturbances in marriage is, to my mind, the humdrum existence of the average housewife. I feel, therefore, that we should devote greater attention to the question of providing amenities in the home so that the women can be given some respite from the drudgery and toil of the house, particularly where there is a family. If we made concerted efforts to provide such essentials as refrigerators, gas and electric fires, hot water systems, etc., then the lot of woman would be considerably eased. She would be happier and more contented and there would be a greater prospect of the marriage continuing in the harmony that we all desire.

Mr. Triat: Hollywood does not bear that out; they have all the amenities there.

Mr. GRAHAM: No member would seriously suggest that Hollywood should be taken as a pattern of any measure for our consideration.

Mr. Triat: There is nothing humdrum about Hollywood.

Mr. GRAHAM: If only there was on the statute-books of the States of America a simple proviso such as is contained in this measure, there would not be marriages in rapid succession, as there are in Hollywood. It was not contemplated and never has been in Western Australia that this subject should be made a farce. No-one can convince me that, if people have not lived together as man and wife for five or ten years as provided in this Bill, there is any chance or prospect of their ever doing so. We are flying in the face of facts if we try to believe otherwise. The final suggestion I have to offer is that we endeavour to give some assistance, apart from the amenities I have mentioned, to housewives.

I suggest that we make it possible for additional labour to be provided in the home. I am speaking now of domestic servants. Many families, those with the larger number of children, find it impossible to bear the financial burden of paying for domestic servants. In view of the payments for child endowment and other social benefits, if children and family life mean so much to the Australian home, surely it is worth a few thousands of pounds of the taxpayers' money to make for harmony and well-being in the home, in an attempt to overcome the upsurge that has taken place in divorce figures, which I think reflects additional unhappiness in marriages generally. Before domestic assistance can be provided in the home there must be women prepared to enter domestic service, and accordingly the conditions of employment must be made more attractive. That is where members of this House, and particularly members of another place, can do something worth while. On a previous occasion when legislation to give domestic servants access to the Arbitration Court was passed in this House, the measure was rejected in another place.

Mr. SPEAKER: I think the member for East Perth is getting away from the Bill.

Mr. GRAHAM: I hope the suggestions I have made will receive some consideration. Whilst there may not be much substance in three or four of my points, there may be the germ of an idea in one. In view of the discord that must exist in so many homes I think it is our duty to do something to overcome it. No-one could deny that the happiest state we could envisage would be that where there were 100 per cent. of happy homes, both parents and children. That will not be achieved if we blink our eyes at the facts. I hope this matter will be debated and determined on its merits and that there will not be the usual devices employed, such as for someone to move that the Bill be read this day six months, or something of that nature. If this Bill is debated on its merits and passed, as I hope it will be, we will have legislation that acknowledges the facts existing at present, irrespective of how unpalatable they may be.

MR. CROSS (Canning) [9.5]: Apparently human nature has not changed much in the last 5,000 years, and there are some modern pharisees. Up to date not much has been said on this measure, except by the mover of the Bill, regarding its true objective. The Old Testament is full of instances of adultery and wrangles between man and wife.

Mr. Shearn: How do you know?

Mr. CROSS: Ruth was a fifth wife. Solomon, the wise man, had 300 wives, and he was not satisfied.

Mr. Doney: No man is wise, who has 300 wives.

Mr. CROSS: And he had concubines, in addition. One finds that Sampson, on one occasion, had a row with his wife. During this debate statements were made last week that I said were not true, and they were not true. We were given instances of what has happened in other countries, and it was inferred that in Russia there was a very low moral standard. That belief has been contradicted by several leading English journalists, at least one of whom lived in Russia for several years. He had been in Russia for 10 years and, after such statements had circulated, regarding free love marriages in Russia, in British and other oversea newspapers for a couple of years, he happened to see them. He said he had not heard anything about it, and pointed out how religious is the average home and the average person in Russia. I read long ago the new Russian Consitution of 1936.

Mr. SPEAKER: Order! I do not think we should deal with the Russian Constitution.

Mr. CROSS: I want to point out what has happened in Russia.

Mr. SPEAKER: Can the hon. member connect it up with this Bill?

Mr. CROSS: Yes. Under the new Russian Consitution a woman is free to divorce her husband, though she is strongly discouraged from doing so. There divorce is granted at the request of either party, but frequent divorce and re-marriage are condemned. Where there are children both parties are compelled to shoulder their responsibilities, and in Russia divorce tends to decrease, great stress being laid on the value of the family. Notwithstanding all that is done for children by the Russian Government, neither father nor mother is relieved of parental responsibility. The Reverend Hewlett Johnson points out that the Soviet authorities in this respect act differently from other countries and make non-payment of orders regarding children punishable under the criminal code. If a mother in Russia abandons her children after divorce or separation the law can compel her, if she is earning an independent income, to pay alimony to her former husband. He said that the statements regarding the status of women in the Soviet Union were a clever device, without basis in fact, used abroad to embitter feeling against the new Soviet order. My final reference is—

> Similar interest and common endeavour, which can last as long as life and are made possible by the new freedom of women, replace the brief attraction of a pretty face or comely form, which are quick in the passing. And in the Soviet Union, as elsewhere, the child is the cement which binds the family together.

References were made last week to the Bible. Some members implied that the cases that would come under the proposed law would involve adultery. They thought this an awful thing. I do not think the measure would apply to such cases so much because, under the present law, it is possible to get a divorce, though for decent people it is not possible. I know of a case where man and wife could not agree and, realising this, decided to separate. Consequently, desertion could not be proved. They parted 15 years ago and are getting fairly old. The man agreed to sign a deed of separation for the Pensions Department, not the court, in order to permit the woman to get the old-age pension. I think it was decent of the man to do that. He took the trouble to come from Kalgoorlie to sign that document.

Mr. Styants: After he had failed to keep her for 15 years, he wanted the Government to do it.

Mr. CROSS: But he was decent enough to sign the deed of separation that enabled her to get the pension, which she could not otherwise have got. This woman has been an innocent party right through. If any wrong was done, she did not do it, and I do not believe he did any wrong. She met another old-age pensioner and they are now finishing their days together, but a divorce could only be obtained if there was connivance or a frame-up to prove adultery on the part of one or the other. If this Bill be-

comes law, the original parties will be able to get a divorce. Another case occurred in my electorate years ago. The member for West Perth knows of this case; the husband was a seafaring man.

Member: You seem to know all these cases.

Mr. CROSS: There are more such cases than is generally believed. I said there are a lot of modern Pharisees. I will prove it presently. This man obtained the permission of his wife to leave the State. I do not know where he is and I do not think she will ever catch up with him. He sent her small remittances over the years. Sometimes he says he intends to return, but he does not do so. He left her with a number of children, and it has cost the State hundreds of pounds to maintain those children over the years. That woman did nothing wrong. In Sydney she met a man who would have married her. She told him she was returning to Western Australia. She said she had always lived a clean life and could not obtain a divorce because she could not prove desertion. If she could get a divorce, that man, who is also a seafaring man and a widower, would marry her.

There are cases where adultery has been committed and people point the finger of scorn at the parties, but notwithstanding all the talk about the Bible last week, I am not sure that Jesus Christ would have taken the same view. In fact, I am satisfied that he would not have done so. In the New Testament we read that the Pharisees caught a woman in the act of adultery and dragged her into the Temple. This illustrates the attitude that I think God would take towards such marriages and this is what decided me in my attitude to the Bill. Previously I have opposed similar measures, but I believe it to be my duty to deal with a Bill on its merits, and I am going to do so on this occasion. In the Eighth Chapter of St. John we find the following—

> Jesus went unto the mount of Olives.
>
> And early in the morning he came again into the temple, and all the people came unto him; and he sat down, and taught them.
>
> And the scribes and Pharisees brought unto him a woman taken in adultery; and when they had set her in the midst,
>
> They say unto him, Master, this woman was taken in adultery, in the very act.
>
> Now Moses in the law commanded us that such should be stoned; but what sayest thou?
>
> This they said, tempting him, that they might have to accuse him. But Jesus stooped down, and with his finger wrote on the ground as though he heard them not.
>
> So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you let him first cast a stone at her.
>
> And again he stooped down, and wrote on the ground.
>
> And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last; and Jesus was left alone, and the woman standing in the midst.
>
> When Jesus had lifted up himself, and saw none but the woman, he said unto her, Woman, where are those thine accusers? Hath no man condemned thee?
>
> She said, No man, Lord. And Jesus said unto her, Neither do I condemn thee; go, and sin no more.

Mr. J. Hegney: What is the lesson behind that?

Mr. CROSS: There are some cases where adultery has been committed by one or both parties and they have even gone to live with someone else. If one attempted to get a divorce, the other might oppose it, and divorce would then be impossible because that one was living in adultery. What we have to bear in mind is that such people would be bringing up a second family and we ought to have regard to the conditions under which the children would live. Every member knows what such children suffer. This carries me back once more to the Bible. In the Gospel according to St. Matthew, Chapter 19, verse 14, we find that, after little children had been brought to Jesus that He should put his hands on them and the disciples rebuked them, He said, "Suffer little children, and forbid them not, to come unto Me, for of such is the kingdom of Heaven." No doubt some of those children were outcasts and probably the disciples had brushed them aside.

We are asked to pass this Bill which makes it possible for a guilty person, who probably has repented of his sin, to have another chance. I have no hesitation in saying that it would be a mistake on our part if we did not give that person another chance. I say to every member of this Chamber that a person should be permitted to enjoy at least some happiness towards the end of his days, even if he has made a previous mistake. To those who would deny a person that privilege, I say, let him who is

without sin cast the first stone. I intend to support the second reading, and I have given my reasons.

HON. W. D. JOHNSON (Guildford-Midland) [9.22]: Surely, Mr. Speaker, a member must be gifted who can work up enthusiasm in debating a Bill of this description. I envy those who are capable of doing so. I admit that I have pronounced likes and dislikes for legislation. It is impossible for me to work up the slightest interest or even to follow to any great extent certain legislation that is put before us. I am inclined to think I would have voted against the second reading of this Bill—not because I understood it or took any interest in it—but because legislation of this description does not appeal to me. In that event, I go home and leave the Chamber to it. But in this instance I pay a tribute to the member for Kalgoorlie. The way in which he analysed the Bill convinced me that, after all, it contained some merit, and that there was an approach to a question of this kind that could be followed without reflecting on the moral standards of this Chamber or of those who constitute it. There is in the Committee stage a means whereby we can satisfy the limited scruples I have about matters of this kind. I shall therefore support the second reading. I shall do so on the understanding that the amendment foreshadowed by the member for Kalgoorlie will be agreed to by this Chamber. If it is not agreed to, I shall certainly vote against the third reading of the Bill.

I would liberalise the Bill in the way suggested by the member for Kalgoorlie so as to shorten the ten year period. Some difficulty will be experienced in the Committee stage in the framing of amendments and I hope that the Committee will realise that one amendment is dependent upon the other. I am inclined to think the second amendment will influence one that should be passed previously. However, that matter can be dealt with by a process that has been used previously by the Chamber. As I say, I have made up my mind to support the second reading and to take an interest in the Bill in the Committee stage. I hope when we reach the Committee stage that members will give the Bill a better deal than they gave a similar Bill previously presented to us and at the same time accomplish the object that is desired. I have heard, of course, about the tittle-tattle in the street. If there is one thing I detest, it is street-corner babbling in Parliament House.

I have heard it said that there has been much canvassing of the Bill, but, strangely enough, I have not heard of it and I am at Parliament House as often as most members. I have not heard a word about this Bill, either inside or outside Parliament House, except that I have heard members discussing it between themselves. There has been no canvassing nor any approach or representations that have reached me personally. However I do not think we should worry about that kind of thing. There is, I believe, merit in the Bill. I again pay a tribute to the member for Kalgoorlie for the way in which he analysed it and for the advice he tendered as to how it could be made a better Bill. On the conditions I have stated, I support the Bill.

MR. HOLMAN (Forrest) [9.27]: I have listened with great interest to the debate on this Bill. I have heard some extraordinary statements made about it in this Chamber, but not outside. Some of the extraordinary arguments that have been adduced have convinced me of the way in which the Bible can be quoted and misquoted, in the same way as this Bill can be quoted and misquoted. The member for Canning gave two examples of unfortunate marriages and he introduced much pathos into what he said. In one instance, after 15 years of separation, both parties have been willing to separate, and after the husband had been good enough to throw the responsibility for the maintenance of his wife on to the Commonwealth, which provided her with the old-age pension, she expressed a desire to live with another old-age pensioner. What the moral of the story is, is beyond me. Had the member for Canning studied the amendment placed on the notice paper by the member for Kalgoorlie, he would have found that it covered the case of that unfortunate couple. On the other hand, had the husband offended against the law in not discharging his matrimonial responsibilities, he could have secured a divorce under this Bill quite regardless of that fact.

I suggest to the member for Canning that he examine most carefully the amendment to which I have referred. He will find that

it completely meets his objections. The point has been dealt with before, but will bear reiteration. Regardless of what a man or a woman does, under this Bill he or she can still secure divorce provided the couple have not lived together as man and wife for a period of ten years. All the Bill states is that it shall be competent for the court to decree the dissolution. It has been suggested, however, that a safeguard should be placed in the Bill to deprive a guilty party from obtaining release simply on the ground that he has deserted his wife and children for a period of ten years. I am not concerned with the number of years involved. I have been here on two occasions when similar Bills have been before the House. The only difference is that when the last one was introduced, approximately five years ago, the period was five years; now it is ten years. If I am here for another three years, perhaps it will jump to 13 years. That does not affect me in the slightest.

I should say that if there was any virtue in the Bill placed before this House previously, the same virtue would be in it today, whether the period be five years or ten years. The catch would be there in either case: namely, that the guilty party could secure a divorce just because he had lived apart from the other party for the period mentioned. It may be that a wife with young children, even though she cannot live in harmony with her husband, would not agree to a divorce, because of her loyalty to her children. I do not blame her for that, and I do not think any member of this House should do so. It is her duty to her children to see that they are given the best opportunity this world can afford. I do not see why she should allow her husband to divorce her or why she should divorce her husband simply because they are unable to live in harmony. Her duty would be loyalty to the children. It may be said that that loyalty could continue even after a divorce were granted; but while there has been no divorce, she has some chance of securing maintenance for the children. If a divorce took place and the husband married again and had a further family by his second wife, the chances of the first wife securing maintenance would become less and less. Even though the law said she should receive maintenance, I suggest she would run a grave risk of not collecting it. The husband adopts a responsibility in the first place and then shirks it. He then adopts a further responsibility; and for us to agree to this provision would mean that we would not only do harm to his first family but possibly harm to the second.

The member for Kalgoorlie said he had two cases in mind: that of a wealthy man and that of a working man. It is very easy to see that a wealthy man could adopt responsibility for the maintenance of two families, but it would be very hard for a working man to do so. So the scales would weigh heavily on the side of the working man. I listened with interest to the contribution of the member for East Perth. As usual, he placed his facts before the House in a very clever manner and his delivery was up to his usual debating standard. He remarked that it had been said the Bill had been introduced for one purpose, and that was for the benefit of the wealthy man. I would like to correct him. I have read through the debates on this Bill, and that matter has not been mentioned in this Chamber. The member for Kalgoorlie described exactly what might happen in the case of the working man. He then described what actually did happen in the case of a wealthy man. Many members knew or guessed to whom he was referring immediately he told the story. If that story be true—and I know that some of it is, according to newspaper reports—why should we give our blessing to a measure that would allow that man to escape the responsibilities he has been endeavouring to evade all this time? I for one am not going to do that.

I refuse to consent to a Bill of that kind; but I would consider agreeing to a Bill that would enable a genuinely unhappy couple to secure relief. The proposed amendment would give them that relief. If two persons were, as mentioned by the member for East Perth, incompatible, and could not live in harmony, they could easily take advantage of that provision. They could live apart for a certain period—as they would naturally have to live if they could not exist together in harmony and did the decent thing—and secure relief when the time limit allowed by the Bill had expired. That is the only decent way to go about the matter. Instead of passing a measure to assist a guilty party and injure an innocent party, we should set

our minds to amend the proposition in order to give relief to the innocent while not necessarily injuring the guilty.

Much extraneous matter has been introduced into the debate. I am not going to criticise the member for East Perth for bringing in some of that matter, and referring to some of the reforms we all know to be very essential for the well-being and happiness of the community in general. But because I differ from him on the principle of this Bill that does not necessarily mean I disagree with some of the statements he has made. The hon. member and myself both belong to the same political party and that should necessarily mean that we both believe in the principles that he has put forward. To my mind they do not enter into the argument on this Bill. They do not make one scrap of difference to me, because my conscience must be my guide in voting on this measure. Even if members agree that some measure of relief is necessary they should seriously weigh two factors. I have mentioned one, namely, that we may be on the verge of passing legislation that will give relief to a person, no matter how guilty or immoral he may be, and what unjustifiable treatment he has meted out to his children.

Mr. North: It will be at the discretion of the judge.

Mr. HOLMAN: No. The Bill states that it shall be competent for a judge to do such and such in certain circumstances.

Mr. North: In his absolute discretion.

Mr. HOLMAN: It does not mention discretion at all. We are setting out the reason for making it competent for a judge to grant the relief. The reason is that the man and wife shall live apart for 10 years. That is the discretion, as far as I can see. Other countries have been mentioned in the arguments that have been brought to bear. Russia and even our old friends from Brazil have been mentioned, but the one place we must consider is Western Australia. I am not concerned with what is done in Hollywood, Brazil or any other country. I am not even concerned with what is done in the other States of Australia—at least until we have uniform divorce laws passed by the Commonwealth Parliament.

Regardless of what is happening in the other countries of the world we have to consider what is going to happen in this Chamber in the way of altering our divorce laws. We have to consider whether we shall allow an easy method of divorce to a guilty party, whether we shall amend the Bill to give a measure of relief to an innocent party, or whether we shall throw the Bill out altogether. Instead of penalising innocent parties and of eulogising guilty parties we should steer the middle course, as outlined by the member for Kalgoorlie, and, when the Bill is in Committee, agree to that measure of relief which I believe, in all sincerity, is due to those persons who are playing the game decently but who, at the same time, by force of circumstances need such relief.

MR. MANN (Beverley) [9.45]: I have heard a lot of discussion from the majority of members. Their opinions have indeed been varied. I pay a tribute to the member for East Perth for his candid comment. As a young man he has taken a broader view of the general principles of married life. He wants to know what is the use of a couple, who have lived a cat-and-dog life all their lives, being held together by the bonds of holy matrimony. It is quite wrong. But are we to judge the home life of any couple? If we think that by legislation we shall make the world any better, then it is a sad lookout for the people. Has happiness been achieved generally, because of the framing of the first divorce laws of the world—goodness knows how many thousands of years ago? Today men are returning from the war. Some of those men married before they left Australia and since they have returned their wives have deserted them. The figures relating to the increase in divorces, quoted by the member for Pingelly, prove that.

The general discussion tonight has been on the male. The whole idea seems to be that he is responsible for all our divorce laws. Let us, as a Parliament, take the full responsibility and say that it rests on both sides. If this Bill is not passed tonight many people will still remain in a life of misery. If two people are not suited to each other on account of peculiarity of temperament, they can never come together. If I had my way I would reduce the present desertion period of three years. Many men today will not divorce their wives because of the question of cohabitation with another man. They have sufficient respect for themselves not to want such publicity in the Press. One of the greatest curses of our

divorce laws is that the Press publishes freely the whole of the lives of people seeking such relief. That is reflected on the children.

I would probably not have spoken on the measure except for some heat introduced into this matter last week. I did not ask for a withdrawal of a remark made then, but I say that the reflection on my domestic life made by the member for Middle Swan is one of the most despicable things I have heard in this House for some time. The hon. member is not in the House. I have met his wife and I respect her. She is the mother of his children, and I am the father of mine. A man with his narrow, bigoted view——

Mr. SPEAKER: Order! The member for Beverley must not reflect on another member.

Mr. MANN: The hon. member reflected on my home life, so surely I have some right to retaliate. I say further that the reflection he made on the moral attitude of the member for Canning is not shown in last week's "Hansard." He distinctly charged the member for Canning with immorality, and yet when we look at "Hansard" we find it is not there.

Mr. J. Hegney: You do not suggest that is my fault?

Mr. MANN: You could easily have cut it out.

Mr. J. Hegney: You are not blaming me for it, are you?

Mr. MANN: Who is to blame? Is "Hansard" not carrying out its just duty by reporting the whole of the proceedings of this Chamber?

Mr. SPEAKER: Order! The instructions to "Hansard" are that nothing is to be cut out, and I think the members of that staff are carrying out their duty.

Mr. MANN: I shall raise the question at the next sitting because I have evidence to prove that that reflection was made in the Chamber. I am going to support this Bill and I hope it is carried. The pious speeches tonight asking that the Bill be defeated, are wrong. No man comes here to be questioned as to what his religious views may be. Let us hope this Chamber will remain, as it has been, non-sectarian. I challenge the member for Middle Swan to produce in this Chamber all the letters received from those of different denominations who have written to him regarding their opposition to this divorce Bill. I have not heard of one such person in my electorate. I have asked members of this Chamber whether they have received letters written by the churches asking them to oppose the Bill. I challenge the member for Middle Swan to produce those letters to which he has referred, and to lay them on the Table of the House.

I was in the last war, and I have contacted many men who have come back from this war, even men who have been for 3½ years prisoners in the hands of the Japanese. Instead of going back to their homes, as they anticipated, with the girls they married, they find that the girls have gone off with Americans, or even with Australians, and so the lives of those men are shattered. Is this Parliament to say, "Yes, this man fought for his country, but that is what he deserves"? If this Government were wise it would bring down some emergency legislation, granting relief for such men. I quote the case of a man who enlisted at the outbreak of war, married and with no children. Probably one of the biggest tragedies in domestic life today is birth control. One would think that the Commonwealth Government, with no vested interests at all, would bring down a Bill controlling contraceptives in every form, but it is not game to do so. Before this man went away he lived happily with his wife for 12 months. He was in the Middle East and New Guinea, but on his return his wife refused to have anything to do with him. During his soldiering life this man held himself up against temptation, but today he appeals for divorce. He has no ground for divorce, except adultery, and he will not sue his wife on those grounds.

I believe there is more perjury in the divorce courts than anywhere else in the world. Many divorce cases are framed. The judge must deal with the evidence, and many cases are entirely framed. Today the honest man or woman, who can no longer live in happiness with his or her partner, is driven to some subterfuge, by framing a case on a beach or elsewhere, to secure a divorce. The whole system is one of hypocrisy. This is a Bill to be brought down for the benefit of the State, and not of the individual. If there is to be peace and happiness in this country it is our job to bring it about, and the biggest factor today is the question of domestic happiness. Unhappiness is rife in many homes. I admire the

member for East Perth for his candid talk. He has raised the sex question candidly tonight. Even in this modern day the discussion of sex is too often taboo.

I hope that the Bill is carried without amendment, to give these people who can no longer live in happiness the right to be free and marry again. The declining birth rate is based, to a large extent, on the question of divorce. Unless people can obtain divorce we will have again the operation of the Bastardy Act, where the child is degraded. If this Parliament takes a broad view it will carry this Bill. Let us deal with it logically, and view home life as it is. I regret that the member for Middle Swan, whose wife I respect, has not sufficient respect for my wife, but let me assure him of this, that my wife is a woman of as high character as is his wife. I regard the remark of the member for Middle Swan as one of the lowest that a man could utter.

Personal Explanation.

Mr. J. HEGNEY: I have heard what the member for Beverley has said. I understand he takes strong exception to my statement when replying to an interjection that he made. I assure him that the last thing I want to do is to reflect on either him or his wife. I respect him, and I have met his wife, whom I also respect. If, in the heat of the debate, I have said anything that reflected on his wife, I am extremely sorry, and I unreservedly withdraw it. As regards "Hansard," I read my proof and, if the alleged interjections did not appear in the proof, I had nothing to do with that. Interjections do take place, and sometimes we do not quite get their meaning. The last thing I had in mind was to reflect on the member for Beverley, his wife or anybody belonging to him.

Debate resumed.

MR. NORTH (Claremont) [9.55]: I would like the member for West Perth, when replying, to deal with one point, namely, the question of the absence of discretion on the part of the court. During the debate tonight one would gain the impression that the ten years is absolute, and that there is no opportunity for the court to have any say at all, other than the facts set out in the first part of the Bill. I understand, from my reading of the Bill, that the measure provides for the absolute discretion of the court, quite apart from any conditions of maintenance, which are referred to later in the measure. I therefore ask the member for West Perth to clarify that point so that we may know whether or not the judge has absolute discretion, if he sees that the case is a frame-up, where some scoundrel is taking advantage of the Bill, to refuse the decree.

MR. RODOREDA (Roebourne) [9.57]: Practically every phase of this Bill has been dealt with at length by members, but there seems to be an erroneous impression on the part of many speakers tonight. In the proviso to the Bill it is stated that the court, in its absolute discretion, may refuse to grant a dissolution of marriage. It may refuse a decree in any case brought before the court.

Mr. Holman: That is with regard to maintenance.

Mr. RODOREDA: It is a definite and absolute discretion. The court must refuse the divorce if the provisions for maintenance are not to the court's satisfaction, but there is a safeguard in the proviso to this Bill by which the judge is given absolute discretion to refuse the decree under any circumstances. The Bill says that he must refuse to grant the divorce if the conditions regarding maintenance of the wife or family are not to the court's satisfaction. There is no question about that, and it is absolutely definite. There is no aspect of our social set-up in which there is more cant, humbug and hypocrisy than has been displayed in dealing with the divorce problem in our Houses of Parliament. Most of the debate that has taken place on this measure, particularly by opponents of the Bill, has been a blank refusal to face the facts.

There has been a great deal of talk about conscience and religious convictions, and whilst no doubt those remarks have been uttered in all sincerity, I question whether a member should be dictated to by his own conscience and religious convictions in a matter of this sort. I represent a number of electors, many of them not of my religious convictions, and a very large proportion have no objection whatever to divorce, and so I say I have to vote according to whether I consider the measure will be an improvement for the majority of the people affected rather than allow my own conscience or early environment and religious upbringing

to dictate to me how I should vote. I think that is the light in which we should consider the matter.

I am not at all concerned about the innuendoes cast at the sponsors of this Bill in this House and in another place. Those innuendoes were an unworthy reflection upon all members of Parliament. It has been stated that a similar Bill has been introduced on five occasions, and would anyone suggest that the present Leader of the Opposition, who introduced one of those measures, the present Minister for Railways, who introduced one of them, and other members who have introduced such Bills, have been actuated by unworthy motives? Is that seriously suggested or are we to conclude that only the present sponsors of the Bill are indicated? That was a very unsavoury note to introduce into the debate. In any event, if we accept the innuendo, if it is intended to benefit one or two guilty men—we have heard a lot about guilt during the debate—and if it will benefit thousands of other people who may not be guilty, I would be prepared to vote for it. The greatest good for the greatest number should determine our attitude to the measure, and if we think that it will benefit quite a number of people, we should support it.

A continuance of our divorce laws in their present state is not desirable. A great deal of the opposition that has been voiced has not been advanced against the provisions of the Bill, but has been directed against divorce as divorce. We have already accepted divorce; society has accepted it for years; it is a factor in our social set-up, and this measure merely proposes another ground on which divorce may be obtained. If we continue our present divorce laws and do not pass this Bill, it is quite evident that, so far from being a means of bringing increased population, as the member for Middle Swan would have us believe, it would have the opposite effect. We should be compelling people, most of them in the early stages of their lives, to live apart unmarried, and with what result? Naturally, they might live in adultery; possibly a large proportion do and, owing to the contraceptives available, they do not have children. If we allowed those people to marry, there would probably be an average family as a result of the union. We had one member telling us of a man who had to keep four children of the first marriage and four of the second marriage and yet a little later another member who opposed the Bill told us the average family was less than two. There we have two opponents of the Bill in opposition to each other.

Mr. J. Hegney: It is a fact that the average family is less than two.

Mr. RODOREDA: And therefore the average family affected by this measure would be less than two. The hon. member cannot have it both ways.

Mr. J. Hegney: There might be a family of five or six.

Mr. RODOREDA: But we are talking of averages. We have been told that 10,000 people are living apart. I suggest that the greater proportion of those couples would be childless. Every piece of legislation we pass in the way of allowing additional grounds for divorce must injure somebody. That is inevitable, but we have to regard this matter as being the lesser of two evils, and if anyone can convince me that our present legislation which compels people to live in adultery would not be improved by passing this Bill, I have yet to meet him. With those few remarks, I intend to support the second reading.

Mr. McDONALD (West Perth—in reply) [10.7]: I wish to express my appreciation of the consideration members have given this Bill. It is a constructive attempt to introduce legislation to meet the cases of what I believe to be an appreciable section of the community, to whom this measure of relief might well be extended. The member for Roebourne has dealt with the absolute discretion that would lie with the court to decide whether a divorce should be granted, and there is no need for me to deal further with that point.

It has been remarked that the measure would be retrospective. It is retrospective in the sense that it would apply to people who have already been separated for 10 years in the circumstances mentioned in the Bill, but I think it can hardly be suggested that a Bill of this sort, if the relief is once conceded to be a proper condition of our divorce laws, should require those people to be separated for a further 10 years. After all, life is not so long as that. The member for Roebourne referred to the suggestion that we should not weaken the sanctity of married life, and I

will not say more on that beyond remarking that we know quite well that in addition to preserving the sanctity of married life we must also have regard to the social problem involved by irregular unions and the birth of illegitimate children.

The member for Kalgoorlie, in a very thoughtful speech, said there were 10 grounds in the present law on which a wife might obtain a divorce against her husband if he had committed an offence coming within those grounds. That is quite true, but the point is that the wife in so many cases will not set the machinery of the law in motion. That is the difficulty in many cases. The wife is entitled to obtain a divorce, but perhaps from spite or for some other reason, she is determined under no circumstances to do anything which may allow the husband to have freedom to enter upon another marriage with someone else. All that machinery in our existing law remains useless unless one party is prepared to put it into action. The problem is that the only party who can put it into action is not prepared to do so. The problem of poverty applies on one side to the petitioner, but it is a problem which applies in the case of the existing law just as much as to this new law; that is, that the poorer man may realise that if he gets a divorce he may be undertaking increased financial responsibilities if he marries again. The problem is referred to the wife who may be divorced; but in this Bill we have gone beyond the ordinary law by providing that the court shall not pronounce a divorce until the petitioner—usually the husband—has made such provision for maintenance as in the circumstances the court thinks proper.

Obviously, any court having regard to the circumstances would take into consideration the capacity of the petitioner to pay. The Commonwealth has had power to bring in divorce law for forty-five years. It has not done so and shows no immediate intention of doing so, and I do not think this House should wait for the problematical period when the Commonwealth Parliament decides to exercise its powers in that respect. I do not think we need fear an increase in divorce through passing this legislation. I venture to think that very few people will be induced to rush into marriage on the prospect that, under this Bill, if it becomes law, they will after ten years of separation be able to sever the marriage tie. The Bill will go into Committee and members have made some suggestions of ways in which they think the Bill might be improved. All that will be for the Committee to decide. As I said, this is a constructive attempt to meet a situation in our social conditions which many of us feel deserves attention by the Legislature. When the Bill has passed the second reading and goes into Committee, members can put forward their views as to how it should be amended.

I desire to say with regard to the suggestion of the member for Kalgoorlie that I think there are difficulties about his amendment. I want to say that now, because I do not wish to suggest to the House that I personally am necessarily agreeing to any amendments on the notice paper. That, however, will be entirely a matter for the members of the Committee themselves to decide. The Bill, I think, contains legislation which is worthy of the consideration of the House and of passage in a form that will meet the situation which undoubtedly exists, to some extent, in the community and which is worthy of legislative action. I therefore submit the Bill to the House.

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

Ayes	24
Noes	9
Majority for	15

AYES.

Mr. Abbott	Mr. McLarty
Mr. Cross	Mr. North
Mr. Doney	Mr. Perkins
Mr. Graham	Mr. Rodoreda
Mr. Hoar	Mr. Smith
Mr. Holman	Mr. Telfer
Mr. Johnson	Mr. Triat
Mr. Keenan	Mr. Willcock
Mr. Leahy	Mr. Willmott
Mr. Mann	Mr. Wise
Mr. Marshall	Mr. Withers
Mr. McDonald	Mr. Wilson
	(*Teller.*)

NOES.

Mrs. Cardell-Oliver	Mr. Needham
Mr. Collier	Mr. Read
Mr. J. Hegney	Mr. Shearn
Mr. W. Hegney	Mr. Seward
Mr. Kelly	(*Teller.*)

PAIR.

AYE.	NO.
Mr. Tonkin	Mr. Fox

Question thus passed.

Bill read a second time.

House adjourned at 10.18 p.m.