Legislative Council,

Tuesday, 5th December, 1911.

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

PAPER PRESENTED.

By the Colonial Secretary: Report of the board of management of the Perth Hospital.

MOTION—MINING INDUSTRY, CONTINUED ASSISTANCE.

Hon. M. L. MOSS (West) moved—

That in the opinion of this House a continuance of assistance to the mining industry will be beneficial to this State.

He said: I gave notice of this motion mainly with the object of answering in detail the suggestions that were pointed out by Mr. Kirwan, that when I spoke on the Address-in-reply I did not give accurately the figures relating to the various matters touched on then with regard to the aid given to mining development in Western Australia. And the hon. gentleman then endeavoured to lead the House to believe that in the statements I made with regard to this particular question I was alluding only to the expenditure under the Mines Development Act of 1892. It is quite obvious that was not the case, because I alluded to eight or nine different items of expenditure that never by any straining of the Mines Development Act could have been imagined to be an expenditure under the statute. In order, therefore, that the hon. member and that members of the House shall know exactly what has been done under the Mines Development Act, and the expenditure that has been incurred for mining development generally, outside of that Act, I intend to read to the House the expenditure under both Acts. Under the Mines Development Act for 1901-2, the expenditure was £2,324; 1902-3, £13,043; 1903-4, £14,335; 1904-5, £13,807; 1905-6, £18,377; 1906-7, £24,152; 1907-8, £14,908; 1908-9, £14,862; 1909-10, £9,016; 1910-11, £8,677, or a total over these 10 years of £135,105; that is the expenditure under the Mines Development Act for the development of the goldfields and mineral resources generally. There is a huge expenditure on water supplies, that is outside the big goldfields scheme, and the erection of State batteries. Starting again at 1901-2 the expenditure on water supplies was £13,639; 1902-3, £12,076; 1903-4, £25,955; 1904-5, £27,618; 1905-6, £49,173; 1906-7, £55,741; 1907-8, £31,222; 1908-9, £17,307; 1909-10, £15,711; 1910-11, £31,841. All these are for water supplies alone. Then for the erection of State batteries the amounts were—1901-2, £15,841; 1902-3. £6,272, and that year there was a revenue expenditure of £10,304; 1903-4 from revenue £32,967; 1904-5, £9,999 from loan and from revenue £33,219; 1905-6, from revenue £13,174; 1906-7 from loan, £13,902; 1907-8 from loan £9,919; 1908-9 from loan £24,931; 1909-10 from loan £11,344; 1910-11 from loan £7,023. Coming to the revenue and expenditure this is from the Treasurer's financial statement of 1909-10—there was expended on State batteries £11,191, on the Goldfields Water Scheme £54,426, and on mines water supplies £34,103. These items alone total £99,720. The profit from the mines generally and the balance of the Mines Department generally was £46,991, that is crediting the mines with all the receipts and debiting it with all the expenditure and including in the receipts £58,707 dividend duties paid by mining companies. Allowing for all that it shows a loss during that year of £52,729. The statement I made was this, that there had been an expenditure of practically £50,000 during that year and for a number of years previously for general mines development.

Hon. J. W. Kirwan: The statement was that there was an expenditure of £50,000 a year from the vote annually before Parliament, known as the Mines Development Vote.

Hon. M. L. MOSS: Assuming that they are the exact words the hon. gentleman is quoting, and I assume he is quoting from *Hansard*, although he has no right to do so, what I am chiefly concerned in setting right is this: the vote for the Mines Department—and to use the word "vote" is not strictly accurate, for there is a variety of sources, some under the Mines Development Act of 1892—and the balance of votes in other directions, all totalling an aggregate sum of £50,000, that has been annually expended during the whole time the late Minister for Mines was responsible for the administration of that department. I do not suppose there is an hon. member of the House who will grudge for one moment one penny piece of that amount, because the expenditure, whether under the Mines Development Act or from votes in other directions, is a matter of no consequence, and the hon. member (Mr. Kirwan) is only splitting straws when he keeps reiterating that the vote was under the Act. It was nothing of the kind. A good deal of the expenditure would not be justified under that Act, because a very cursory glance at it would show what the Minister is entitled to spend by the authority of that Act. None of this expenditure, I say, is begrudged, and better results could not have been obtained from this expenditure, and my opinion is that the present Government should go on on the same lines and do what they can to assist this great industry, because the discovery of more auriferous areas in Western Australia would be productive of nothing but good to the country at large. Mr. Kirwan has frequently stated in the House that he does not want to do anything to set the coast against the goldfields, or the mining industry against the agricultural industry, but there is too much apology with the hon. member in that direction. He is the only member of this House who is constantly excusing himself in that direction.

Hon. J. W. Kirwan: On what particular occasion?

Hon. M. L. MOSS: Always. It is a phrase the hon. member has coined, and on every available opportunity he throws it out.

Hon. J. W. Kirwan: Give me a particular occasion.

Hon. M. L. MOSS: I have a fairly good memory but I cannot turn up pages of *Hansard* right off and show them to the hon. member.

Hon. J. W. Kirwan: I challenge the hon. member to do that.

Hon. M. L. MOSS: It is quite easy for the hon. member to ask me to do a thing in a moment when he knows it is an impossibility for me to do it.

Hon. J. W. Kirwan: But you say you remember a particular speech.

Hon. M. L. MOSS: It has been a general statement with the hon. member that he is always speaking of setting the coast against the goldfields or the goldfields against the coast.

Hon. J. W. Kirwan: I cannot remember a single speech in that respect.

Hon. M. L. MOSS: Can I be responsible for the hon. member's memory?

Hon. J. W. Kirwan: I cannot be responsible for what the hon. member attributes to me, and which I certainly did not say.

Hon. M. L. MOSS: I am bound to accept the hon. member's denial, but I must have been labouring under a delusion, and I am sorry for it. I do not want to see the great gold mining industry on the Eastern Goldfields set against the agricultural industry. I want to see all the industries of the State working in perfect harmony with one another. When I was referring to these figures on the Address-in-reply I did it as a simple act of justice and fairness to the late Minister for Mines, whose services to the country I think cannot be too highly estimated. Unfortunately, that gentleman has now lost his seat in Parliament. He was for some time a colleague of mine, and I have always sufficient loyalty about me to stand up for a person who has been a colleague of mine. I have followed Mr. Gregory's attitude after I left the Rason Government right up to the time he was rejected by the electors of Menzies. No one has a right to dictate to the electors as to whom they shall return, but when an attack is made on a gentleman who has done his duty well in

the interests of the country, there ought to be someone in Parliament to stand up and defend his good actions in the past. That was the motive which actuated me in doing that which Mr. Kirwan so strongly resented.

Hon. J. W. Kirwan: I resented your quoting incorrect figures.

Hon. M. L. MOSS: The figures I quoted were absolutely correct. The hon. member can get up and speak till he is black in the face, but he cannot alter the figures nor deny the accuracy of the figures I have just quoted. My contention is that when the hon. member made his statement on the Address-in-reply as to the expenditure under the Mines Development Vote, he must have known perfectly well that my observations were not directed to the Mines Development Vote alone, but to the expenditure on the water supplies, State batteries, the School of Mines and the huge sums expended in connection with the making of roads and tracks on the goldfields. Any baby in politics knows when he comes to the Mines Development Vote that this expenditure is not authorised under that vote at all. Mr. Kirwan is a very capable debater, but I have always noticed that he is ready to reply to an interjection only when he can score off it. On the other hand, when he was speaking on the Address-in-reply and I was by interjection insisting that he was endeavouring to misrepresent me, I could not get him to pay any attention to me; he turned a deaf ear ; yet he will come along presently, I have no doubt, and endeavour to refute the figures I have given. But these figures have been carefully extracted from official documents and have proved up to the hilt all that I said on the Address-in-reply. Hon. members will, I hope, carry this resolution, for it will be an advantage if the Government continue the good work of the past. No one can gauge what a benefit will result to the State by the discovery of further auriferous areas in Western Australia ; for while the development of agriculture brings the people into the State by tens and twenties. successful mining operations brings us thousands. Mr. Kirwan may be assured that I do not grudge the expenditure of one fraction of the money spent in the past. From some of it, possibly, we could have expected better results, but those insufficient results cannot be laid at the door of the ex-Minister for Mines. I have much pleasure in moving the motion standing in my name.

Hon. J. W. KIRWAN (South): It is not often that a speech on the Address-in-reply is productive of results. I have frequently held that the Address-in-reply is, to a large extent, a waste of time; but I do feel that my humble effort in that debate this session was not altogether wasted, since it has elicited from my friend, Mr. Moss, this resolution in favour of the continuation of assistance to the mining industry. I am extremely glad that the hon. gentleman has brought forward the proposal, and I will presently show why it was necessary that the proposal should be brought forward, and why it is particularly advantageous coming from the quarter it does. The occasion on which I spoke and to which the hon. member refers was, I find, as far back as 9th November, since which date the hon. member has been cogitating a means of getting out of the very awkward position in which he found himself. I have the greatest possible sympathy for the hon. member, and I feel that sympathy all the more after the speech he has delivered to-day. In order to refresh the minds of hon. members regarding the speech I then delivered I would like to set out exactly what happened; and I might be permitted to refresh my own mind from my notes as to the exact words used by the hon. member and the subject matter of my own remarks, so far as they bear upon what the hon. member said. The exact words the hon. member used were, "During the last 10 years there has been a vote annually before Parliament known as the Mines Development Vote, and that vote has been somewhere in the vicinity of £50,000 a year." I knew that that statement was inaccurate, and I interjected at the time, "What were the figures for last year?" The hon. member said, "I will give the

hon. member the figures later on." But he did not give the figures later on, and I took occasion later on to point out that that statement was incorrect. I had my own figures, prepared from numbers of reports of the Mines Department, and extending over many years, but in order to be absolutely certain I went to the Mines Department myself and got an official return—which I have here—concerning the amount spent under the Mines Development Vote. Everyone who has studied the annual reports of the Mines Department, every one of the Mines Department officials, every single member of Parliament and, I think, everyone throughout the country knows that when the Mines Development Vote is referred to it means the annual vote referred to by Mr. Moss when he stated that £50,000 a year was spent under it. That is the description given throughout the reports of the Mines Department: when they speak of the Mines Development Vote they invariably mean the fund refered to by Mr. Moss.

Hon. M. L. Moss: I have told you half a dozen times that was not what I was alluding to.

Hon. J. W. KIRWAN: I was only taking the hon. member's speech as it was delivered.

Hon. M. L. Moss: You are splitting straws.

The PRESIDENT: The hon. member will have the right of reply.

Hon. J. W. KIRWAN: I do not object to the hon. member's interjections, because the more he interjects the worse he is making the case for himself, and the more sympathy must be felt for him by all those members who consider it is a grave matter to quote incorrect figures to the House. I do not charge the hon. member with having deliberately misquoted these figures, but I have no hesitation in now charging him with gross carelessness in the matter of presenting figures to the House; and I say that his statement that £50,000 per annum was spent from the Mines Development Vote would mislead any hon. member who knew anything at all about the expenditure of the Mines Department.

Hon. M. L. Moss: I told you I would give the details of the expenditure.

Hon. J. W. KIRWAN: But the hon. member did not give the details of the expenditure. I asked for them, knowing that if the hon. member gave the details the mistake would become apparent. I asked what were the details for the previous year, and the hon. member said that he would give them later on. But all he gave was the statement that it was in the vicinity of £50,000 a year. If the statement had come from an hon. member who, perhaps, was not very skilful in the use of words, or if it had been a slip on the part of an hon. member which was subsequently explained, I could understand it; but the hon. member is now making his position far worse. When I went to the Mines Department and asked for the expenditure under the Mines Development Vote they at once gave me these figures, and I think the proper course for the hon. member to take would be to get up and explain to the House that what he referred to was the total of some figures spent in many ways which did not come under the heading of Mines Development Vote. The exact amount spent under that vote last year, and which has been fairly correctly quoted by the hon. member was less than £10,000, and it was spent on assistance to mining, such as water supplies, roads, subsidies to assist the cartage of ore over long distances, and subsidies to develop small mines below the 100ft. level. I claim that the hon. member was distinctly wrong in the statement he made to the House, a statement which would undoubtedly create a false impression, and I think he has made matters worse by endeavouring to adhere to the position he took up, and which he himself must know is wrong. But I am extremely pleased that what I said should have elicited these remarks from the hon. member, because he has expressed himself in furtherance of a policy which, I take it, the new Government are strongly in favour of. There were doubts so far as the late Government were concerned as to whether or not the Mines Development Vote would be continued; in fact,

there was no question that the late Government contemplated the abolition of the Mines Development Vote. That knowledge created considerable uneasiness among the people of the goldfields and was, to some extent, responsible for the opposition there exhibited against the late Government. I am extremely glad to find that Mr. Moss is so strongly in favour of a continuance of this policy of spending money under the Mines Development Vote. I think that in having caused him to come forward with this proposal my remarks have been instrumental in doing some good. He will probably say, and I shall not dispute the fact, that the hon. member has always been desirous of advancing the interests of the mining industry. While agreeing with that I do not know of any previous occasion on which the hon. member came forward with a motion of this kind. I sincerely trust the motion will be carried. The hon. member has my most sincere sympathy in his endeavour to wriggle, as he has done, out of a very difficult position. I would offer him my sincere congratulations if he had taken the proper course in the circumstances and stated that he misunderstood what was meant by the Mines Development Vote, and regretted having made a statement distinctly contrary to the facts of the case. He has not, even to the present, given us the details of the £50,000 a year which he claims has been spent under the Mines Development Vote. I defy the hon. member to give the details that would justify that statement. I have the annual reports of the Mines Department to show it was wrong; I have statements from the Mines Department officials, and what the hon. member has said with regard to the other expenditure has simply exposed the very great blunder he made in this Chamber.

Hon. W. Kingsmill: This is a duel, not a general engagement.

Hon. T. F. O. BRIMAGE: I move—

That the debate be adjourned.

The PRESIDENT: Until when?

Hon. W. Kingsmill: This day month!

Hon. T. F. O. BRIMAGE: Until the next sitting of the House.

Motion passed; the debate adjourned.

BILLS (2)—THIRD READING.

1. Criminal Code Amendment, *passed.*
2. Dwellingup State Hotel, *passed.*

BILL—VETERINARY.

In Committee.

Resumed from the 30th November.

Postponed Clause 21—Qualifications of practitioners:

The CHAIRMAN: Progress was reported on an amendment by Mr. Moss. The hon. member had on the Notice Paper another amendment to this clause. Did the hon. member desire to withdraw the amendment before the Chair?

Hon. M. L. Moss: Yes.

Amendment by leave withdrawn.

The CHAIRMAN: The amendment on the Notice Paper, in the name of Mr. Moss, covered a portion of the clause already passed, and could not be accepted in its present form.

Hon. M. L. Moss: I will ask the House to recommit the Bill.

Hon. J. F. Cullen: It would be best to strike out the clause, and insert a new clause.

Clause as previously amended put and negatived.

Hon. M. L. MOSS: Could a new clause be moved to stand as Clause 21?

The CHAIRMAN: The hon. member had better do that on recommittal.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. M. L. MOSS, Bill recommitted to further consider Clauses 25 and 29, and to consider a new clause.

Clause 25.—Penalty for practising when not registered:

Hon. T. H. WILDING moved an amendment—

That the following words be added at the end of Subclause 1:—"Provided, nevertheless, that nothing herein shall

make it illegal for any person to perform for reward the operation of castration or dehorning on any animal."

Hon. C. A. PIESSE moved an amendment on the amendment—

That the words "or the tailing of lambs" be added.

Amendment (Mr. Piesse's) passed.

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

Clause 29—Act not to interfere with chemists:

Hon. M. L. MOSS moved an amendment—

That after drugs in line 3 the following be inserted:—"Medicines and surgical appliances used for horses, cows, and other animals."

Amendment passed, the clause as amended agreed to.

New clause—Qualification of practitioners:

Hon. M. L. MOSS moved—

That the following be added to stand as Clause 21:—"(1.) Every person shall be entitled to be registered in the register under this Act who proves to the satisfaction of the Board that he—(a.) has attained the age of twenty-one years; (b.) is a person of good fame and character; and (c.) holds a diploma of competency as a veterinary surgeon from the Royal College of Veterinary Surgeons of Great Britain, or from some other college or institution recognised by the Board. (2.) Where at the passing of this Act any person practises and has continuously for not less than three years before the passing of this Act practised veterinary surgery in Western Australia the Board may, until the 31st day of December, 1912, enter his name as a veterinary practitioner in a portion of the register to be headed "Veterinary Practitioners." (3.) Every person whose name is so entered shall whilst his name continues so registered be deemed a registered veterinary surgeon. Provided, however, that no such person shall in any advertisement or on any name plate or sign or by means of any written or printed matter advertise or hold himself out as a registered veterinary surgeon unless it is made to appear in such advertisement, plate sign, or written or printed matter, that such person is registered as a veterinary practitioner only."

Hon. J. F. CULLEN: Subclause 3 of proposed new clause moved by Mr. Moss was not only superfluous but contradictory. The principle on which the new clause had been introduced was that of secondary qualifications and the secondary list of gentlemen to be known, not as surgeons but as veterinary practitioners. There was no earthly reason to call such people surgeons. If they were surgeons why should they not be in the principal list? The whole basis of the clause was to provide for persons of secondary qualifications who were not fully diplomaed.

Hon. M. L. Moss: They did that in England.

Hon. J. F. CULLEN: If they made a mistake in England that was no reason why we should do so. It would lead to endless confusion and would be a premium on subterfuge. He moved an amendment—

That Subclause 3 of the proposed new clause be struck out.

Later on it was his intention to move the omision of the second half of the proviso in order to bring it into line.

Hon. M. L. MOSS: It was quite obvious what the amendment was intended to do. It had already been explained that in England there were a number of persons who were practitioners in 1881 when the Act providing for qualifications of veterinary surgeons was passed, and there they sought to preserve vested rights then existing, and they got two classes of practitioners, the practitioners admitted with examinations and another list under the heading of existing practitioners without examinations. In order to approximate as closely as possible what was done in England there would be two lists here showing those admitted with an examination and those admitted because they were practising before the passing of the Act. Subclause 3 provided that while so regis-

tered they should be deemed to be registered veterinary surgeons; not that they were. The safeguard for the general public was in the proviso that the veterinary practitioners were not to advertise themselves as veterinary surgeons. They might, however, advertise so long as they did not sail under false colours. That was put in as a protection for the public.

Hon. J. F. Cullen: A delusion to the public.

Hon. M. L. MOSS: It was to prevent delusion. The register being divided would show those who were veterinary practitioners and those who were veterinary surgeons. The public would know at once whom they would be employing. On one list would be the man who advertised himself as a veterinary surgeon and who had been subjected to examination tests, and the others would be those who had been practising before the Act came into force. With regard to chemists, dentists, and others, all of whom he could not bring to mind, there had always been a reasonable attempt to preserve existing rights, and that was all the Bill before the Committee attempted to do.

Hon. J. F. CULLEN: The honourable member had tried to confuse the actual issue.

Hon. M. L. Moss: That was not the intention.

Hon. J. F. CULLEN: It might be assumed that the Committee would do justice to existing practitioners, and for that reason members were agreeing to the secondary list of veterinary practitioners. Why should we allow the hon. member to mix up the practitioners with the surgeons? We should register them as veterinary practitioners. There was a number of men who by experience had become qualified, and let them be registered as veterinary practitioners. Mr. Moss asked that they should be allowed to sail under false colours and call themselves veterinary surgeons. Then to protect the public he proposed that they should not describe themselves in advertisements or in signs as veterinary surgeons unless they made it clear that they were veterinary practitioners. It was desired to get a high standard of qualification amongst the veterinary surgeons, and he asked the Committee to support the deletion of the proposed Subclause 3.

Hon. C. A. PIESSE: Mr. Moss in his eagerness to do justice to those who were practising to-day was really defeating the Bill. There were many men who had been practising for three years, and who were quite unfit for the work, yet they would come in under the Bill. Whilst doing justice to the good men already in the State we must be protected against imposters. Personally he would prescribe for the unqualified practitioner a simple practical examination. He would support Mr. Cullen's amendment.

Hon. Sir E. H. WITTENOOM: There was no doubt that Subclause 3 was absolutely superfluous. Mr. Moss had provided that there should be two lists, one of veterinary practitioners and the other of registered veterinary surgeons, and this Subclause 3 mixed up the two. The subclause should be struck out and also all the words after "registered veterinary surgeon" in the proviso. He was of opinion that the three years should be altered to five years, but every precaution was taken in the words "the board may until the thirty-first day of December, 1912." This gave a permissive and not compulsory power so that if a practising veterinary surgeon who was not qualified applied to the board for registration, the board might use their discretion.

Hon. M. L. MOSS: The amendment was scientifically drawn by the Parliamentary draftsman, and was in correct form. Subclause 3 did not say that these veterinary practitioners should be veterinary surgeons, but that they should be deemed, for the purposes of the Act to be veterinary surgeons. In Clause 23 registered veterinary surgeons were entitled to sue in any court for fees. Clause 24 provided that no person other than a registered veterinary surgeon should recover fees, and Clause 25 imposed penalties on all persons "other than a registered veterinary surgeon" practising veterinary surgery. If Subclause 3 were cut out, and the veterinary practitioners were not deemed to be veterinary surgeons, they would be robbed of the very protection

which it was the desire of the Committee to afford them, and they would be liable to prosecution for anything they did. The Parliamentary draftsman knew what he was about when he inserted Subclause 3.

Hon. J. F. CULLEN: Mr. Moss must know that he was trying to throw dust in the eyes of the Committee.

The CHAIRMAN: The expression the hon. member has just used was not in order.

Hon. J. F. CULLEN: As the wind had gone down and there was no longer any dust he would withdraw the remark. It was Mr. Moss's amendment which had altered the whole Bill. All that need be done in lieu of the insertion of Subclause 3 was to make consequential amendments by inserting the words "or veterinary practitioner" after the words "registered veterinary surgeon" wherever that occurred.

Hon. A. G. JENKINS: Mr. Moss was correct in saying that it was necessary to have Subclause 3 inserted. This subclause only provided that these men should be deemed to be registered veterinary surgeons, and a registered veterinary surgeon was defined in the definition clause as a person who appeared in the register.

Hon. V. HAMERSLEY: The clause as drafted by the Parliamentary Draftsman was satisfactory, and the thanks of members were due to Mr. Moss for having got over a difficulty which had given the Committee considerable trouble at previous sittings. It was at the instance of country members that a great deal of attention had been bestowed on this clause; they recognised that inland and in the far north there were many places where it might be impossible to get registered veterinary surgeons, and the proposal to have veterinary practitioners who would be able to make some reasonable charge for their services would overcome the difficulty. The amendment was satisfactory and necessary.

Amendment (Hon. J. F. Cullen's) put and negatived.

On motion by Hon. M. L. MOSS the words "for the purposes of this Act" were inserted after the word "deemed" in Subclause 3.

Hon. A. G. JENKINS: It was a mistake that any incompetent person should be given the right to practise by virtue of residence and without passing any examination.

Hon. Sir E. H. Wittenoom: Where did it say that?

Hon. A. G. JENKINS: In the clause.

Hon. Sir E. H. Wittenoom: It simply said "the board may."

Hon. A. G. JENKINS: Without any examination at all a man could be permitted to practise; that was a mistake. He did not care what was done in other States but it was a mistake here. He hoped some examination would be provided for.

The COLONIAL SECRETARY: An endeavour had been made for over a week to prescribe some examination and the only support he had received was from the hon. Mr. Jenkins. One could not do more.

Hon. R. LAURIE: It was surprising that Mr. Jenkins could make the statement he had done, because when passing the Medical Practitioners' Bill years ago men who had practised in the State were allowed to go on practising.

Hon. A. G. Jenkins: That did not make the principle good.

Hon. R. LAURIE: But it protected the man who had served the country well. Take the case of the examination of officers going to sea, when the examination was first made compulsory the long service men were allowed to continue their services. If it was made plain to the public that the man was only a practitioner and not a qualified veterinary surgeon no harm could be done.

Hon. Sir E. H. WITTENOOM: It was not his desire that any person should be allowed to be registered who was not competent. If a man could prove to the satisfaction of the board that he was capable of discharging the duties of a practitioner then he was allowed to practise. The Bill gave a certain amount of protection to the public by saying that the board might register as a veterinary practitioner anyone who had been practising. If a person applied for registration the first thing the

board would do was to find out if that person was qualified and if he was not then he would not be registered. There was a great deal of discretion allowed. He would be sorry to allow anyone who had been practising for three years to claim to be registered as a right.

The COLONIAL SECRETARY: The Committee should not be left under a misapprehension. If Mr. Moss's amendment was carried there could not be any examination whatever. The Committee had decided that there should be no examination and any man who had continuously practised in Western Australia for three years, if he had only performed some simple operation, could claim to be registered as a veterinary practitioner. According to the Bill as introduced provision was made for examination in only one simple subject, diseases of the horse or other domestic animal; but a duly qualified veterinary surgeon had to pass in twelve subjects.

Hon. M. L. Moss: The person who drafted the Bill was thinking of a large city like Melbourne.

Hon. E. McLARTY: Because a man had practised for three years that was not proof of his competency. There were men going about the country who professed to be veterinary surgeons and to have knowledge of diseases of horses, but who had no knowledge at all. There should be some examination so that the public might be protected. It was the desire of the Committee to protect the men who had been in practise whether they were qualified or not, but there was not sufficient provision to protect the public against impostors.

Hon. M. L. Moss: How would the Bill operate in the North-West?

Hon. E. McLARTY: Only those persons should be registered who were competent to give sound advice.

Hon. M. L. MOSS: By the system of registration and the two lists people would be able to find out who were veterinary practitioners or veterinary surgeons. We were apt to look at these things too closely from the populous centres of the State. There would be no sailing under false colours with the two lists.

New clause, as amended, put and passed.

Bill again reported with further amendments.

Further Recommittal.

On motion by Hon. M. L. MOSS, Bill again recommitted for the further consideration of Clause 25.

Clause 25—Penalty for practising when not registered:

Hon. M. L. MOSS moved an amendment—

That the following be inserted after Subclause 2:—(3) Any person other than a registered veterinary surgeon who shall advertise or hold himself out as being a registered veterinary practitioner shall be deemed guilty of an offence under this section and liable to the penalty mentioned in Subsection two. (4) Any person who shall by act or omission contravene the proviso to Subsection three of Section twenty-one shall be liable on conviction to a penalty not exceeding Ten pounds.

Amendment passed.

Hon. M. L. MOSS moved a further amendment—

That after "section" in line 3 of Subclause 3 the words "or Section 21" be inserted.

Amendment passed.

Bill again reported with further amendments.

BILL—LOCAL COURTS ACT AMENDMENT.

Recommittal.

On motion by Hon. J. F. CULLEN, Bill recommitted for the purpose of considering a new clause.

New Clause—Signatures on garnishee orders:

Hon. J. F. CULLEN moved—

That the following be inserted to stand as Clause 13:—Section 145 of the principal Act is hereby amended by the insertion of the words "or the clerk" after the words "the magistrate."

This was a clause dealing with garnishee orders. It was necessary that a signature be had before effect could be given to the order. If a magistrate had to be found on every occasion the garnishee might as well not be given.

New clause put and passed.

Bill again reported with a further amendment.

BILL—DIVORCE ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th November.

Hon. J. F. CULLEN (South-East): The Bill is a very little one, one of the shortest that has been tabled this session, but it touches the family interests of the whole State in their most vital concerns, and for that reason I think the House has done wisely in insisting upon time for public opinion to be expressed on the matter, and time for hon. members to maturely consider it. The mover of the second reading mentioned that several of the neighbouring States had very largely extended their laws on divorce. In the mother State, for 20 years there have been five legalised provisions for divorce, five causes for divorce. There are the causes of adultery, desertion for three years and upwards, habitual drunkenness with cruelty or neglect, imprisonment for three years out of a sentence of seven years, and attempted murder of petitioner or assault with intent of bodily harm. All these causes have been recognised for 20 years past. The Bill does not go nearly so far. Heretofore, the law of Western Australia has been almost identical with that of England. The Bill proposes two things, and they are entirely distinct. I want to impress this upon the House: they are entirely distinct things, and to my judgment would much better have been separated. These are, first to place the wife on an equality with the husband under the present law in the divorce court and, secondly, to extend the law. I hold that the first proposal is not an extension of the law; it is purely an adjustment of the law; but the second proposal is a distinct extension of the law, namely, to admit of petitions for divorce on the grounds of desertion for three years and upwards. I see no difficulty whatever in regard to the first proposal. I cannot conceive of anybody clearing himself of old-time prejudices and studying it with an open mind saying that there should be one law for the husband and another for the wife. At the same time I see no opening at all for the cheap claptrap about despising women. I do not see that readers of the present law are shut up to any such conclusion as that. Indeed, the differentiation that has existed may be interpreted in another way. If greater forbearance, fortitude, and self-sacrifice have been expected from women, that expectation is in itself a testimonial. There is no doubt about it. In all such qualities women are far above us. From the point of view of the time when the law was passed there must have been some very sound grounds for differentiation, and those grounds need not now be made light of. Adultery is just as bad morally in a man as in a woman, but its effects on a family ideal and on the family life are very different. Very much more serious is unfaithfulness on the part of a woman than on the part of a man; and the differentiation, no doubt, went upon the further ground, that because women were more self-sacrificing and really more loyal to the family ideal it was considered that unless some heinous form of adultery were committed by the husband, building up a wall of abhorrence that would make any possibility of reunion out of the question, the woman could be expected not to seek release.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. F. CULLEN: I take up the ground that equality of right of wife and husband before a divorce court is not open to argument—that, I think, every fair-minded man must recognise, notwithstanding the differentiating features I referred to in the opening of my speech—but I do not think it will be well to leave the argument just there, because certain objections have already been raised to the Bill, and there are no doubt some hon.

members who will vote against it as a whole without making allowance for whatever differences of value there may be in different parts of the Bill. They will vote against the Bill as a whole, purely or largely from a traditionary view, so that it is necessary for me to go a little more deeply into the matter. Before dealing with objectors who are outside the House, I would like to ask any hon. member who is disposed to oppose the Bill in toto—"What is your position? You admit, I am sure, in the abstract that a wife and a husband should have equal rights in the courts. Now, is it an answer to this Bill to say that you are opposed to divorce altogether?" I say it is not an answer. The first part of the Bill does not ask any hon. member to enact a law of divorce. Divorce for adultery is now the law; the law is on the statute-book. The first part of the Bill simply asks hon. members to do what their sense of justice must impel them to do, that is to say, to right a wrong that has been imposed on wives—suffering wives—ever since this law was enacted. I want to press this view upon hon. members who are disposed to oppose the Bill. They are not asked to enact divorce or to take any such responsibility; but, divorce for adultery being the law, they are asked, as men, to say wives shall have the same rights before the courts as the husbands. Think of it. The wife falls; the husband goes to the court and gets release under the law; the husband falls; but unless he commits what is happily a very rare offence, the offence of incest, unless he commits the most heinous forms of adultery, he may go on year after year wallowing in libertinism until the very sight of him is loathsome and torturous to his wife. Yet she has no redress. Year after year through a long life-time she may be tied to that body of death, and there is no redress. Is there an hon. member who deliberately will say he will be a party to that? We are not asked to enact divorce under the first part of the Bill. It is there. We are asked to remedy a gross wrong that has been imposed upon the wives of many adulterous husbands for all these years. I have pretty clearly indicated my intention to vote for the first part of the Bill; and, before answering the objections that have come from outside, I want to deal very briefly with the second part of the Bill, and to say straight out that I cannot vote for divorce for three years' desertion. I cannot understand how the hon. member responsible for this Bill should go to the statutes of the other States and find four or five causes for divorce and select out of them the least serious, the least heinous of them all. No hon. member could put desertion for three years alongside attempted murder of a petitioner, or long continued acts of cruelty, or crime which involves a sentence of seven years imprisonment. How came the hon. member to select the least serious of all these causes, and to drag it into this Bill for an adjustment of the law as it stood before? If it is desirable to submit to Parliament the cause of desertion, then I would suggest to the hon. member in charge of the Bill that he should withdraw the second part of the Bill and weigh it with the other causes recently placed on the Notice-Paper, and then submit a more comprehensive Bill.

Hon. M. L. Moss: You can add them in Committee if you desire.

Hon. J. F. CULLEN: Another hon. member has actually proposed an amendment to the Bill that will ask the House to deal with four other causes that have been made grounds for divorce in other States. That would be a very bad precedent indeed. It cannot be wise to tack on to a little Bill of a couple of clauses four or five times its volume, and clauses of still more debatable character.

Hon. A. G. Jenkins: Is it not the same principle?

Hon. J. F. CULLEN: The principle of divorce underlies it; but each of these grounds involves an entirely different proposition and a very debatable proposition; and I submit it would be very undesirable for the House at this late stage of the Bill to have such enormous additions to it when another Bill can be introduced at any time dealing with all other grounds or proposed grounds for

divorce. I strongly recommend this view of the matter to Mr. Jenkins who has tabled these very large additions to the Bill. It would not be fair to the other Chamber where the Bill originated; it would not be fair to the public if this House, without allowing opportunity for the discussing of these important additions, stole a march, so to speak, upon the public and so enormously altered the Bill. I would strongly recommend Mr. Moss to let the second part of the Bill await another opportunity. There can be really no valid ground of objection to the first part, and with the omission of the second part we may hope for a fairly unanimous acceptance of the Bill. Now I want to deal with some of the objections and some of the objectors to this Bill. The objections are mainly from the clergy of the Christian churches. I think I can say for every member of the House that criticism from such sources will receive in this case the weighty consideration that it always receives. The Government of the Empire is based upon Christianity. The Christian church—and by that I mean not one denomination or another, but all the followers of Christ by whatever name they may be called—the Christian church is the organised medium for propagating and maintaining the great principles of Christianity, and a House of Legislature ought to be glad to have any light that the church can throw upon such questions as this now before us. The objectors are divided into two great schools. There are those who object to divorce in toto, who insist that marriage is indissoluble; then there is the other great school that recognises one ground for divorce and one only, the ground of adultery; but, strange to say, these two schools have contented themselves with objecting to the Bill in toto. They have not discriminated. By their petitions and public protests they simply say, "We recognise no good in the Bill; we call upon Parliament to throw it out." I think the members of the second school of thought I have referred to have done themselves an injustice. If an adviser or a critic would commend his advice he must discriminate, must show fairness in his criticism, and I say this is not fair criticism, it is not a sound ground to take that the Bill is all bad. As a matter of fact, when the members of this second school are pressed they say, "Oh, well, perhaps there is not much to be said against the first part of the Bill"; but I venture to say that not one of them would take the ground that the Legislature should not equalise the position of husband and wife before a divorce court. Not one of them but would give that right. As I have already argued the first part of the Bill does that. My complaint against our critics is that they do not differentiate, they simply say, throw out that Bill because some of us do not believe in divorce at all and others of us object to increased facilities for divorce. If asked, "Do you believe in equalising the position of husband and wife before the court; are you prepared to dismiss it as a facility for divorce; are you concerned as men to do justice to women?" there could be no answer. The objectors say, "We are Christians and we take the pronouncement of Christ 'What God hath joined together let not man put asunder,'" and yet the very narrative that gives that pronouncement adds an exceptional cause, the cause of adultery, and in spite of that there is still the school that insists that marriage is indissoluble. But joining the two schools together we are faced with this position, that without attempt at discrimination the Bill is condemned in toto. Let man be convinced that the Head of the Christian church taught a certain thing, and he must feel it his duty to obey. I want to remind hon. members that the Head of the church was not a law. He never attempted to lay down a code of laws. It was a mere answer to an incidental question that brought forward this pronouncement which is printed against the Bill. Christ was not a law giver. Christianity was not a code of laws. I want to say further to the objectors, "You still have a very great difficulty before you if you are taking your ground on this "What therefore God hath joined together let not man put asunder." You have still the question, "What therefore hath God joined together?" A Christian

marriage is a beautiful thing, the idea is beautiful; a man and a woman are united under the sanction of religion. It is a beautiful thing, but what is to be said of the marriage shop contracts? Fortunately this State has not suffered as much as many other parts of the world in this way. The laws of the different States have allowed the establishment and the growth of these marriage shops. An adventurer arranges with certain rather doubtful characters on the State registries who are on the fringe of the churches, to come at his call and carry out the marriage service. Such an adventurer, with a little room, a table, and a couple of chairs, and his buttoners and witnesses, can earn from £100 to £1,000 a year. In these marriage shops sometimes the parties are drunk and sometimes they are drugged. What is to be said of the products of these marriage shops? Would it not be blasphemy to speak of such marriages as unions which God has joined together. Now it has to be understood the Church and State are not coterminous; the Church is a spiritual body within the State. The State includes not only good Christians, but very bad Christians, and non-Christians, and the State has to legislate for them all. It would be manifestly unreasonable for the Church to say to the State, "All your laws must be equal to the Christian ideal." I say that at this stage it is utterly impossible to refuse to recognise the need to deal with marriages that have been broken. Many of them were doomed to be broken because of the foundations they rested upon. It would be impossible for the State to shut its eyes to the suffering, distress and wretchedness that would exist if there was no release for cases such as the first part of the Bill covers, the adultery of a wife or the adultery of a husband. What I want to impress on hon. members is that the Church must not expect, it is unreasonable for it to expect, that the State, which has to govern people of all stages of development and civilisation, should at once and in every instance be equal to the law of the Church. Furthermore, I want to point out that in legislating for divorce, the State does not interfere with the high standard and freedom to rise on the part of the Church. There is no attempt on the part of the State to say that the Christian wife who has been aggrieved must seek divorce. If she has strength and fortitude to bear her burden and submit to the self sacrifice, she need not go to the divorce court. As for an aggressor surely he has no ground for complaint. If the law forces divorce on the aggressor surely he cannot plead that his Christian conscience forbade him to go to the court! I want the Christian objectors—for whose views with regard to this Bill I have the greatest respect—to look at the matter from the point of view of the plain legislator. It is easy for the churchman to forget that the legislature has to legislate for society as it is to-day, and as I have said, whilst doing that it is not lowering the Christian standard, for the Church can still preach and inculcate the highest ideals of Christianity. I want further to ask how they can reconcile their advocacy of judicial separation with their stringent interpretation of the pronouncement, "What God hath joined together let not man put asunder." I have already argued that the divorce court does not put men and women asunder, it simply recognises the sundering that has already taken place and legalises the release of the aggrieved parties. It is not the court that puts them asunder. The court deals with the violation of the marriage bond that has already taken place. I want to ask the objectors wherein lies the great difference between judicial separation and divorce? They will say, no doubt, judicial separation leaves the way open for reunion. So does divorce. They may say, "Yes; but it is a very different condition." Judicial separation does not claim for the State the right to pronounce divorce. Is there not a possibility of our objectors making a fetish of that? The State must intervene so far as marriage is concerned. No one will argue to-day that religious marriage would be complete without recognition of the civil contract. No one takes that ground to-day, and insofar as the civil

contract enters into it there must be power on the part of the State to intervene. Where is the difference between it intervening by saying "You are separated," and "You are divorced?" If one is putting asunder so is the other, and there are some respects in which a judicial separation is the more dangerous. I ask hon. members and objectors to look at this in the light of every day knowledge, the knowledge of the world, the knowledge of human nature. Which is the more dangerous; which is the harder position to maintain the position of the judicially separated or the position of the divorced? The judicially separated are condemned to all temptations of celibate life after marriage. I do not think that, apart from the foregone conclusion that the State must not interfere, there is any logical ground of objection to divorce for those who consent to judicial separation. I do not say at this stage that I will not recognise any effort to extend divorce beyond the one cause. but I do say that it is a pity to weaken the first part of the Bill, which covers an urgent reform, by adding to it another part which covers five or six debatable causes of divorce. I trust, therefore, that the member in charge of the measure will consent to the second part being deleted.

Hon. Sir J. W. HACKETT (South-West): I do not intend to enter upon this subject at any length for there are others more capable of debating this matter, and who will be listened to with more interest by the House. I desire on this matter, however, not to give a silent vote but to express the views which I hold with regard to this, perhaps the most important matter—I use the words without any qualification—the most important matter that has ever come before this Chamber. My hon. friend Mr. Cullen has gone into matters which I think may be left to the committee stage, and I am not going to enter into any controversy with him as to the technicalities, morally or ethically speaking, of the grounds of separation or divorce, which are so numerous and which are being yearly added to in all civilised countries. What I want to make clear is why I am going to vote for the second reading of this Bill, which I so greatly distrust. Let me first say that my statement that this is the most important matter which has yet come before this House for deliberation rests on several grounds. In the first place, we know that our social system as we have received it developed through a course of thousands of years—what is called the social as opposed to the socialistic system, according to the language of historians and critics of the subject—rests and was in the past supposed to be impregnably founded upon two main pillars, viz., the family, and the right of private property. The right of private property receives daily assaults, and we could perhaps dispense with it altogether and still retain all that is best in the social system, but if we attack the family all that is best in our civilization must wither and decay; and because it is necessary to watch both the origin of the Bill and the consequences which it may bring about that I claim it is important to keep before us the main principles to be aimed at in the matter of divorce. May I be allowed to claim that the concession which is made that women are to be treated on an equality with men is a great one. It is easy to speak in hyperbole; it is easy to give voice to sentimentalities, which, when a matter of this kind comes up, often usurps the position of pure reason, but every one of us knows that there is a fundamental distinction between the fall of man and the fall of woman—the long siege, the stubborn resistance, the conquering of defence after defence in the one case, and the sudden and remorseless burst of passion in the other—and consequently no matter what may be said about the difference in the family, the difference is as great as that between man and woman; it is physical. Man's sin stops outside the family as a rule—I am not speaking of those indirect happenings and influences on family purity—but, as a rule, it stops outside the door, but it is not so with the woman. The gross taint of illegitimacy pervades the whole family and incurably poisons it for all time

from descendant to descendant. In those circumstances, it argues a concession on the part of men which is to their credit, to say that whatever the consequence of the sin may be, the sin itself should be treated as equal and made a crime. It is one of the few instances in which sin is made a crime, viz., before the altar of the divorce court. A difficulty in discussing this question arises from a characteristic which is essential to this matter but is peculiar to it; it is that opinion is not so much a matter of argument or reason to the multitude of the people as it is a question of conscience. The Churches have laid down their rule for divorce, and it is impossible to quarrel with it if it is to be judged on the grounds on which it is based, but, at the same time, we are face to face with the fact that, while the religious world may hold one set of religious views, that very world may on its civil side hold it right and expedient that it should give way to some extent and that the civil law should be called into existence to direct and control the ecclesiastical. The Churches have laid down their rules for divorce, and in doing so have placed themselves on an impregnable basis; they have refused to go a step further than they are warranted in going by either ecclesiastical authority or scriptural injunction. On the other hand, and it is the weakness of those who urge laxity of divorce, once we begin on the downward path we are hurried down to unknown distances, and the experience of all countries comes forward to show us that they do not stop until they have reached the last step of all, and that is mutual consent, or the simple demand on the part of one of the parties. That is the state of things that exists in more than one of the European countries. Hon. members will remember that in the later days of the Roman Empire it was the prevailing rule that anyone could claim a divorce who could put forward any reason for it on the smallest substratum of feeling. It was a matter where incompatibility of temperament was carried to its uttermost extreme, and the man or woman was granted a divorce simply because the claim was set up that it was disagreeable for the one to live with the other. I will not go into the history of the matter or present the conditions of the countries of Europe, but in more than one of them the smallest antipathy is taken as a sufficient reason why a full and complete divorce should be granted without delay. The same thing, I am sorry to say, is creeping into our great Anglo-Saxon country, America. If we do not wish to go rushing on that downward path—I do not say we should reject this Bill, for I am going to vote for the second reading, in the hope of amendment in Committee—but if we are not exceedingly careful and do not apply the brake before it is too late the second great pillar, and the most essential of all, of society, will fall to the ground, and carry with it, perhaps, the civilisation of the western world. I am not questioning the position of the churches, nor am I defending it, but I do say that they have entrenched themselves behind ramparts which, if I may use the expression, are absolutely logical. They know what they are doing, and why they are doing it, and that is more than can be said by most of those who rush into the arena to press forward a Bill of this character. That divorce is a necessity in the present day we all admit, but I think we might very well spare the House, and the reporters, those references to the sorrows and trials, the life-long martyrdoms, and agonies that end only with death. We know of those cases; they are all around us, and it is because of the impression they make on us that we are anxious to see a sane and rational divorce law placed on the statute-book.

Hon. Sir E. H. Wittenoom: Leave it to the Federal Parliament.

Hon. Sir J. W. HACKETT: I am coming to that in a moment. In tampering with the marriage law we not only get rid of the main safeguards of society; we go further. The marriage law exists to preserve the state of marriage, and marriage is formed for something infinitely higher than what must be uppermost in every man and woman's feelings when they deal with the divorce law, mere passion; and it is because it gives

so little attention to the higher side of man and woman's nature, to the need for the exercise of discipline and self-control, to all the higher purposes for which we are given an existence and for which we developed from a lower state—because of all these, it is clear that something must be done with the marriage laws to bring them into consonance with the feelings rather than with the logic and reason of the community. I object on many grounds to this Bill, even though it seems to me my objection does not weigh against the weightier arguments in favour of it. We are rushing into certain confusion, something like chaos, unless we allow the central authority, the Commonwealth Parliament, to undertake the duty of bringing our marriage laws into unison and seeing that the one principle rules the divorce court in the six States of the Commonwealth. It was particularly and expressly reserved for the Commonwealth Government in the Commonwealth Constitution Act, and it is there we should look for the legislation which was to regulate our divorce, to control our marriages, to introduce endless amendments such as the question of the custody of the children, and a question of far greater importance than it seems on the face, to allow a divorced woman to regain her maiden name. All these should be reserved for the Federal Parliament alone, otherwise we shall have six statute-books with their own amendments, each one trying to go a little further than the one before it, for that is the tendency in the legislation in Australia and has been for years. Each trying to do what it can do, and assented to by men giving very little attention to the matter, and without the high responsibility which attaches to the Commonwealth Parliament, as compared with a member of the State Legislature. Under the circumstances, however, as things stand, I am prepared to support the Bill, but certainly with the qualification that the term of desertion be altered. To make it three years is absolutely an invitation to collusion allowing for the natural chapter of accidents innumerable marriages will be dissolved. At one time Western Australia was the home of thousands of husbands from Victoria, a large number of whom either obtained divorce themselves or their wives obtained divorce. I shall not detain the House longer, I believe the Bill stands safely within the danger zone; if it went further I should be one of those to render the most strenuous opposition to it. I think it not only stands within the danger zone but it is a proper answer to the claims of natural justice, and to the demand on the part of the community at large. I shall vote for the second reading.

Hon. J. D. CONNOLLY (North-East): I certainly must, as the last speaker has done at the end of his remarks, express my surprise at the introduction of the Bill in the State Parliament at all. When the Federal Constitution was framed, as the last speaker has remarked, the power to legislate in regard to marriage and divorce was wisely placed in that Constitution Act. I say wisely, not that I believe in divorce at all, as I shall make it clear later on, but if we are to have a divorce law, and that is inevitable I fear, then it should wisely be left to the Commonwealth Parliament. Undoubtedly the framers of the Commonwealth Constitution had the rather ludicrous example of the various States of America before them, where in nearly every State of that union a different law on the question of marriage and divorce exists. It is true this Bill was not introduced by the Government, it is a private member's Bill, but I think the Government have taken the responsibility of it, they certainly have fathered it to this extent that it was put through another place with all possible speed and here at an early date of the session we find this private member's Bill well advanced on the Notice Paper. I draw members' attention to this fact, that the law the Bill is seeking to amend is not an Act that was passed by the State Parliament, at any time during its existence; it is an Ordinance handed to us by the Imperial Parliament dating back to the year 1863, and, that being so, does that not furnish an additional reason that the law having been on the statute-book since 1863, and though we entered Federation 10 or 11 years

ago, and that Parliament has not sought to amend the Act, now after Federation has been accomplished we should be discussing the question in the State Parliament. That is one reason, and I maintain, with all due respect, it is sufficient reason to reject the Bill, but I oppose the Bill not merely on that ground, but I hope on broader and higher grounds than that. I stand here as a firm believer in the sanctity and indissolubility of the marriage tie; that being so it goes without saying that I intend to vote against the second reading of the Bill. Divorce to my mind, especially easy divorce, is a menace to any country. It undoubtedly lowers the social and patriotic ideals of any country. It is proved, if members will only think or read the history of countries where divorce has been made easy, that it is an evil which tends to undermine all that is good and sacred, to the very foundations of home life. It produces, as I have already said, and has produced not only social but national disasters, and it ought certainly to be fought with the utmost vigour by any person having not only the religious and moral well being of the family life at heart, but also the well being of the nation. I admire the speech just delivered by Sir Winthrop Hackett, a very forcible speech indeed, and I endorse his remarks, but unlike him I am going to follow it up by voting against the second reading of the Bill. The principle object I take it—and I do not stand alone in holding that opinion—the principle object in marriage is to provide for the proper up-bringing of the family. Divorce, I do not care if in this form or any other form, undermines that cardinal principle which we should strenuously uphold. What is likely to become of the children of divorced parents? What an example is set to those very children? Is not the fact of their parents having become divorced, a temptation for them to become reckless? The object of this Bill is, as I have already said, to make divorce easier. True, we have a divorce law at present but the Bill makes it still easier. I know of no more important Bill that has come before this Parliament since I have been a member. Once tinker with the laws of marriage by divorce facilities and it is hard to say where you are going to end. Not only will it tend to make the children of divorced parents reckless in moral principles, but it will tempt them later on to go and do likewise. Divorce under certain circumstances may be justified, but when I say divorce I mean judicial separation, without permission to re-marry. This and every amending Bill of its kind is a license to marry again, or commit bigamy in a legal sense, it is certainly a very mischievous and a retrograde measure, not only for the reasons I have mentioned, but also for others, which I shall touch on later. No doubt the author of the Bill will tell you—I do not refer to Mr. Moss, he has taken charge of the Bill here—the author of the Bill will tell you it is done in the interests of liberty and progress. Goodness knows a great many things are done in the name of liberty and a good many things are done in the name of progress now-a-days. Have we not a shocking example in the United States of America on the question of divorce made easy. It is constantly held up to us every day, and we, with our eyes open, are about to enter on the same road. It has been caustically said in the United States of America that, under the operation of the ill-advised laws, a system of progressive polygamy is enforced, and progress has been made in the direction of a slightly veiled promiscuity, from which even degraded savages might well recoil in horror. We have a notorious case in America in the State of Nevada, where at Reno we are told people go in thousands——

Hon. A. G. Jenkins: Come nearer home.

Hon. J. D. CONNOLLY: I am not coming nearer home at present for this reason, I am arguing that we are amending the divorce law in a very loose direction, the member might very well interject "come nearer home." If members look at the Notice Paper—it is time we came nearer home—they will see the amendments standing in the name of the hon. member; and of these I shall have something to say

later on. If a person become insane and is put into a hospital for the insane, and comes out in 12 months, he or she may find the husband or the wife married again.

Hon. A. G. Jenkins: Say 12 years, not 12 months.

Hon. J. D. CONNOLLY: That is the state of things which the hon. member wishes to bring about. I shall deal with these matters in detail later on and will show the hon. member what is likely to arise if we go on indiscriminately widening our laws of divorce. Recently I saw quoted in the local papers a case which occurred in, I think, Germany; the husband was granted a divorce on the score of his wife wearing a hobble skirt, the plea being that she tried to reduce her weight in order to more effectively wear this garment and that it caused her to be bad-tempered and spoilt her complexion. The husband was granted a divorce. In speaking on this very question last Sunday Bishop Riley in a very able address touched upon this aspect of the question. He said—

> If divorce was to be permitted for separation, why not also for other things and reduce the position to this: That a man might get rid of his wife simply because she is old, or sick, or ugly, or because he wanted someone else. They might regard that as very absurd, but they were told that in Sweden to-day if either a man or a woman bore hatred or ill will towards the other, and the one left the other a divorce could be obtained, frequently within one week.

Now let me quote a few figures to show the extent this system obtains in the United States of America. I am quoting from a well-known American publication issued by the Department of Commerce and Labour in the United States. It gives pages and pages of statistics showing the almost incredible extent to which divorce obtains under their lax laws. On the increase of divorce it says that the total number of divorces in the period from 1887 to 1906 inclusive was no fewer than 945,000, while an investigation covering 20 years from 1867 to 1886 disclosed the fact that the number of recorded cases was 328,000 or a little more than one-third of those in the later period. The increase in the number of divorces in continental United States in each successive 5-year period was as follows: from 1872 to 1876 the divorces obtained numbered 68,000, the successive totals being 89,000, 117,000, 157,000, 194,000, 260,000 and 332,000, the last total being for the period 1902 to 1906.

Hon. A. G. Jenkins: These figures are of no value unless you can give us the grounds on which the divorces were granted.

Hon. J. D. CONNOLLY: There are hundreds of examples in this book dealing with the individual cases and the grounds on which they were granted, and the hon. member will have ample opportunity of going into that phase of the question. According to these statistics the period between 1892 and 1896 showed the smallest percentage of increase of divorces over those of the preceding 5-year period, this having been a period of commercial depression and hard times. But taking the broader view, the actual quinquennial increase in the number of divorces has risen from 14,000 in 1872-6 to 72,000 in 1902-6.

Hon. C. A. Piesse: The population has increased.

Hon. J. D. CONNOLLY: But the number of divorces has increased out of all ratio to the increase in population. In 1870 no fewer than 10,000 divorces were granted. In 1880 the number had risen to 19,000 or an increase of 79.4 per cent., whereas during the same period the population increased by only 30.1 per cent. There is here given a further table, which I need not go into, showing the increase in the number of divorces together with the percentage increases. However, let me draw attention to the fact, that in 1905 there were 82 divorces to every 100,000 persons. Now, bearing this in mind, it will be seen that we have only to extend our divorce laws a little further, and so bring them into line with those of the United States, and with our 300,000 population we should have, in round numbers, 250 divorces every year.

Hon. M. L. Moss: You must remember that many people not resident in America travel there in order to get a divorce.

Hon. J. D. CONNOLLY: There is a further table here which shows exactly the number of divorces granted to foreigners, and they are not nearly so numerous as the hon. member might think. I want to emphasise the fact that if we passed the Bill we would not have very far to go before our divorce laws would be in a line with those of America, when on our present population we would have 250 divorces per annum. And mark you, not all the States of America are as bad as those I have mentioned. Some of them have no divorce laws at all, while in others the divorce laws are very strict.

Hon. C. A. Piesse: Does the hon. member know the grounds for these divorces?

Hon. J. D. CONNOLLY: They can all be found in this work. I propose to ask the House to agree that the Bill should go to a select committee in order that some figures here given may be considered by the members of that committee. We get an even more startling comparison in the tables showing the growth of divorce on a percentage basis as against the married population of the United States. However, I have quoted sufficient for my purpose, which is to show to what extent the practice has grown in America, where it is nothing short of a social and national evil. The Bill has been introduced and passed thus far with very little discusion. Those people who are opposed to divorce have been lulled into security in the belief that if anything were done it would be done by the Federal Parliament, notwithstanding which this has been suddenly sprung upon them. That in itself is sufficient reason why the Bill should go to a select committee, where the important facts will be brought to light. There are two other authorities I will quote as showing the state of affairs in America, namely, the Archbishop of Baltimore, Cardinal Gibbons, and the Protestant Bishop of Albany, which is the capital of the State of New York. Now what does the Archbishop of Baltimore, Cardinal Gibsons say? He is a very renowned citizen of the United States, as both of those reverend gentlemen are. He is a very patriotic citizen, as he has shown on many occasions, and he is a citizen of whom the millions of the United States are justly proud; he is a native-born American. What does he say on the question—

> The reckless facility with which divorce is procured is an evil scarcely less deplorable than Mormonism; indeed, it is in some respects more dangerous than the latter, for divorce has the sanction of the civil law which Mormonism has *not*. Is not the law of divorce a virtual toleration of Mormonism in a modified form? Mormonism consists in simultaneous polygamy, while the law of divorce practically leads to successive polygamy. Each State has on its statute book a list of causes, or rather pretexts, which are recognised as sufficient ground for divorce *a vinculo*. There are in all twenty-two or more causes, most of them of a very trifling character, and in some States, as in Maine, the power of granting a divorce is left to the discretion of the judge.

And then he gives a very ludicrous instance of a divorce being granted, but I will not detain the House by reading it.

> From the special report on the statistics of marriage and divorce made to Congress by Carroll D. Wright in February, 1889, we condense the following startling facts.

Now this bulletin of statistics was written by Mr. Wright at that time, and Cardinal Gibbons brings it up to 1889. I have already quoted these, and given a later edition which brings them up to 1906. Therefore I need not traverse these figures again. Then he goes on to say—

> Our neighbour Canada presents a far more creditable attitude on this subject than we do. From 1867 to 1886 inclusive, only 116 divorces were granted in the Dominion of Canada.

I think we ought to be justly proud of Canada as a most exemplary portion of the British Empire. Here is the United States with hundreds of thousands I have already quoted, while in this portion of the

British Empire there are only 116 in a period of 20 years, from 1867 to 1886.

> During the same period of 20 years, there had been only 11 divorces in all Ireland. From the figures quoted above it is painfully manifest that the cancer of divorce is rapidly spreading over the community, and poisoning the fountains of the nation. Unless the evil is checked by some speedy and heroic remedy, the very existence of family life is imperilled. How can we call ourselves a Christian people if we violate a fundamental law of Christianity? And if the sanctity and indissolubility of marriage does not constitute a cardinal principle of the Christian religion, we are at a loss to know what does.

Then he goes on to quote other figures and says in the last passage, which I shall read—

> This social plague calls for a radical cure; and the remedy can be found only in the abolition of our mischievous legislation regarding divorce, and in an honest application of the teachings of the Gospel.

I would like some hon. members to listen to this—

> If persons contemplating marriage were persuaded that, once united, they were legally debarred from entering into second wedlock, they would be more circumspect before marriage in the choice of a life partner, and would be more patient afterwards in bearing the yoke and in tolerating each other's infirmities.

That is what hon. members want to bring about by having a Divorce Bill. Are the parties to a marriage likely to tolerate one another's little faults because divorce is easy? No, quite the contrary. This is what that very eminent citizen of the United States, the Archbishop of Baltimore, Cardinal Gibbons, says. Take again, our estimable Bishop Riley, who delivered a very able and forcible sermon on Sunday evening last. During his remarks he made this quotation from the Bishop of Albany Bishop Riley said—

> Let me, in closing, quote the words of the Bishop of Albany, one of the most learned and respected of American citizens. He has remarked, "Here in America we are compelled to strain every nerve in our insistence upon the sanctity of marriage, because I grieve to say that the country has gained a shameful and sorrowful pre-eminence in what one might almost call the divorce habit, the statistics of which are alarming and shocking to the last degree. Slowly and steadily the public conscience is being stirred. Not only in ecclesiastical bodies, but in the Legislature and in conferences called by the civic authorities, there is a widespread and strong movement towards reducing the causes for divorce *a vinculo*, and towards arresting the possibility of remarriage, if not to the only possible scriptural exception, at least to only six causes at the outside. Meanwhile the safeguards against hasty and ill-considered marriages are coming to be more carefully defined and in many States increased. With the door of entrance into the holy estate guarded and consecrated it is hoped that the door of exit, the shameful divorce court, may some day be closed."

Now, that is the opinion of the Bishop of Albany on the law as they have it in the United States. We have the opinion of these two eminent bishops. Here are two renowned men, representing different denominations, speaking to their own people. Both are American citizens who have lived all their lives there and seen these laws enacted, and this is their opinion of the law as it stands now. When the law in America started it was just as strict probably as our law on the statute-book, but it has gone on step by step to the ludicrous stage it has now reached in Reno, in Nevada. Let me say again before I proceed that the case of America, as shown from these reports given to us by these two eminent gentlemen, is quite sufficient to the House in insisting that the Bill should have the fullest inquiry; and I maintain it cannot by any amount of second readings, or Committee stages of the whole House, have that consideration it can get in a select committee. It has been charged against the socialistic party that they are enemies of the sanctity of marriage. If

it is true—I do not think it is of them as a body, and I would be very sorry to believe such a thing, but it has been stated that they are enemies of the sanctity of the marriage tie, and I have no doubt it is true to a certain extent —I warn that party by the introduction of this Bill they have laid a number of their supporters and, indeed, the party, open to that charge.

Hon. A. G. Jenkins: You do not call the Labour party here the socialistic party?

Hon. J. D. CONNOLLY: Certainly it contains the socialists we find in political life to-day. It is idle for these men to prate about their patriotism and their ideals in building up a nation and in building up a White Australia. What are they building up a White Australia for if they seek in this direction to set a sure foundation for Mormonism?

Hon. B. C. O'Brien: This is not a party measure.

Hon. J. D. CONNOLLY: I do not think it is a party measure; but, as I said in the beginning of my remarks, the Bill was introduced by a member of the Labour party, and it was certainly sponsored by that party in another place.

Hon. A. G. Jenkins: It was not opposed by a single Liberal member.

Hon. J. D. CONNOLLY: The hon. member could not climb up to this Chamber without a ladder or a stairway. The Liberals were not given an opportunity; they were not given the opportunity of even adjourning the second reading.

Hon. A. G. Jenkins: That did not prevent them making their speeches on it.

Hon. J. D. CONNOLLY: The hon. member, who seems to be a great advocate for the Bill and knows all about it, has sat here a good many evenings when the Bill was under discussion, and has not made a speech on it. It was a private Bill, and in the ordinary way one would have supposed it was only a matter of form to ask for and be granted an adjournment of the debate.

Hon. A. G. Jenkins: I am not advocating that.

Hon. J. D. CONNOLLY: I think you are. You are throwing the blame on the Liberals. Every one of the Opposition naturally walked into the House not prepared to speak that evening, but the Bill was simply read a second time. That is my reason for saying the Labour party must bear the burden of this measure. They did not even allow room for any discussion. Mr. Moss, who is sponsor for the Bill in this Chamber—let me say it to his credit—said right from the beginning he would afford every opportunity; and so he has; he has not hastened the Bill. I understood him to say he would even go so far as to move it to a select committee, but I evidently misunderstood him, as he now informs me that he said he would not oppose the Bill going to a select committee. That is fair treatment, when the sponsor for a Bill tells us that he is quite willing for it to go to a select committee. I do not wish to do Mr. Moss any injustice at all. I have no fault to find with him in the way he has handled the Bill. I notice now that his words were that he would not offer any opposition to the Bill going to a select committee, and he does not now offer any opposition to its going to a select committee. When the law of divorce was first introduced it was not taken advantage of, except by a few people, not so much for the reason that Mr. Moss mentions, that it was only for rich people, but because people would not recognise it. There was a general, almost unanimous, cry against the introduction of this class of legislation. It is only as late as 1857 or 1858 that the first law of the kind was put on the statute-book of England. It is quite a modern thing even in Australia. I think it was in 1870 that the first law of the kind appeared on the statute-book of New South Wales, the first time it was enacted in Australia. Divorced people at that time were shunned, especially were they looked down upon when the divorcees were women. Now, I said in the beginning that I am a firm believer in the sanctity and indissolubility of the marriage tie, and I repeat it and say that while the sanctity and indissolubility of the marriage tie tend to elevate, the laws of divorce have just the reverse effect. It is an incentive to commit

crime and to take liberties in the way of immorality that would not be dreamed of if it were not so. I think above all, and there has been nothing said during this debate about it, that some consideration should be given to the children of divorced persons. Look at the shameful position these children occupy. I know it will be argued that we have to consider the liberty of the contracting parties. Let me say this, is there any law that does not press heavily on someone, and let me remind hon. members also that, in my opinion, no State law should attempt to override the Divine law. The Church does make provision in this respect and allows persons to get a separation, and you can get that today, but not the right to remarry. This Bill then does nothing else but make legal bigamous marriage.

Hon. C. A. Piesse: The Church condemns innocent ones to a living death.

Hon. J. D. CONNOLLY: I expected to be told about the poor woman who is tied to a drunken husband; that woman the hon. member wants to send to court and wants to give her the right to remarry, and take to another husband the children who will know and see their own father, while their mother is living legally with some other man. What does the law do in that case? It says that the woman can get a judicial separation and she is a long way better off with such a separation because she can get maintenance from her husband. But that is not what hon. members want, they want to give the right to remarry indiscriminately.

Hon. A. G. Jenkins: Why do you not come nearer home?

Hon. J. D. CONNOLLY: The hon. member interjects "why not come nearer home"; let me get nearer home. I have quoted American authorities and I will quote now from a very able and instructive sermon delivered by Bishop Riley in the Anglican Cathedral on Sunday evening last. What does that gentleman say? He says—

> An attempt was now being made to alter the marriage laws and to make it easier to break the marriage contract. Very few, it seemed to him, had lifted up their voices against this change. Why, it was almost impossible to say. There were many who objected to it, but he presumed that the many were, as usual, imagining that it was someone else's duty, forgetting that if there had been a protest more largely voiced something might have been done to prevent what some of them believed to be a great mistake. They had to maintain the law of Christ, and one would have thought that those who followed that law would have made their voices more fully heard. The subject was of interest to all—to the religious man, to the student of man and his life on earth, to the scientist, to the lawmaker, to the philosopher, and to the political economist. Everyone admitted that the question was of the utmost importance, yet it seemed sad, in view of its importance, that it was a subject of flippant writing by anonymous writers, some of whom seemed to imagine that those who believed that holy matrimony was simply a contract of convenience, possessed all the purity, all the decency, and all the intelligence that was to be found. . . . In German socialistic literature they would find that the family was the greatest hindrance to social development. He admitted readily that there were sometimes great hardships attendant on married life. None knew better than the clergy, who were told from time to time the innermost life of the people, the hardships that some had to bear. But could anything else be expected when women were sometimes bought and sold? Could they wonder at it when marriages were "arranged"? The marriage law might be hard on some, but there was no law which did not press hardly on some—the law of competition for instance. But would it not be more cruel and more harsh if the marriage law were less strict? People were careless; they entered into the marriage contract without any care at all, and when there were matrimonial agencies and such-like things could they wonder that the State stepped in and safeguarded the

marriage contract? There were reforms required, certainly, but not in the direction proposed. What was to be done? Well, he thought that young women and young men should be taught the responsibilities and seriousness of marriage. Girls should be taught not to marry drunkards and libertines when they knew the character of these men and when their parents also knew it. When such a marriage took place there was obviously trouble.

We have here a similar opinion to that expressed by Cardinal Gibbons, and which I quoted earlier, and which was written in 1889. These two gentlemen represent different churches and express the same views on that particular point. I have read the protest from Bishop Riley and undoubtedly we would have had a strong protest from Dr. Clune, the Catholic bishop, if he had been in the State. Unfortunately, however, through illness, he was forced to take a sea voyage a little while ago. But we have a very dignified and decided protest from his representative here, the Vicar General, Reverend Father Verling, which was also published in the *West Australian* on Monday last. The Reverend Father Verling speaks as follows—

> The attitude of the Catholic church towards divorce is well known. During the long years of her existence she has been uncompromising in her opposition to divorce. The church holds that by the law of God the bond uniting the husband and wife can be dissolved only by death; no human power can sever the nuptial knot, for "What God hath joined together, let no man put asunder." In the mind of the church marriage is the most irrevocable and indissoluble of contracts. The family is the source of society; the married couple is the source of the family, and hence any weakening of the marriage tie is bound to bring about disastrous results in society. Divorce is an evil that wrecks the home and robs marriage of its sacred character. It was with deep regret that we read of the introduction of the Bill to amend the divorce laws, and we were surprised at the indecent haste with which the measure was rushed through the Legislative Assembly. In the interests of morality, and therefore in the true interests of the State, we protest against this Bill or any other Bill that tends to facilitate divorce.

Here are two dignified and forcible protests against this Bill, from the heads of these two churches, which represent a majority of the Christian people of the State. Together I should say they represent about 60 to 70 per cent. of the Christian population. I have quoted an American opinion on divorce as it stands there to-day, and I have quoted these two reverend gentlemen, and I think this alone is sufficient to prove that the Bill should have further consideration. If we turn to England we find that for some four or five years a Royal Commission has been sitting investigating this question of divorce; they have heard hundreds of witnesses and almost every judge of the courts of England, but the report is not yet out. That is the manner in which they are approaching this question in England. Is not that an additional argument against the House adopting such legislation hastily, as it is proposed to do to-day? At a later stage I will vote against the second reading of the Bill for the reasons I have given. It is a Bill that is not necessary, but at any rate it would only be a decent thing to do to refer it to a select committee, seeing the protest we have had from the leading churchmen of the State, and remembering that the divorce law has not been touched since 1863, and was never enacted by this Parliament at all, and that the people were lulled into the belief that it would not be touched by the State Parliament. This now comes as a thunder clap, and there are many who are in distant parts of the State to-day who cannot have a voice on the subject. The matter which is contained in the volume of the United States statistics, to which I have referred, would at least warrant the matter going before a select committee. I thank Mr. Moss for the opportunity he is going to give us to vote on the question being

submitted to a select committee, if the second reading is agreed to—and I earnestly hope it will not. If the measure does pass the second reading stage I shall vote in the direction of a reference to a select committee.

Hon. A. G. JENKINS (Metropolitan): I am sure we are very grateful for the excellent speeches we have heard this evening from the gentlemen who represent different ideas and different thoughts in this community. But let me first of all take the argument that has been used, that this matter is one for the Federal Parliament to deal with, that it was mentioned in the Constitution, and that it is a matter that should be dealt with solely by that legislature. We have waited 10 or 11 years for the Federal Parliament to move in the matter in the hope that they would do something. The matter was mentioned in the State House many years ago by Mr. Moss, who then said he hoped the matter would be dealt with by the Federal Parliament. No action, however, has been taken, and if the Federal Parliament will not move, as they apparently have declined to do, are we to wait until they make up their minds to effect such a reform?

Hon. Sir E. H. Wittenoom: Have they been asked to move?

Hon. A. G. JENKINS: I understand Senator Dobson introduced a Bill, but it must be apparent to the hon. member to-night that it raised such issues that the Bill never got any further than a controversial debate in the Senate.

Hon. J. D. Connolly: Was there not a promise to bring it in next session?

Hon. A. G. JENKINS: It has never been mentioned in the Governor's Speech from that day to this. Are reforms to wait on the Federal Government? If the Federal Government will not introduce the reforms that members think are needed, and which popular feeling to a certain extent in the other States has accepted and which I am quite sure a vast majority of the people in this State will welcome if action is not taken by the Federal authorities, then I say all honour to the private member who has the courage to do so. I can remember many years ago, when a similar Bill, with some additions which I propose later on to move in Committee, was introduced into the Victorian Parliament by Mr. Shiels—whether he was then a private member or a member of the Government I forget. The same objections were made then that have been made in the House this evening, and the same arguments were used. But despite that the Bill was carried into law, and I think if hon. members, instead of referring to the United States referred to the other States of the Commonwealth where the Victorian measure has since been copied, the statistics would be far more useful to the House. If the Bill broke any new ground the arguments used to-night might be of some effect, but so far as Australia is concerned the Bill breaks no new ground. The Victorian Bill was assented to on the 13th May, 1890, and it gave the rights of divorce to any married person on the following grounds:—Adultery, desertion for three years, habitual drunkenness for three years, habitually leaving a wife without means of support, habitually being guilty of cruelty, imprisonment for three years, imprisonment under commuted sentence for a capital crime, penal servitude for seven years or upwards, or frequent convictions for crime aggregating three years, and leaving a wife without means of support. Then there were the further grounds of having attempted to murder the petitioner or having assaulted the petitioner with intent to do grievous bodily harm, or having assaulted and cruelly beaten the petitioner. Those grounds for divorce have obtained in Victoria ever since. In 1898 that Act was practically embodied into the New Zealand statute, with the addition that an attempt to murder the child of the petitioner or respondent was made a further ground for divorce; so, too, was the having been detained in a lunatic asylum for an aggregate of 10 years in a period of 12 years, while, on the other hand, the period of desertion was extended to five years. In New South Wales the same grounds were adopted, with the exception of the lunacy clause, while the period of

desertion was again fixed at three years. As I say, there we have Acts that have been on the statute-books of two States of the Commonwealth and of the Dominion of New Zealand for many years past. If the House think there is need for an amendment of the divorce law, that the present divorce law is utterly inadequate to meet the requirements of the community, I ask where can we better look for these amendments than in our own sister States? We do not want to look to America, for scarcely a member of the House would vote for some of the ridiculous laws in force in America, but we require to look to our own sister States and see if the amended divorce laws have worked satisfactorily. Is the marriage tie any the less dutifully regarded in Victoria or in New South Wales than it is here; is the sanctity of marriage in any way infringed in those States; are the people of those States becoming less moral; have they degenerated? Because 21 years, though not a long period in a nation's lifetime, gives ample opportunity so far as crime and moral behaviour are concerned, to discover which way the nation is tending. Do we find crime is increasing or the moral feeling of the people in those States degenerating; is there one hon. member who will stand up in his place in the House and say that the people of those States are deteriorating in any way? Rather, are not the people of those two great States of Victoria and New South Wales and of the Dominion of New Zealand progressing faster than those of any other State of the Commonwealth towards being happy, prosperous and contented communities.

Hon. J. D. Connolly: Canada with all her millions had only 116 divorces in one year.

Hon. A. G. JENKINS: In Canada the great majority of the population do not believe in divorce of any sort or description. I hope that in seeking to introduce these amendments into the Bill when it comes into Committee I shall not be accused of endeavouring to belittle in any way the sanctity of the marriage tie. Then we find we have a large section of the community opposed to divorce in any shape or form. With all respect I say that according to that section the woman seems to have no rights under the law at all. The man may sin as he likes, but the woman must not sin at all. We have another very large section of the community saying, "Oh, yes, we will grant divorce for adultery," and another saying, "We will grant divorce for adultery and divorce for desertion, but only for desertion for a long period." Now when doctors differ where is the remedy to be? Which are we going to obey, the church law or the broader law of humanity? No doubt the clergy are brought pretty closely into touch with the various unhappy marriages that do exist and will exist for all time, but I think the profession to which I have the honour of belonging are also brought closely into the very human sufferings that obtain in these ill assorted marriages. There appears yet to be discovered a remedy in the State to improve the condition of things that undoubtedly does exist. So far the churches have suggested no remedy. Apparently they can suggest none. That being so it behoves us to endeavour to improve the state of things. And may I point out that if these amendments do become law they do not make it compulsory on anybody who has strong religious views to take advantage of them.

Hon. J. D. Connolly: They set the example though.

Hon. A. G. JENKINS: Let us expect the moral teaching of the various churches will be strong enough to prevent the adherents of those churches taking advantage of the amendments. But why should the innocent people who are not adherents of those religious bodies suffer because the church law says there shall be no divorce? If the people do not wish to take advantage of the law they are not compelled to do so, but I say if there are people who do desire to take advantage of the law they should be allowed to do so. I would like to refer to the amendments which will be proposed when the Bill is in Committee. I ask any hon. member who has to speak now or in Committee

if he can give me any reason why the innocent person should be compelled to live with the guilty one in such cases? Is a marriage more than one in name where drunkenness, habitual cruelty, or capital crime enters into the home? Does the innocent wife or husband, as the case may be, live such a life as a God-fearing human being ought to do? Are the children likely to grow up better citizens or better men and women because they have this state of things constantly before them? Is it not better that they should, if possible, be allowed to live in cleaner and healthier surroundings? Is it a humane law that compels a man or wife to be tied for life under such circumstances, or is it a just law that allows a man or wife to commit practically any crime in the calendar and yet compels the innocent party to continue to live with the guilty? If this is church law then the sooner the State steps in the better. Personally I am going to vote for the second reading of the Bill. I can see no reason why the Bill should be referred to a select committee. There has been no indecent haste, so far as this House is concerned, in debating the matter. We have had every argument that can possibly be used, at all events against the Bill; we have had every fact that can tell against the Bill, and I have no doubt many facts will yet be brought in favour of the Bill. That being so, I hope the Bill will receive encouragement from the House, and that we will endeavour, if possible, to amend the existing state of things and treat the wife as a human being, and give her the undoubted rights which she should have under the civil law. I am sure a measure that has been tried and not found wanting in several States of the Commonwealth and in the Dominion of New Zealand, if placed on our statutes will do much to remedy the great many causes of unhappiness, cruelty and neglect that exist to-day in this State.

On motion by Hon. F. Davis, debate adjourned.

House adjourned at 9.30 p.m.

Legislative Assembly,

Tuesday, 5th December, 1911.

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Honorary Minister (Hon. W. C. Angwin): Report of the Board of Management of the Perth Public Hospital for the year ended 30th June, 1911.

By the Minister for Mines: Report of the Royal Commission on Miners' Lung Diseases.

QUESTION—SEWERAGE DEPARTMENT, PLUMBERS' LICENSES.

Mr. HARPER asked the Minister for Works: 1, Is it a fact that the board of examiners connected with the Sewerage Department has issued a certificate entitling a certain person to obtain a sanitary plumber's license without passing the usual examination. 2, If so, to whom was it issued, for what reason, and on whose authority?

The MINISTER FOR WORKS replied: 1, No. In some instances candidates have produced certificates from other water and sewerage authorities, which have exempted them from portions of the examination. 2, See above.

QUESTION—BRICKWORKS, STATE CONTROL.

Mr. O'LOGHLEN asked the Premier: 1, Is he aware that the New South Wales Government propose to extend the State brickworks so as to turn out 1,000,000 bricks per week? 2, Is the Premier aware that the price of bricks has been