workers, in order to relieve them of pressure by the rack-renting landlords, will receive the support of every member. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Frank Wilson debate adjourned.

BILLS (2)—RETURNED FROM LEGISLATIVE COUNCIL.

1, Criminal Code Amendment (without amendment).

2, Dwellingup State Hotel (without amendment).

House adjourned at 8.34 p.m.

Legislative Council,

Wednesday, 6th December, 1911.

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

PAPERS PRESENTED.

By the Colonial Secretary: By-laws of the Marble Bar and Brookton roads boards.

QUESTION—REVENUE FROM COMMONWEALTH.

Hon. V. HAMERSLEY asked the Colonial Secretary: In view of the discrepancy in the population between the Commonwealth and State figures as disclosed by the recent Commonwealth census, and the consequent loss of revenue to this State on the per capita basis, what action do the Government propose to take?

The COLONIAL SECRETARY replied: Until the final figures in connection with the recent Commonwealth census were received by the Government from the Commonwealth authorities, it was impossible to ascertain the actual effect upon the finances of the State. The matter, however, has not escaped attention, and a reference to the subject will in all probability be made when the Budget is being delivered.

BILL—POLICE BENEFIT FUND.

Introduced by the Colonial Secretary and read a first time.

MOTION—ROADS BOARD TAXPAYERS, TO RELIEVE.

Hon. C. A. PIESSE (South-East) moved—

That in the opinion of this House it is desirable in order to give relief to taxpayers rated under the Roads Board Act, 1911, that the Government should amend the Carts and Carriage Licenses Act, 1876, so as to provide a free wheel for every 7s. 6d. of roads board taxes paid

He said: In moving the motion I am seeking to meet a want that has been very often expressed by the various roads boards of making it optional to a certain extent as to whether they shall enforce the Cart and Carriage Licenses Act or not. If I could carry out my own wishes I would move that the Cart and Carriage Licenses Act be not enforced, but it is necessary in the interests of various boards in the State that this tax should be collected from the ordinary carriers. I see only one way out of the difficulty in amending the Act in the form my motion seeks to do. To-day the farmer is fairly heavily taxed, it is unfair that he should have to pay for every vehicle that he uses. The money paid for cart and carriage licenses goes for the upkeep of the

roads and the settler has already paid for the upkeep of the roads through the roads board taxes. In New Zealand there is no wheel tax unless it has been imposed during the last two or three years, but when I was in New Zealand people expressed surprise that we had to pay a wheel tax in Western Australia. I am also informed that there is no such tax in Victoria, and I believe in the other States this tax is not enforced, although I am not able to give correct information on that point. This tax is hard on the settler, the larger his property the larger his road taxes are, and the more vehicles he requires, therefore in the end his taxes are really doubled. He does not use the roads as much as the ordinary carrier does, and the carrier, perhaps, does not pay any tax at all, but only has to pay 5s. per wheel for his cart. The carrier is constantly on the roads, which are kept in order by the taxpayer, who happens to be the land holder. The country settler is already heavily taxed and leniency should be shown to him in this respect. This motion will not relieve the land holder altogether, he will still pay 50 per cent. more than the carriers would pay, but he should not be taxed twice. In many roads board districts the roads boards do not wish to enforce this tax, and they only enforce it because the Government call on them to do so. It is the wish of most district boards that this tax should not be enforced, especially as the settlers are already paying a fair share towards the upkeep of the roads. It is hardly fair to construct roads at the expense of the bona fide settler and let others go free. The farmers use the roads very seldom, they may use the roads for their drays once a month, or even less, and the farmer has to carry the burden of the whole of the construction, while the carter who is cutting up the road gets off with a 5s. tax for each wheel. This principle will apply with equal force in municipalities. There is no reason why the man in the city who is already paying a tax for his property should not be relieved in the same way as I suggest that the settler in the country could be relieved. I do not know that I need labour the question. The tax is an objectionable one, and I know it is the desire of people in the country that it should be removed as far as I suggest and without liberating the ordinary carrier who should not be allowed to escape. The proposition means that in the event of my motion being carried, every man who pays 7s. 6d. in taxes will be relieved of the tax on one wheel. If a man is paying 15s. in taxes then his two-wheeled vehicle will be free. The taxpayer would produce his tax receipt to the person issuing the cart licenses and if he has more vehicles than the tax covers he will pay the ordnary 5s. as well.

Hon. V. Hamersley: Do you mean to apply to the two-wheeled or the four-wheeled vehicle?

Hon. C. A. PIESSE: A man would be allowed a free wheel for every 7s. 6d. he pays in taxes. As I have said, this tax is not in force in New Zealand and I understand it is not in force in Victoria and it should not be in force here, especially to those who have to pay for the upkeep of the roads. I commend the motion to the House.

Hon. E. McLARTY (South-West): I support the motion. I know from experience how the roads board taxes are pressing on the country settlers in my district, and I think it is the same in most of the other districts, if not in all. The valuations have gone up in many instances out of all proportion to the values of the properties, and the rates have also increased. I now pay the respectable sum of £70 a year in roads board taxes, and I have labourers who pay 25s. for their vehicles and a rate of 7s. 6d., but use the roads a good deal more than I do. I think the matter wants some readjustment. As Mr. Piesse has stated, it is not the people who have the largest farms who use the roads most. I use the public roads very little and I think it hard, after paying the roads board tax, that every vehicle I have on the place should be taxed as well. It is out of all proportion. On all hands we see the desire of a good many roads board, and also the Government, that people cannot be rated high enough. We are saddled with no less than three taxes on our land,

and I am satisfied the people are beginning to find it quite unbearable. Recently the valuations have been increased and are such that it is very difficult indeed to pay the rates. I realise that in many cases, if the owners wished to sell or lease, they would realise not 50 per cent. of the valuations placed on their properties. I have been a member of the roads board in my district for many years and I do not complain about the rates—they are reasonable enough—but the valuations are excessive; and all over the State people are bitterly complaining. There is no end of appeals during the present year. A great many people have protested against their rates and are looking for some relief. Mr. Piesse's suggestion is a reasonable one, that if a man is paying high rate he should be exempted from the wheel tax. I think a man who is paying rates sufficient to exempt him from the tax on five or six vehicles, four and two wheeled, is doing his duty to his district and paying quite as much as he can be expected to pay.

Hon. V. HAMERSLEY (East): In supporting the motion I would like to hear from the Colonial Secretary before the debate closes what attitude has been adopted by the various roads board conferences in regard to this question. I feel sure it is a matter they must have dealt with from time to time, and that there must be some recommendation in the hands of the Government in respect to it. It is essentially one that should come forward for discussion on a general discussion of the Road Bill, which we were under the impression would be discussed this session. Of course there are very strong arguments on both sides. At the same time I support the motion, because I realise that in may instances the roads board rates are very high, and it seems like adding the last straw to the burden one has to carry when there are aplications from the roads boards to pay these amounts on various vehicles. If the motion were only to remove us from one form of taxation I should support it, because, as remarked by Mr. McLarty, we have already so many different forms of land taxation, and as the land is very little use to us without vehicles, it is only adding one more tax on the land by taxing the vehicles that are necessary for the utilisation of the land we own. I know many of the new settlers are already feeling the pinch of the roads board taxes, which reach them in the very outskirts of civilisation, though, so far as benefits from the expenditure of the boards are concerned, they are practically out of their reach, as most of the money is spent nearer the centres of civilisation; so that a lot of these poor fellows find they have their taxes to pay, and they find they have a further tax on the vehicles they own. It would be better almost if they had only one form of tax to pay, and we could even let it be higher to cover any loss the boards may make from losing the wheel tax. It is not always the amount of the tax that counts, it is the irritation of so many forms of taxation which go to swell the long list of troubles that the settlers have to carry at present. A lot of the taxation that is put on to them comes to them in different forms and it makes their lives rather a misery to them. I have much pleasure in supporting the motion.

On motion by the Colonial Secretary, debate adjourned.

BILL—VETERINARY.

Report, after recommittal, adopted.

BILL—LOCAL COURTS ACT AMENDMENT.

Report of Committee adopted.

BILL—DIVORCE AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. F. DAVIS (Metropolitan-Suburban): During the debate on this Bill previous speakers have on several occasions stated that the Bill is a very important one. Scarcely anyone would take exception to that statement, because all Bills that come before the House are important, only perhaps some are more

so. I was particularly interested last evening in listening to a remark made by one speaker that the Labour party, or, as the speaker termed it, the socialistic political party, were endeavouring to weaken the marriage tie. Such is not the case. It is impossible for the hon. member, or anybody else, to find in the platform of the party with which I am associated, or in any minute of any congress held, any reference to marriage or any matter having application to divorce in any shape or form. Therefore, I claim the remark is utterly unjustifiable, and incorrect, and has nothing whatever to support it. It would be just as reasonable to say that, because some member of another party, say the Liberal party, believed in the multiple standard of values, the Liberal party were committed to paper currency or some other such theory. It certainly cannot be said that because one member of a party speaks on a certain subject, the whole of the party are committed to that theory as a party. So I take it the statement made that the Labour party were endeavouring to weaken the marriage tie is altogether incorrect and unjustifiable. It appears to me we are quite justified in dealing with this question of divorce. It reminds me that some 18 months ago, when Mr. Gawler and I were candidates for the Metropolitan-Suburban Province representation, a leading article appeared in the daily Press stating that Mr. Gawler was going outside his jurisdiction in dealing with divorce at all, because it was purely a Federal matter. Yet the very fact of the Bill being before the House now shows that statement made in the daily Press was not correct. We have the power as a State, and to my mind we are wisely using that power, to deal with this particular subject. One thing that appeals to me is that it is only right and fair that beliefs should not supersede reason and common sense in dealing with a question of this kind. Every man is entitled to have his own particular faith or belief, but that certainly does not justify us, when dealing with the affairs of the whole State, in allowing that particular belief or faith to dominate all our actions or considerations. To my mind this question should be approached altogether apart from belief or faith, and dealt with purely on lines of common sense and having regard to what is in the interests of the State, deciding the best method to adopt in dealing with this particular subject. There are few, I venture to say, who would dispute the fact that marriage is essentially a legal contract. The religious ceremonial associated with it is purely outside it and in addition to it. The real essence of the marriage contract is that it is a legal contract binding on both parties; and, as in other forms of civil contract when the contract is broken the law gives redress, I fail to see why, in this particular instance, there should not be also redress when the particular contract is broken by one or both parties to it. It is the greater reason to my mind why there should be some facilities given for divorce. It is contended by some that because an ill-assorted couple have been married that whatever the after effects of that marriage may be, whatever kind of life they may live together, whether happy or unhappy, they should continue to live in that condition to the end of their lives. I think it will appeal to most men who give it careful consideration that to ask a man or woman who from being affectionate have come to be hostile to continually live in that state with each other is to ask them to live in a state of mental torture which no one but themselves can fully understand and appreciate. We contend that some of the Eastern nations are cruel in the form of torture they devise for various purposes, but to my mind no more exquisite form of torture could be conceived than to compel a man and woman hostile to each other to live together in that state as long as life lasts. To my mind it is opposed to common sense and reason. Every man and every institution have a right to the expression of their opinions. We have on the Table a petition containing 3,600 odd signatures. To my mind that does not represent the will of the people in this regard. It is less than a

42nd part of the total number of those eligible to vote at an Assembly election, and I fail to see how the House can give undue preference to a section which is less than a 42nd part of the power that could voice an opinion on this question. We ought to have means by which we could ascertain quickly the will of the people on any point which has not been dealt with by any speaker at the recent general election.

Hon. J. D. Connolly: Was it mentioned at all?

Hon. F. DAVIS: I do not think so. It is one of those questions which were allowed to remain untouched. How is it possible for us, then, to say that any section of the community, or the community as a whole, desire any particular phase of it to be carried into law; that could only be ascertained by a referendum of the people, and it serves to show the necessity for bringing that engine into use. It is not my intention to speak at any length on the point, because I hold that it is just as reprehensible to waste words as it is to waste anything else, but it appears to me that there are two opposing parties, each of whom is just as conscientious as the other. The Church considers divorce in any shape or form to be an evil. There are large numbers who go to church who hold that it is not an evil, but rather an advantage; but the number of people who are not churchgoers far outnumber those who do go to church, and it is safe to say that the bulk of those who do not go would be in favour of some amendment of the Act in the direction of making it possible for those who unfortunately cannot live amicably together to separate and perhaps live better lives apart. For that reason we should choose the lesser of two evils. The Church contends that divorce is an evil; others far outnumbering the Church think that it is not an evil. It appears to me to be my clear duty to give support to the Bill, while if any amendments of a reasonable character are moved in Committee I shall support them also. It has been claimed by some that the effects of divorce in America ought to deter this State from giving any facility in the direction directed. That, perhaps, would be a valid argument if the House, or any member of the House, proposed to place the law here on all-fours with that obtaining in America. Such, however, is not the case. No member of the House wishes to liberalise the law to anything like the extent which it has reached in America. Until such attempt is made the contention that America is a shocking example cannot be accepted as a reasonable objection. I hold that the Bill is reasonable, and in the interests of the general community, and therefore I shall support it.

Hon. C. SOMMERS (Metropolitan): When the second reading was introduced I had the honour of presenting a petition, on behalf of the Protestant Church, opposing the Bill. This petition was signed by some 3,500 persons, and I was informed that had more time been given for its preparation the petition would have been signed by an even greater number. I am only too pleased at any time to present a petition on so important a subject, but I would like to point out that the mere presentation of a petition does not bind me to support it. I am thoroughly in accord with the Bill, and it will have my hearty support. I consider the Bill is the most important measure brought down to the House for many years. I can appreciate the great responsibility imposed on us here, and I am glad the Bill is not being forced in any way, that the fullest discussion is being allowed. I hope the measure will go into Committee, and that the various amendments proposed will then be carefully considered. In speaking last night at great length Mr. Connolly showed us what was happening in the United States. But I do not think that his comparisons were justified, because in the United States the causes of divorce are so trivial.

Hon. J. D. Connolly: In some of the States in America the laws are stricter than they are here.

Hon. C. SOMMERS: The hon. member was speaking of certain States of America where the causes of divorce are trivial. I hope we will never have a Bill embodying such trivial causes as obtain

there. If we do, the same disastrous results may be looked for here. Mr. Connolly referred to the small number of divorces in Canada as compared with the United States ; but that was not a fair comparison either, because in Canada the majority of the people belong to a church which does not recognise divorce.

Hon. J. D. Connolly: That is not so. That applies only to the province of Quebec.

Hon. C. SOMMERS: There are no civil marriages in Canada; all are religious marriages there.

Hon. Sir J. W. Hackett: Only in Quebec.

Hon. C. SOMMERS: I am only mentioning these things to show that the comparison was not altogether fair.

Hon. J. D. Connolly: In South Carolina the law is the same as the Canadian law.

Hon. C. SOMMERS: Take the law as we know it in the Eastern States. I remember very well when the Shiels' Act was brought in, in about 1890. Discussion was provoked by the introduction of the Bill, and, outside the Church, no prominent public man, so far as I can remember, opposed the Bill ; and I venture to say that, outside the churches, there is not a prominent man in the Eastern States now who does not approve of the existing divorce laws in New Zealand, Victoria and New South Wales. Then again, when the Divorce Bill was before the New South Wales Parliament, if memory serves me aright, prominent judges there were all in favour of the Bill, which is the law as it stands to-day. So practically the only opposition comes from the churches themselves. I believe this is a matter which should be taken up by the Federal Parliament, but as that Legislalature has been in existence for 10 or 11 years and made no move in this direction I think it is time something was done by the State Legislature, and in my opinion the introducer of the Bill ought to be thanked for what he has done. I have here an extract from the *Law Times* of August 13th, 1910, which I may be permitted to read, as follows :—

Mr. J. Arthur Barratt, London, convenor of the committee on divorce jurisdiction, read the report of the committee upon the replies to ten questions furnished by distinguished jurists of the following countries : Belgium, Canada, Denmark, Egypt, England, France, Germany, Holland, Hungary, New Zealand, Norway, Poland, and the United States of America. The committee's questions were prepared with the object of directing attention to the diverse causes of divorce and separation, and the methods and rules governing courts in the exercise of divorce jurisdiction in the chief countries of the civilised world. Unfortunately, it did not seem practicable, the committee thought, for several of the great nations to become signatories to the Hague Convention, which dealt with conflicts of the laws of divorce and separation. This was due, of course, to the fact that they had evolved, after many years, a system under which jurisdiction for divorce must be founded upon domicil and not upon nationality. Until, therefore, the nations could all agree on some common ground it was of the utmost importance to collect in a permanent form authorative statements of the existing law in the chief centres of the world, and especially those of England, the United States and Continental Europe. By this means at least many pitfalls could be avoided by those who, either voluntarily or involuntarily, were to be affected by the judgments of foreign courts on this difficult and important subject. There were several marked characteristics of similarity in the various judicial systems. In most of the countries from which replies had been received there was no distinction between the husband and wife as to the grounds for divorce ; the law of England, Belgium, and the Mohammedan law of Egypt being conspicuous exceptions to this rule. Again, in most cases the decree entered was the final judgment, not a decree nisi, though time was allowed for appeal. In France the husband might remarry immediately after the entry of the

judgment, but the wife might not remarry until after the expiration of 300 days after the complete separation from her husband.

Further on the report reads—

In most Continental countries mutual consent is a cause for divorce under certain restrictions. The following also are causes: Habitual drunkenness or being an habitual criminal in Norway; condemnation to penal servitude in France, Belgium, Norway, Hungary, and Denmark; desertion in Denmark, Holland, and Germany; insanity in Germany and Norway; grievous injuries or serious violation of matrimonial duty in Belgium, Germany, and Norway.

I see that the amendments proposed do not go as far as all these, but they incorporate some of the main principles. I think it is the duty of the Federal authorities to deal with this matter, but until they do we will be doing right in bringing this measure of reform to the divorce laws of the State. I am advised that in England at the present time a controversy is going on in the newspapers. People there are clamouring for a reform of the divorce laws. It shows that even there public opinion is awakening to the necessity for reform in this respect. It is a very important question, this one of divorce, and I am glad that this House at any rate is not in any way forcing the question. All I can say in conclusion is that I hope the time will come when a universal material law will regulate all the legal relations of the wedded state, and the family will be a unit of humanity grounded everywhere on the same legal right.

Hon. C. A. PIESSE (South-East): I take it that it is not the duty of all members to speak on this Bill because there is no doubt that many make up their minds to vote in accordance with the views given by other speakers which they think most favourable. The debate has been a very interesting one indeed and fully instructive, and our thanks are due to those speakers who have given their best and deepest thought to the preparation of speeches so that their views on this important question might be clearly placed before members. The best intelligence of every member has to be brought to bear on this matter, even if it is only disclosed by his action in voting. This question of adultery is not altogether confined to the Christian religion. I had the pleasure of seeing on a visit to Kandy something of the view held in regard to this question by the great Buddhist religion as expressed by the ten commandments given to these people 400 years before the birth of Christ. There I saw one especially dealing with adultery, a huge stone comandment on which was hewn a tree illustrating, I suppose, the tree of life. Every leaf of the tree was a dagger, and underneath was the inscription "Thou shalt not commit adultery." The punishment shown for those who did commit this offence was that they had no chance of reaching the top of this tree. Bodies were shown impaled on the branches but not one had reached the top. That commandment goes to show that even in that religion they are anxious that their people should live moral lives and that the great sin of adultery should not be committed. Turning now to the divine instruction received from our Saviour, I have always looked upon the comandment as one applying especially to the indivdual who contemplates the wrecking of home life and, as was pointed out by other speakers, the divorce law only comes in after the offence of adultery has been committed. The penalties are his or hers as the case may be, but the warning is theirs. This action of putting apart man and wife is an individual action and has to be committed by some man or woman indifferent to the responsibility of his or her married life; and the fact of the trouble not arising until a third party has been responsible makes me look on the law as one meant to apply to the individual pure and simple. It cannot to my mind, be meant to prevent a responsible body of men such as this Chamber framing laws to provide relief for the innocent and distressed party. I cannot bring myself to believe, particularly when one remembers the numerous acts of forgiveness by our Saviour on earth, that he ever intended when he issued that instruction that the innocent party should be compelled to

undergo a punishment for the rest of his or her life, that is nothing short of a daily crucifixion of all worldly hopes and aims. We have the instance in the Bible of where the Saviour forgave even the woman who had committed this crime, or next door to it, and told her to "go and sin no more." I cannot believe for one moment that it was intended to punish the innocent in the manner in which the Church of to-day seeks to do. Therefore, it is our duty to see that legislation is brought into force to give these sufferers some relief. On the grounds of relief to the innocent and a possible return to the happier paths of life I intend to vote for the Bill, and I hope that in Committee the time for desertion will be extended to seven years and at any rate not less than five years. If this is done we will be meeting the wishes of all reasonable men and women. I believe we could go a step further and make the act of adultery criminal. *I do not see why a man or woman* should be allowed to break up the marriage life of two persons and then have to face only the consequences of a civil court. These people should not be allowed to escape through the civil court, and I believe that if they were made amenable to the criminal law these offences would be less frequent. As has been said by other members there is nothing strikes more deeply into home life and through that into the life of the nation than acts of adultery. I am not going to labour the question, for I am not a good speaker but I do want to express my opinions on this matter. Let me say before concluding that I would prefer that the Federal Government should take up this matter and have a uniform law for all the States. I thank hon. members who have spoken, both for and against, for the assistance given by their remarks, and I have pleasure in supporting the second reading.

Hon. R. LAURIE (West): There has been so much said in favour of this measure and so very little against it that little is left to be said by the late speakers who are in favour of the Bill. Personally I intend to vote for the measure. I think it is fair, as pointed out by other members, that the position of the sexes should be equalised in the matter of adultery, and also, I think, in the matter of desertion; in fact, I will go the length of saying that I will support some of the amendments Mr. Jenkins has tabled. I particularly refer to habitual drunkenness; however, I am not going to touch on that to-night, because there will be an opportunity of dealing with those details in Committee, but I will give him my support in that amendment at any rate. The only strong opposition to the measure so far has come from Mr. Connolly, who in pursuance of that opposition, has simply quoted what has been done in America. In quoting from America he absolutely gave away his own case. We have here before us a measure which proposes four different causes of divorce, and Mr Connolly told us that he was alarmed that we should propose to follow in the lines of America; but in almost the same breath he told us that there were twenty-two different causes for which divorce could be obtained in America.

Hon. J. D. Connolly: I said in some of the States.

Hon. R. LAURIE: I admit that the honourable member said that, and I think he particularly referred to the State of South Carolina, but if members will turn up the population statistics for South Carolina they will find that the black and white populations are as seven or eight to one; and they will find also that in the southern States that church feeling which has been so freely spoken of predominates there to a large extent to-day. We all know what class of men went to America in the early days.

Hon. J. D. Connolly: What about Maryland and Massachusetts?

Hon. R. LAURIE: I will give the hon. member in Maryland if he likes.

Hon. W. Kingsmill: Well, what about Maryland?

Hon. R. LAURIE: Yes, as Mr. Kingsmill says, what about Maryland? But I say, notwithstanding Maryland, the instances which the hon. member quoted to us were all the alarming cases in America.

Hon. J. D. Connolly: No, a general statement; I excluded Maryland and Massachusetts.

Hon. R. LAURIE: Well I give the hon. member all that in, too, but I want to point out that no attempt has been made by that gentleman to rebut the statement that in Scotland a law similar to what is proposed here to-day has been in practise for 400 years; and will he tell us that the marriage tie is looked upon more lightly in Scotland than in Western Australia?

Hon. A. G. Jenkins: Massachusetts is well up in the averages of America.

Hon. R. LAURIE: We will drop Massachusetts for the time being. My point is that nothing has been said in rebuttal of the statement made by Mr. Moss when he introduced the measure. It has been said that this is a matter which might have been left to the Commonwealth, but the cry for this reform comes from this State. Mr. Connolly was for many years Colonial Secretary, and he knows that the Commonwealth has failed in many respects in its duties to the States. The Constitution gives the Commonwealth the right to take over navigation and the management of lighthouses, but these have never been taken over, and up to the time of his leaving office he was building lighthouses all over the States and fulfilling the obligations cast on the Commonwealth by the Constitution.

Hon. J. D. Connolly: Do you object to that?

Hon. R. LAURIE: No, I do not object to that.

Hon. J. D. Connolly: Well, that is a ridiculous argument.

Hon. R. LAURIE: It would be ridiculous to show my hon. friend up; but my argument is that the Commonwealth not having carried out its obligations, my friend the late Colonial Secretary stepped in and carried them out in behalf of the State.

Hon. J. D. Connolly: I carried them out so that we would be certain of the lighthouses and we were not certain that they would be built after the Commonwealth took the matter over.

Hon. R. LAURIE: Quite so. And in regard to this Bill, an hon. member in another place has seen fit to step in where the Commonwealth has not done so. And why has the Commonwealth not stepped in? We have had in the Federal Parliament, Government after Government held in office by parties, and to bring in a measure such as this would probably entail some political trouble; consequently, the matter has been dodged and it has been found necessary for a private member of the State Parliament to bring in this measure, and I say that every credit is due to him for having the courage of his convictions. Mr. Moss has been trying for years to amend the divorce laws, because he finds it necessary to give relief to some people in the State. It has been said by one hon. gentleman that marriage should be for a higher purpose than for merely satisfying the passions. I can only say that if it is found that any marriage has been entered upon only for the satisfying of the passions of either party, the sooner such a tie is dissolved the better. If by their action men show that they are treating their wives in the manner that some men do, and that the woman has suffered in consequence, then the sooner that tie is broken the better. I have very little further to say except that I intend to support the second reading of the Bill, and I am satisfied that the Chamber in debating the measure in the manner it has done, has only done its duty. As Mr. Sommers has said, it has been treated in a deliberative manner by a deliberative Assembly. There are no parties here, and so far as I am concerned the measure will have my support, and I trust it will have the support of all members.

Hon. E. M. CLARKE (South-West): I quite realise that this is a very vexed question which has been dealt with in the old country over and over again from various standpoints, and there are very few, if any, solutions of the difficulty which present themselves in such cases. It is true that this is a very small Bill, but it is an important Bill, important, I say, in the eyes of a considerable section of the community. There is, however, this feature about the Bill that it is comprehensive, as it is far-reaching, and there

is also this about it, that no one need take advantage of it unless they desire to do so. I regret very much that Clause 2 has not been divided. There are two principles involved there; that is apparent to anyone. I would give the same power to a woman that I would to a man, and I would go still further, I would give her greater power for the simple reason that when we come to analyse things, we find that the wife is more often sinned against than is the man. That is to say, it is generally the women who are the sufferers. The woman is placed in an unenviable position, and before she can get any relief, even after seven years, she has to put the law in force, and everyone knows this is an expensive procedure. In the meantime it is quite possible for the man, who has deserted the woman, to have, so to speak, another object in view, that is to say, another person with whom, perhaps, he has been a bit intimate, and directly the wife has procured the divorce from him he takes advantage of it and quietly marries that other woman. That being so, I say that the woman should have a greater advantage, if possible, than the man. That portion of the Bill then will get my undivided support. I think it is a splendid thing. When we come to deal with these cases I say emphatically we must, for the moment, divest them of all sentiment. I look upon marriage in the light of a civil contract. Two parties, we will say, go to a church and they are married, and they make most solemn vows. How often, however, are those vows strictly kept? There would be nothing of this sort if those vows were kept; therefore, I say, we have to face the question that these vows are not kept and that desertion takes place by the unfaithful conduct of one or the other. The result is that one must suffer. That being so we want to know what relief can be given. I say with all respect to the churches, that there has not been one single suggestion of remedy made by them whereby a person, the wife we will say, who has suffered, can get redress except by a separation, which might be to the advantage of the man, and which might be the thing which he has been waiting and looking for. Again, a woman marries some loose sort of a fellow who can just manage to keep himself, and who, after a little time, leaves his wife. Then she may find that she is getting along better than she did with him, and as soon as the man discovers that his wife has made an accumulation of some little thing he returns to the home and takes absolute possession of what his wife has.

Hon. Sir J. W. Hackett: You have a bad opinion of men.

Hon. E. M. CLARKE: I have in my mind some cases, and I am quite sure if the hon. gentleman, when speaking last night had spoken of what he knew to be facts I should not have had to express such sentiments. I do not mind interjections like this, but I always claim that I like to deal with things from a practical standpoint, and I feel perfectly sure that I am not drawing an imaginary picture when I draw the character of these men. We are not talking of the good and faithful men, we are talking of the wasters, and there is that distinction to be made. It does not follow that all men are alike, but I am dealing with the man who takes advantage of the woman whenever opportunity is given him, the man who will return to his home and help himself to that which his wife has. These cases are known to the ministers of the various denominations; they are known in our police courts; they are known to the legal fraternity, and to the police magistrates, and it wants very few words to prove what I say. We want, as I have said, to look at this thing from a practical standpoint, and I repeat it is a civil contract. We have to ask ourselves the question, why we do not wish to offer facilities for divorce? There is no penalty for a divorce; there is only the disgrace, if disgrace there is, and we want to find out if there is anything that can be done. I feel sure that up to the present time there has not been one suggestion in the shape of a remedy. We want to deal with those cases that appear before the police magistrates, and we want to relieve either the man or the woman, as has been remarked over and over again, simply because either one or the other is tied to an unworthy person. It has been argued that if there were no chances of getting a divorce peo-

ple would consider before they married, and that there would be no hasty marriages. I say emphatically that I do not agree with that, because what do we find in real practice? We find that when some young lady gets enamoured of a person, to the person of her choice, he may be the most worthless creature in the world, and the more you abuse him the more she will stick to him. Will you tell me that it is possible for two lovers, once in a hundred times, to look into the thing properly and ask themselves what will their married life be in the future? They never ask themselves that question; they look upon each other as angels. I want to be serious. I do not want anyone to consider that I am dealing with it in a frivolous manner. You have only to say to a girl that the man is no good and she will have him if it is possible. It is almost impossible to make people honest by Act of Parliament, and it is equally impossible to make some people moral by Act of Parliament, and the question that I submit to myself is this: Is it not better to allow divorce to take place, say, in three or four years' time and wipe away everything than to create a tendency to a life of immorality. I have come to the conclusion that it is better in cases like that to do violence to the feelings of some members of the community rather than to do anything which would injure the community in any way. I have made myself quite clear on this point. It is better to allow separation than to allow people to go on living in an immoral state. That being so I have made up my mind that I shall vote for this Bill. The first part of it I fully endorse, and the other part I shall support if the period can be extended. It will have my hearty support, and I sincerely hope that it will be amended and passed into law this session.

Hon. T. F. O. BRIMAGE (North-East): I do not want to give a silent vote on this matter, therefore I rise to support the Bill, and also the amendments which have been proposed by Mr. Jenkins. The time has come when a measure of this kind is very necessary. One has only to read the papers daily to see how much is suffered by many people through being tied together by a marriage which is unpleasant to both. I am not quite in accord with the ideas of Mr. Connolly when he stated that we should be guided by the statistics of the United States. I do not think we should be guided by those statistics, and I feel sure those at the head of the various churches can look after their parishioners in such a manner as to show them how to live without the necessity of having to seek recourse to divorce. If we went into the figures of the population of Western Australia we would find that a great many people do not believe in churches at all, and unless marriage is a compact for the irreligious as well as the religious ones, it is the duty of the State to provide some means whereby these people can get a divorce. My idea of the measure is that it will make the nation more moral than formerly. As has been said, the present laws are so difficult that people cannot get separation and they cannot get divorce, and Mr. Clarke has touched one of the crucial points for making the country more moral by passing the Bill when he states that after parties separated from one another, sometimes by consent, they frequently lived with other persons, and it is a well known fact that children have been the result of their living together. It is our duty to try and protect the would-be illegitimate children. It is our duty, if we can, to make divorce easy so that two people can get divorced and they can marry and have legitimate children. It has been suggested by Mr. Connolly that the Bill should go to a select committee. I scarcely see the necessity for that. This has been a matter which has been discussed on and off in the newspapers and by the public for a considerable time, and the country has quite made up its mind that a change in the divorce laws of the State is necessary. If it comes to a vote I certainly shall vote against the Bill going to a select committee.

The PRESIDENT: The question is the second reading of the Bill.

Hon. T. F. O. BRIMAGE: It was suggested in a second reading speech that the Bill should go to a select committee, and I was hinting in my remarks that if

the motion is put in that way I shall vote against it. I notice in Clause 5 of the Bill provision is made for a judge, in the case of frivolous desertion or if he can detect untruthful statements by the parties, to disallow the divorce. With a provision such as that the Bill is quite safe in the hands of a judge of the Supreme Court; therefore, I intend to support the second reading. I think also that three years is quite long enough, as stated in the Act, for desertion. As mentioned by Sir Edward Wittenoom, when the goldfields first broke out in this country numbers of men deserted their wives in the other States and ran over to Western Australia, and it is a fitting punishment for those men for the women to divorce them. If they divorced them and in this way got rid of wasters who would desert them, then they have done the right thing.

Hon. J. E. DODD (Honorary Minister): I desire to say very little indeed on this Bill. I simply rose to indicate in which way I was voting, and also to repudiate the remark made by an hon. member that in the party which I with others represent we are seeking to weaken the marriage tie. I regret that any member of this Chamber should make a remark like that. It has been made times out of number, and there is no justification for such a remark. It has already been pointed out by Mr. Davis that nowhere in any official records of the party can such a statement be borne out, and I am sorry any member in this Chamber should make such a statement. I want to say this: that as far as placing the sexes on an equality is concerned, I think we are amply justified in passing the Bill. It seems to me this is one of those measures upon which it is wise to go slowly, and the three years' desertion clause, to my mind, is altogether too limited. I would prefer to see it made five years. There is just one point that several members mentioned; that is, there are other parties concerned in connection with divorce besides the man and the wife; there are the children. We have to consider, for it is an awful state of affairs, that in the future we may see quite a large number of children who have their fathers living with other women who are not their mothers, and *vice versa*. I think we are getting a little bit too far on the sentimental side as far as the woman is concerned. As to the speech of Mr. Clarke, it seems to me he tries to throw the blame, as it were, on the man alone. I have known cases, and many cases, where just as much hardship has been placed on the man by the desertion of the woman as by the man deserting the woman. I desire to indicate which way I intend to vote. I shall vote for the Bill, reserving to myself the right to amend, perhaps, certain clauses in Committee, and also try to do something in reference to Mr. Jenkins's proposed amendments.

The COLONIAL SECRETARY (Hon. J. M. Drew): Mr. Dodd stated that he did not intend to say much; I intend to say less. I desire to state that I do not agree with the Bill in toto, in fact with a large portion of it I strongly disapprove —I am speaking in my private capacity—and further it seems to me that this Bill has not received proper consideration. It has never been before the country and another place is fresh from a general election, and the question of divorce, or the amending of our divorce laws was never submitted to the electors at that general election, or at any previous election, to my knowledge; yet this Bill comes forward and is treated as an urgent matter. Further time should be given for the consideration of the Bill, especially in view of the protest from the particular religious bodies in the State.

Hon. R. D. McKENZIE (North-East): I have listened with a great deal of interest indeed as the debate has proceeded on this measure, and I do not intend to take up the time of the House to any extent, but I think it is only right that each and every member in the Chamber should give some indication of the way he intends to vote on the second reading of the measure and to indicate the particular views he holds on this important question. I intend to support the second reading, and I may say at the outset I have fairly strong views in connection with the matter of divorce. I had the

good fortune to be brought up by Scotch parents, who were strict Presbyterians, and who lived a great number of years of their lives in Scotland, and who were imbued with the laws of their native land, and it has been astonishing to me that during the course of this debate the divorce laws as they are in Scotland at the present time have not been used more in argument in favour of the present amending Bill. It has been said this afternoon that for 400 years in Scotland there has been equality of the sexes on the question of divorce, the woman there has equal rights with the man, not only for the crime or offence of adultery, but also equal rights with the man in connection with desertion. I do not know when this Bill gets into Committee, if it does do so, whether I shall be able to support the amendments mentioned that will be brought forward by another hon. member, but I think they should receive every consideration when the measure is in Committee. There is one thing I should like to say something about, that is the manner in which this measure has been introduced into the State Legislature. In the first place it was brought in by a private member in another House, and one might almost say bludgeoned through that Chamber, for there was little discussion on it, and surely this is a question, of all other questions, that should receive the fullest consideration before we amend the law. I think with other members of this Chamber, that this question is essentially one for the Federal Legislature. It is surely desirable that we should have uniform laws in the Commonwealth of Australia on this very important question. There is no doubt that marriage is the foundation of our social system, therefore it is very important indeed, before we amend the laws in connection with marriage and divorce, that there should be the fullest opportunity for all sections of the community to express their opinion, and that can only be done by giving the matter the utmost publicity, in the Press and in public. Failing the Federal Ministry bringing in a measure for the whole of Australia, I should like to have seen the measure brought in by the State Parliament, not by a private member, although certainly the Bill has received the support of the State Government to the extent that they rushed it through another Chamber, and left it to this Chamber to see that the matter was properly debated and discussed. I have said that I did not intend to speak at any length on the matter. I have risen to say that I intend to support the second reading of the Bill. I look on it as one of the most important measures that has come before the Chamber while I have been connected with it, and for that reason alone I think it should receive every consideration. I give my support to the second reading.

Hon. V. HAMERSLEY (East): I rise, not to detain the House at any length, but to intimate the direction in which my vote will go in the event of the second reading going to a division. I have listened to the debate, and I have heard nothing, I think, which is likely to alter the opinion I have held for a long time, that we would be moving on the right lines to act in the direction which the Bill provides. I feel sincerely that there are many cases in which it would have been wise had divorce been obtainable under easier conditions than we have had for many generations. I think it has been mentioned also that we are bringing the law, by the alterations proposed by the Bill, more into line with the law which has been in vogue in Scotland for years. I understand that marriage is also easier in that country. I do not know that the world has suffered anything by that. I daresay we can get very wise counsel from Scotland. We know at all times that Scotchmen have been good settlers in any part of the world to which they have gone, and it is very probable their marriage laws have had a great deal to do with that. If we can follow on their lines and be as successful I feel we shall be on pretty good lines indeed. I certainly agree with the relief the first portion of the measure gives, putting both parties on an equal footing in regard to adultery. As for desertion, I feel with a good many hon. members that the time should be extended a

little. I would prefer to see the time extended to five years. As has been remarked by several hon. members, we certainly have to give consideration to others than the immediate parties to the marriage contract. The feelings of the family have to be considered. In their tender years the children may not feel the results of some hasty decision of their parents, but in later years as the children grow older it might act as a deterrent to the parents when they consider the effect of their actions on their children, it might deter them from a hasty decision for an eternal separation. I certainly realise that there are many hard cases indeed where men have perhaps injudiciously taken upon themselves this marriage contract and have within two or three years left the State and left perhaps a wife and children without any means of support. It is a disgraceful state of affairs, as Mr. Clarke has said, that in instances we know of these women have been able to rear their children and build up successful businessess only to find the men returning and simply helping themselves to all the hard-earned savings of the women. I think the Bill will certainly give relief in a fair number of instances of that nature. I shall not detain the House any further. I shall support the measure.

Hon. T. H. WILDING (East): This is the most important measure that has been before the Chamber for some time past. I had hoped when the Bill was introduced there would have been some provision in it to try to prevent, instead of encouraging, adultery. Although I am quite in favour of the clause putting women and men on the same level as regards divorce for adultery, I still think something should be done to try to prevent adultery. Nothing in the Bill will do that. I look at it in this light that we have laws to try to prevent crimes of different kinds, and there is no greater crime than this. If one went into a man's stable and took his horse he would be arrested and punished, but this Bill gives the opportunity to a man to go into a home, wean a wife away from her husband, bring dishonour to the home and, after doing that, go away and repeat it. I think this deserves punishment; and, before the Bill is completed, I would like to see a clause in it whereby the man should be punished; and the term should be not less than three years for the man and one year for the woman. Perhaps Mr Gawler will move in this direction; if he does not I shall. As for the three years desertion clause. I do not think it is sufficiently long. I am opposed to the Bill as it stands and shall vote against it should there be any division on the second reading, and I hope that Mr. Connolly will insist on the Bill going to a select committee so that we can give the people of the State a greater opportunity of voicing an opinion on it. I know that in my province a great many people are opposed to it as it stands now, so I shall vote against the second reading with the hope of seeing a better measure brought before the Chamber.

Hon. C. McKENZIE (South-East): I have listend with a good deal of interest to the speeches made by the various members of the House, and I think we can safely say the matter has been well and freely ventilated and approached from all sides. I have come to the conclusion that it is my duty to support the second reading. I agree that man and wife should have equal advantages one with the other. Marriage is a contract they both sign, and I consider that one side has as much right as the other to apply for a divorce. With other hon. members I would like to see the time for desertion extended. It seems to me the period of three years is very short. It may appear long enough to those deserted; but at the same time one never knows what may happen in the time; a man may be away and unable to get back from some cause or another, and when he gets back he may find his wife married. I see no reason why the Bill should not come before the House. I have heard some say that it is a matter for the Federal Parliament, but we have the Bill here and I think it should not be hung up. It has been freely ventilated from every quarter and it is a very important measure, and I intend to support the second reading, though in Committee there are several matters I should like to

have a little to say on. I certainly think the matter is one on which we should be very cautious.

Hon. W. MARWICK (East): I am not going to take up much time in discussing this important measure. I have listened with great interest to the able speeches delivered by hon. members both against and in favour of the Bill, and I want to indicate the attitude I intend to take up. I look at it from this standpoint—I have not heard any demand made by the people of the State upon legislators to have a Bill of this description brought before Parliament, and I think we ought to be very careful how we deal with such an important question. If Mr. Connolly intends to move in the direction that it should go to a select committee, I intend to give him my support. I think the Bill has been too hastily introduced and passed through another place; and I must say that, taking the speeches delivered for and against it in this Chamber, I still think it needs further consideration. I just desire to impress on hon. members with these few remarks the direction in which I intend to vote.

Hon. E. McLARTY (South-West): I shall support the second reading of the Bill reserving the right to vote as I think fit when it goes to Committee. I am altogether in favour of the principle in the first part of the Bill, but am certainly not in accord with the clause that allows three years desertion to be sufficient cause for divorce. That is all I desire to say.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. KINGSMILL (Metropolitan): By various speakers, during what I think everybody will allow has been an extremely interesting debate which has taken place on this proposed amendment of the laws governing marriage and divorce, the remark has been made that the subject we are dealing with is one of the most important which has been before the Chamber for a considerable time. With that opinion I agree. It often happens that important subjects are those which demand definite, clear-cut decisions, which are capable of definite, clear-cut decisions. It is unfortunate that the present problem we are dealing with is wellnigh as complex as it is important. It is complex because we are engaged in framing a law which deals with a subject that but very few of our laws do deal with. Most of our laws are connected with what might be termed the business operations of mankind. Into the law we are now framing, and into the law regarding marriage there comes an element which renders the dealing with the subject extremely difficult; or shall I say two elements, the element first of sentiment, which is always averse to the recognition of law, and the element of religious sentiment which actuates men, and has throughout the ages actuated men to the disregard of law on numerous occasions. And it would not be so complicated if this latter element, the element of religious sentiment, were definitely crystallised into one shape; but in this connection we find that the various creeds which hold different religious opinions, hold almost as many opinions on this subject as they do on the other subjects of which their religion forms the basis. Now I think, and I say it in all reverence, that all religion, or the greater part of the Christian religion at all events, is founded on idealism. Religious precepts are very often indeed counsels of perfection. We have to admit that the best of humanity falls very far short of leading the religious life as it is sought to be led, as the religious precepts lay it down. It is not to be wondered at, therefore, that ecclesiastical law is somewhat too inclined to take these ideals as the point at which it should aim, that the ecclesiastical law is somewhat too apt to neglect what every Legislature has to deal with, and that is human nature. As I remarked before, I say this in all reverence, and with a keen recognition of the fact that idealism should be the mainspring of all religion. When religion sets as its ideal an attainable object, then religion will be unable to lift human nature out of itself as it at times undoubtedly does. I am unable to accept the definition of marriage which has been laid down by two or three speakers as

being purely a legal contract. I am unable to accept that, and the bulk of humanity, if they think as most of us hold they ought to think about this important subject, would also be unable to accept that definition. There is a great deal more as the basis of marriage than a mere civil contract. There will always be that sentiment which ennobles marriage, which renders it difficult for us to deal with the laws regulating marriage, but still renders that marriage far beyond a mere legal agreement between two parties. Now, so far as I am concerned, that is the aspect of the case from an ecclesiastical point of view. It may be briefly summed up in the words that if marriages were ideal—and they are treated as ideal by ecclesiastical law—if marriages were ideal there would be no reason for wishing for or obtaining divorce. On the other hand, we have those who say that marriage is a legal contract, a civil contract between two parties and nothing more. I think that that is apt to lead us to some very peculiar conclusions indeed. As I look at this subject, we have to make a choice, good for the community whose laws we are called upon to frame, choosing between the high standard set by the idealism of ecclesiastical law, and what I can only class as the low standard which we set ourselves when we look at marriage as a civil contract and nothing more. I do not think it is necessary for me to say anything more in regard to the ecclesiastical side of the question. That which practically ignores either the necessity or the possibility of divorce has been fairly well laid down by various speakers through the debate, but I would say that already depths have been pointed out to us in literature, depths which, I think, we would do well to take every opportunity of avoiding. In this connection let me say that I was very pleased indeed to hear the remarks that have fallen from various gentlemen who, in this Chamber, represent the party which is known as the Labour party. The little extracts which I propose to read to the House are from writings by a party that, I understand, is not known in Australia, but is known in England and on the Continent as the Socialistic party. In this connection, perhaps, it would be well if some friend were to warn the gentleman who at present holds in his hands the political destinies of Western Australia against being over-eager to apply the term "socialistic" to the party over which he is at present the supreme head. Speaking in a public place no later than yesterday the Premier is reported as having said that the party to which he belonged would probably yet be known as the socialistic party in Western Australia. Let us hope that if this party does become a socialistic party it will only be in name, and that they will not hold as ideals the ideals of those gentlemen from whose works I propose to read one or two extracts dealing with the problems of to-day, and written by a certain Andrew Carnegie. "Andrew Carnegie" is a name well known throughout the civilised world, the name of a gentleman who, although I do not know that he has ever been described as such, might well be described as a sort of plutocratic democrat. Be that as it may, Andrew Carnegie's opinions affect only in a small degree what I have to say. It is only because he has prepared a little anthology of socialistic opinions on this subject of marriage, and, I suppose, divorce, that I am quoting what I find is worth while. In no instance do I quote Andrew Carnegie's opinions, but only extracts which I find ready to my hand in one of the very interesting articles on family relations which hon. members will find in this book, which, I am glad to say, has a place on the shelves of our library upstairs. First let me give you the opinion of two of the foremost leaders of English socialism, namely Belford Bax and H. Quelch, concerning marriage. These gentlemen, writing in collaboration, say—

> The existing monogamic relation is simply the outcome of the institution of private or individual property . . . . When private property ceases to be the fulcrum around which the relation between the sexes turn, any attempt at coercion, moral or material. . . . must

necessarily become repugnant to the moral sense of the community.

This extract may be found in a book entitled *The New Catechism of Socialism*. Hepworth Dixon, who has devoted special study to the actual working of communistic societies, observes that—

The fact remained, and in time it became known, that Fourier's system could not be reconciled any more than Owen's system could be reconciled, with the partition of mankind into those special groups called families, in which people live together a life devised by nature, under the close relation of husband and wife, of parent and child.

This is from a book known as *Spiritual Wives*. Hepworth Dixon again writes—

The very first conception of a socialistic State is such a relation of the sexes as shall prevent men and women falling into selfish family groups. Family life is eternally at war with social life. When you have a private household you must have personal property to feed it; hence a community of goods—the first idea of a social State—has been found in every case to imply a community of children and to promote a community of wives. That you cannot have socialism without introducing communism is the teaching of all experience, whether the trials have been made on a large scale or on a small scale, in the old world or in the new.

The late Mr. William Morris, in company with Belford Bax, has written in denunciation of the present "sham" morality, the aim of which is "the perpetuation of individual property in wealth, in workman, in wife, in child." Later the same authors tell us that—

On the advent of social economic freedom that property in children would cease to exist. Thus a new development of the family would take place on the basis, not of a predetermined lifelong business arrangement to be formally and nominally held to, irrespective of circumstances, but on mutual inclination and affection, an association terminable at the will of either party. . . . . There would be no vestige of reprobation weighing on the dissolution of one tie and the forming of another.

Hon. J. E. Dodd (Honorary Minister): Do you accuse Morris of having stated that?

Hon. W. KINGSMILL: It is quoted as being from his *Socialism: its growth and outcome*. I have not verified it, and if the hon. Mr. Dodd will verify or contradict it I will be glad to hear his defence of Mr. William Morris. I have not read very much of that gentleman's works but from what I have seen of other writings of his, I do not think that there is anything wildly improbable in stating that he has written what has been attributed to him by Mr. Andrew Carnegie. This publication continues—

Mrs. Snowden, in her recently-published book, *The Woman Socialist*, informs her readers: "Free as the wind, the socialist wife will be bound only by her natural love for husband and children"; and that divorce "will be made more easy of accomplishment. . . . . It is more than probable that the ordinary church marriage service will be abolished. But it ought to be abolished. . . . Under Socialism the marriage service will probably be a simple declaration on the part of the contracting parties before the civil representatives of the State." To much the same effect writes Professor Karl Pearson:—"Such then seems to me the Socialistic solution of the sex problem; complete freedom in the sex-relationship left to the judgment and taste of an economically equal, physically trained, and intellectually developed race of men and women. State interference, if necessary, in the matter of child-bearing, in order to preserve intersexual independence on the one hand, and the limit of efficient population on the other." "The Socialistic movement with its new morality and the movement for sex equality," writes Professor Pearson in an earlier passage, "must surely and rapidly undermine our current marriage customs and marriage law." Mr. H. M. Hyndman predicts under Socialism, "the complete change in all family relations which must issue in a

widely extended Communism." M. Jules Guesde, one of the leaders of International Socialism, writes, "The family was useful and indispensable in the past, but is now only an odious form of property. It must be either transformed or abolished." William Morris and Mr. Belfort Bax inform us that under Socialism "property in children would cease to exist. Thus a new development of the family would take place."

Now, sir, I think it will be understood that I am pleased and relieved to learn that those gentlemen who represent the dominant party in this Parliament have disclaimed any connection with socialism of that sort. It would be a frightful thing for this country to look forward to, if those, who have in their hands the power for good or ill to affect the future of this State, were in any way to hold opinions such as those I have read from well-known socialistic authors. As I have already stated, although the height aimed at by the ecclesiastical law is practically unattainable, still I think we should rather strive to attain the unattainable than show any signs of sinking towards the depths such as are shown by the quotations I have just read to this House. So far as I am concerned, I take it that on no subject more than on this should this House take up the attitude which its position enables and even gives it a mandate to take up, and that is the attitude of looking at this matter from a more or less judicial point of view. It is for us this evening, in weighing this measure, to act rather as the judge than as the advocate, to remember that we are here not for the moment to indulge our personal predilections, but to think what is good for that section of the community which sent us here. We all of us represent a small community of society, small in numbers but embracing within its numbers all the various shades of thought and political opinion which go to make up the great bulk of the community. That being so, I think it remains for us to frame a measure on this, one of the most important subjects we can deal with, which shall be fair to all, and leave those people who have decided views on this question, to so lay those views before their friends and those who depend on them for advice, that if religious or sentimental scruples prevent them from taking advantage of the Act we shall frame, they shall not have any hesitation in so doing. I remember a good many years ago, when I was Colonial Secretary, being waited upon by a deputation from a certain religious community in this State, who asked me to prohibit practically any happenings whatever on the Sabbath day. They wanted to stop the further continuance of several things which I, at all events, considered were fairly good for the community. I remember telling them, and I also remember that I incurred a good deal of odium for so telling them, that the Government—and the Government after all are an executive committee of Parliament— were there to make laws not for any section of the community, but for the whole of it; and that if they did not believe in members of their flock taking advantage of the facilities given to the whole community, it was for them to step in and so advise their flock that they should not take those advantages; that it was not for the Government to prohibit every section from taking those advantages, but rather to give freedom without license to all, and to allow those who had objections to so advise their followers that they should not break through the canons which they had laid down. Now, I wish to deal as shortly as possible, with some of the causes of divorce, and first of all, the cause which is recognised by everybody as being full and sufficient ground for the termination of the marriage tie, the cause of infidelity. It has been a matter of wonderment to me that for so many years, some 47 or 48 years, the law has remained practically unaltered in the State of Western Australia, and that equality between the sexes in this matter has not been earlier brought about. I think that nobody who has devoted any attention to the history of the marriage question, and certainly nobody who listened to the very able speech delivered by Mr. Moss when introducing this measure, would be at a loss to find adequate cause for it. That

hon. gentleman in moving the second reading of this Bill, told us how expensive, cumbersome, and tedious a process divorce was when the English divorce laws were framed, how it was a luxury and a privilege that could be attained only by the very wealthy; and it is, perhaps, not surprising to find that the minds of those who framed this law—men who had to do to a great extent with the disposition of property, either through other modes of disposition or through inheritance—did differentiate between the sexes in this particular. Above all, a clean inheritance was the thing they thought of, and that was only to be obtained through the mother. It is not surprising in those circumstances that they did make the law as it is, but the wonder to me is that in these latter days, when woman has come into her own kingdom—and remember what a very different position she occupied when these laws were made—and in these newer countries where property, and more especially the inheritance of property, does not occupy nearly as important a place in the legislative minds as it did in the days I have alluded to, these laws should not have been before dealt with. Let me say then that with the portion of the Bill in which this matter is dealt with I am entirely at one. With regard to the matter of desertion, I am inclined to agree with those who think that the period of desertion set down in the Bill, namely, three years, is somewhat too short. I should be inclined to accept, if I were in a position to do so in Committee, the extension of that three years to five years, and in connection with that, in the petition which has been sent down, and which, in spite of what the hon. Mr. Davis said, has been signed by a remarkable number of people, considering the time in which it was being prepared, that is all that is asked for; that is the only point which is raised. The petition reads—

> The Interdiocesan Council, representing the Anglican Dioceses of Western Australia, have heard with regret that it is proposed in the Divorce Act Amendment Bill to extend facilities for divorce on the ground of desertion for a period of three years and upwards. They regard the relaxation as opposed to the best interests of the community, and they earnestly and respectfully pray that your honourable House will refuse to grant any such facilities.

I will admit that the wording of the petition is somewhat ambiguous. Whether they wish to exclude desertion as a ground for divorce altogether, in which I cannot follow them, or whether they object to the period of three years mentioned in the Bill, is a matter of question. However, taking the latter view, I am inclined to go with them for a period of two years further than the Bill proposes to take us. It has been said that there is no need for this legislation. Well, now, it is a very peculiar thing that there seems to be a sort of predilection on the part of public opinion to listen to the cries of those afar off, rather than to the cries of those near at hand—the same sort of impulse as makes us send missions to the heathen in distant lands when amongst the slums of our own cities can be found a very much better field for the exertions of that charitable and religious effort which is sometimes wasted on the alleged heathens which these missionaries go to reform. It so happened that while I was thinking over this question of divorce there was brought under my notice a cry from England, and I must here apologise to Sir Winthrop Hackett for transgressing on the maxim he laid down, that there was no need to trespass on the time of the House with accounts of individual suffering and martyrdom. I transgress for this reason, that the letter, which appears in the most recent issue to hand of the *London Standard* puts in a nutshell the case for suffering women, and puts it very precisely and yet so eloquently that I think it well worth while that I should read the letter to the House. It is introduced by saying—"The following communication is from a lady who wishes to remain anonymous, from reasons which are apparent in her signature, 'A Separated Wife.'" She writes—

> I am glad that the injustice of the divorce laws is being taken up by your readers. As an Anti-Suffragist, I

firmly believe they will be altered by men as soon as they realise what suffering they entail. I speak from bitter experience. Circumstances obliged me to obtain a separation from my husband. I am "neither maid, wife, nor widow." I have proved that I can rear exceptionally beautiful and clever children ; my maternal instincts are so strong that the thought that I can never again hold a baby of my own in my arms is sometimes almost more than I can bear. By the foolish and wicked laws of the land I am forbidden to bear and rear good citizens for the State, while the man to whom I am bound, being free from my moral codes, can bring into the world as many children as he likes, each branded with sin and illegitimacy. Were the law different he might marry a woman who could keep his love, and his children might have every chance. I might marry again and be the mother of good citizens. At present nothing is possible but sin and suffering, until one of us dies, perhaps fifty years hence. God alone knows how many other lives besides will suffer. I do not complain of the law as being unfair between man and woman. We both suffer—the man loses his children—I have sole control of them. Only one person scores, and that is the other woman. She deliberately broke up a happy home, and ruined many lives, yet she goes unpunished. It is an iniquitous state of affairs all round.

That, I think, places before the House a fairly eloquent reason for some extension, at all events, of the law of divorce. As I have already said, if these laws are placed on the statute-book in a fair and equitable manner, it is not compulsory for persons who do not believe in them to take advantage of them ; but at all events it gives to those persons who do not feel themselves bound by ecclesiastical law—and I believe with previous speakers it is a fact to be regretted that a very large proportion indeed of the population, not only of Western Australia, but of the Commonwealth, do not feel themselves bound by ecclesiastical law—it gives those persons some way by which a state of affairs which, however unhappy the future state of divorced persons may be, is undoubtedly worse for them, and I think worse for the children, than the life of a divorcee. I have very much pleasure in supporting the second reading of the Bill. It has been said that it is a matter more for the Federal Legislature to deal with ; but even if the Federal Parliament takes it into its head to deal with this subject next year, let it not be said when the legislation is proposed that Western Australia is one of the States whose legislation in this connection is a byword and a reproach. I have nothing more to say on the subject except to ask hon. members to exercise what I have already alluded to as a proper frame of mind in which to approach the subject, the frame of mind of judges rather than of advocates. I beg to support the second reading.

Hon. W. PATRICK (Central): I do not wish to give a silent vote. As far as I can draw from the opinions of the speakers who have preceded me in this very interesting debate, a member who may wish to remain silent may appear in a false light to his constituents, and it is far better to bump up against them than to sit silent. If I thought for a moment that the passing of this measure would interfere with the sanctity of the marriage tie, or would tend towards what Mr. Brimage apeared to approve of, making divorce easy, I would oppose the Bill with all the strength I possibly could; but this is not a revolutionary measure. The same law is in existence and has been in existence for many years in at least two or three of the Eastern States, and so far as one can judge by the records there, there is nothing to show that these laws have acted detrimentally towards the morals of the community. I do not believe that marriage is only a legal contract. I believe that mariage is a sacrament, when it is a real marriage; and I am inclined to believe in what is laid down in the Canon law, that marriages are made in heaven, when they are real marriages; but when they are marriages of convenience, when

a man and a woman marry each other, one for the sake of position and the other for the sake of money, to my mind it is a kind of prostitution, and not of marriage at all, and I should say it was made in the other place instead of in heaven. I have read a good deal about the opinions of socialists on the marriage laws, and some of them go even further than the quotations read by Mr. Kingsmill, but there is no danger whatever in a Bill such as this of loosening the mariage tie; because I think history proves that marriage is founded so deeply in human nature that it would be impossible to destroy it by any laws we may pass. We know that in the old time, even in pagan Rome when the husband could divorce his wife by simply ordering her out of the house, even then for hundreds of years that power or privilege was not availed of by any man of importance in Rome. That was for nearly 500 years, and it is well known that one prominent senator, Lucius Antonius, was expelled from the Senate as the result of public opinion against his act in divorcing his young wife. Indeed in all countries, whether they are civilised, or whether they are what we call pagan, at any rate where there is pagan civilisation, history shows there is some kind of marriage, and public opinion always overlies the laws of every country. Of course, there are some people like the spiritual wives referred to by Mr. Kingsmill. When I was in the United States some 35 years ago I lodged with a man who was a spiritualist. He had a grown-up family, and he attended spiritual seances two or three times a week, and ended by bolting with a spiritual wife. The divorce laws are certainly suitable for men of that type. The position sems to me to be perfectly simple, that if a man or woman deliberately leaves wife or husband, it shows there is no true marriage between them. I simply rose to indicate the direction in which I shall vote, though, judging from the unanimity of opinions expressed, the chances are the Bill will be passed on the voices. I shall certainly vote for the second reading, although I may be inclined to extend the time for desertion to four or five years.

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

Ayes	20
Noes	4
Majority for	16

AYES.

Hon. T. F. O. Brimage	Hon. C. McKenzie
Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. F. Davis	Hon. M. L. Moss
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. A. Doland	Hon. W. Patrick
Hon. D. G. Gawler	Hon. C. A. Piesse
Hon. Sir J. W. Hackett	Hon. C. Sommers
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. J. F. Cullen (*Teller*).
Hon. W. Kingsmill	
Hon. J. W. Kirwan	

NOES.

Hon. J. D. Connolly	Hon. T. H. Wilding (*Teller*).
Hon. J. M. Drew	
Hon. W. Marwick	

Question thus passed.

Bill read a second time.

Hon. M. L. MOSS (West) moved—

"That the consideration of the Bill in Committee be made an Order of the Day for the 12th December."

Select Committee.

Hon. J. D. CONNOLLY (North-East) moved an amendment—

That the Bill be referred to a select committee consisting of the Honourables J. F. Cullen, J. E. Dodd, A. G. Jenkins, M. L. Moss, Sir E. H. Wittenoom, Sir J. W. Hackett, and the mover, with power to call for papers, persons, and records, and to report on the 13th December."

True, the second reading of the Bill had just been carried by an overwhelming majority, and there was no desire on his part to comment on that fact, but he wished to say that the Bill was introduced and passed on very short notice. The Bill was one that very few persons in Western Australia a few weeks ago ever expected would be before the Legislative Council to-day. That being so, it was all the more necessary that every person should be given an opportunity of expressing an opinion on the measure. It was usual to refer a Bill when introduced for the first time, more

particularly a Bill introduced by a private member, to a select committee. The minds of hon. members should be disabused of any impression they might have that this action was being taken with a view of delaying the passage of the Bill. He had nominated certain hon. members, and, as mover, would go on the committee also, but he was not even anxious to do that. If the personnel of the committee was not suitable, he was not wedded to it. It was easy for a Bill of that description to go before a select committee, and he did not know of any instance where such a request had been refused. Even the sponsor of the Bill had expressed no objection to that course being taken; there was no need, therefore, to traverse the numerous reasons which had been given during the second reading debate. It was to be hoped that the good sense of the members of that, which was a non-party House, would be in the direction of giving every opportunity to those outside to express their opinions on it. This was not a question which was mentioned at the recent general elections, therefore hon. members did not know whether their views coincided with the views of the majority of the people of Western Australia. Before a select committee that opportunity would be given, and in the ordinary way the report would be presented to the House.

Hon. M. L. Moss : I cannot act upon this committee.

Hon. J. D. CONNOLLY: Both Mr. Moss and Sir Edward Wittenoom had stated that they would not be able to act on the committee.

Hon. A. G. Jenkins: I cannot act on it either.

Hon. J. D. CONNOLLY: The committee need only consist of three members. I will ask Mr. Wilding to go on it.

Hon. T. H. Wilding : I cannot act on it either.

Hon. J. D. CONNOLLY: I will add Mr. R. D. McKenzie's name. The committee will then consist of the Hon. J. E. Dodd, the Hon. R. D. McKenzie and the mover.

Hon. B. C. O'BRIEN (Central): If Mr. Connolly gave members a reasonable assurance that the Bill would be dealt with within a week he would feel disposed to support its reference to a select committee. There seemed to be a prevailing opinion, if he could anticipate the feelings of hon. members, that the reference of the Bill to a select committee would be the shelving of it until the next session. In the face of the most interesting debate which had taken place, and in the face of the strong majority which voted for the second reading, it would not be fair to shelve the Bill. If, however, Mr. Connolly could give an assurance that he could see his way to report within a week he would support the proposal to refer the Bill to a select committee.

Hon. M. L. Moss: It all depends on the number of witnesses called.

Hon. D. G. GAWLER (Metropolitan-Suburban): The amendment to refer the Bill to a select committee would not receive his support, because he felt what had been suggested by Mr. O'Brien that it was a polite way of shelving the Bill altogether. He failed to see how finality could possibly be reached within a week, after the strong expression of opinion recorded in favour of the Bill from the House. There had been plenty of time for any opposition to come forward, but the only opposition which had been shown had come from the churches. All the correspondence in the Press had been in favour of the Bill, and surely if the Bill was going to create the agitation which Mr. Connolly had suggested, there would have been indignation meetings and other expressions of public opinion against the Bill long before the present time. He might also ask where the evidence the committee proposed to take would come from. It seemed to him that any evidence in connection with the Bill could only come from the religious bodies concerned, all of whom had already expressed their opinions. Mr. Connolly had said that the Bill had never been before the electors, but he would like to mention the fact that when he stood for his Province some 18 months ago, when Mr. Davis opposed him, he advocated this very measure, or at any rate the extension of facilities in connection with divorce, and he had the good

fortune to be returned. If his expression of opinion at that time had been at variance with the views of his constituents, he would not at the present time be a member of the Legislative Council. Personally he felt that to refer the Bill to a select committee would kill it, and after the strong expression of opinion in favour of it by the House that course would be a calamity.

Hon. M. L. MOSS (West): When speaking on the second reading he made a statement that if it was desired to refer the Bill to a select committee he would have no objection to that course. That could only be desired if there was a strong expression of opinion from the House as to the Bill being dealt with by that particular method. It was his desire to keep to his undertaking, if he could do so, and if Mr. Connolly called for a division in this connection, and the votes of the members were found to be evenly balanced, it would be his duty to vote with Mr. Connolly. There should not be any vote on that question because the previous vote indicated plainly that there was such an overwhelming opinion that the measure should be put on the statute-book. His desire, however, was to keep faith with Mr. Connolly and all others in the House, when he made the statement that if it was desired that the Bill should go to a select committee he would not oppose that course.

Hon. J. F. CULLEN (South-East): Having voted for the second reading of the Bill, and spoken strongly in favour of it, it would not be supposed that he was thinking of shelving the Bill. Not only Mr. Moss, but the House to a certain extent, had pledged itself to refer the Bill to a select committee. In proposing the second reading of the Bill, Mr. Moss definitely stated that he was willing to refer the Bill to a select committee.

Hon. M. L. Moss: I said "if it was desired."

Hon. J. F. CULLEN: That offer had a considerable effect on members. The House ought to be in favour of the fullest investigation of a subject like this. The pity of it was that the Bill did not go to a select committee in its first stage; that would have been the proper course. The Legislative Council, however, would be wise, at the present timie, to invite the fullest expression of public opinion on the matter. There would be no doubt about the final vote of the House, but it was due to the public outside that the opportunity should be taken to refer the matter to a select committee. A week would be ample time in which to deal with the matter, and it could finally be disposed of before the recess.

Hon. J. W. KIRWAN (South): It was his intention to vote with Mr. Connolly on this proposal, although he voted for the second reading of the Bill. At the same time he recognised, and he thought a majority of members recognised, that there were certain amendments which it would be necessary to make in Committee, and as to the extent and scope of those amendments there had been different expressions of opinion by hon. members who had spoken on the measure. A committee such as the hon. member proposed would be able to throw some additional light on the question. It was to be remembered that the divorce laws had not been amended for the past 50 years, and there was no doubt that the matter had not been generally considered throughout the country. Having waited for such a long period for an amendment it could matter but very little if we had to wait another week, or even two. It was a question of too much importance to be hastened through the Chamber. He hoped the amendment would be carried.

Hon. A. G. JENKINS (Metropolitan): No member desired to in any way rush the progress of the Bill, but no good reason could be pointed why the Bill should be sent on to a select committe. What additional evidence could possibly be placed before the House, what additional reason given for or against the Bill? Ample opportunity would still be given for bringing forward any opposition to the provisions of the Bill. Even if the amendment for a select committee were defeated, the amendments proposed to be made to the

clauses of the Bill could not be taken before next Tuesday, and, as the time set for the select committee would expire on Wednesday, it would be seen that after all it meant but little difference in point of opportunity for further opposition to the details of the measure. He did not believe in the proposal to submit the Bill to a select committee, because the object of such proposal was merely to shelve the Bill.

Hon. J. D. Connolly: You have no right to say that.

Hon. A. G. JENKINS: The reasons for saying it were that no further evidence could be procured for or against the Bill, and that the hon. member had not given the House any good reason why the Bill should be submitted to a select committee. Already we had had the opinions of the churches, and the churches represented a large section of the community. No further arguments could be adduced against the Bill even if the proposed committee were to call a hundred witnesses. If he thought any good could be done at all by the select committee, he would be the last in the world to oppose it.

Amendment (select committee) put and a division taken with the following result:—

Ayes	.. .. ..	12
Noes	.. .. ..	11
Majority for	..	1

AYES.

Hon. J. D. Connolly	Hon. R. D. McKenzie
Hon. J. F. Cullen	Hon. M. L. Moss
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. T. H. Wilding
Hon. W. Kingsmill	Hon. C. McKenzie (*Teller*).
Hon. J. W. Kirwan	
Hon. W. Marwick	

NOES.

Hon. E. M. Clarke	Hon. A. G. Jenkins
Hon. F. Davis	Hon. W. Patrick
Hon. J. A. Doland	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. Sir J. W. Hackett	Hon. T. F. O. Brimage (*Teller*).
Hon. V. Hamersley	

Amendment thus carried.

Bill referred to a select committee.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th November.

Hon. F. DAVIS (Metropolitan-Suburban): It is not my intention to speak at length upon this Bill, which it will be admitted is not quite so important as the one we have just dealt with; but there are one or two phases of the subject to which attention should be called. One of these is the need for efficient nurses in connection with our hospitals and with general nursing. This must appeal to hon. members in view of the fact that so many lives are practically at stake, and sometimes sacrificed, when nurses are not efficient and do not know their duties thoroughly. A case came under my notice a year or so ago in which a nurse appealed to me as to the probable effect of a certain medicine to be given to a patient; and it may be said that upon my advice hung the life of that patient. It seemed to me it was a most remarkable thing that a trained nurse should appeal to one making no pretensions to any knowledge of medicine or its effects, and it occurred to me at the time that we required to have a high standard of efficiency if we wished to protect the lives of sick patients. In the past it has been, and indeed it still is, the policy of the Government to attract population to our shores by means of immigration. While we do that it seems to me necessary that we should also conserve the life we have already in the State by insisting upon a high standard of efficiency in nurses, and I am convinced that the Bill before us will do much to help in that direction. I presume every member of the House has as an objective the making of the Bill as far as possible a good one. We may not all have the same methods in arriving at that end, but I trust we will do all we can to help in that direction by giving knowledge and thought to the subject. In a case like this where so much danger to life is to be feared it is certainly far better to be sure than sorry, and it would be better even to preclude some nurses by adopting a high standard for those who come to us from overseas, in order to be sure that

our people shall have the best attention in times of sickness and danger. For that reason it appears to me that the standard adopted in Great Britain might well be adopted here as far as people are concerned who come from overseas and bring certificates with them. At a previous sitting a good deal of opposition was shown to one phase of the Bill as represented in the words "approved institution," and it was contended that this might mean anything or nothing; but I am assured by the leader of the House that the list of institutions whose certificates it is proposed to accept cannot leave any doubt as to the value of those certificates, and I am sure when the leader of the House reads that list to hon. members they will have no more misgivings as to the standard of the approved institutions. There is no necessity to deal with this question at any length, because I trust we shall pass the Bill as promptly as is consistent with its importance, in order that we may deal with other measures awaiting our attention.

The COLONIAL SECRETARY (in reply): In my remarks on Thursday last, when endeavouring to justify the introduction of this Bill, I stated that the late Colonial Secretary had attempted to exercise powers which had been refused to him by Parliament when Section 243 of the Act was under consideration last session. That section applies to the provision, equipment and maintenance of hospitals for infectious diseases by local authorities. The hon. member appeared to deny my contention, but I think I can prove it, and at the same time show how dangerous it is to leave the power in the Act as it is at the present time. On the 2nd May last, the President of the Central Board of Health in a minute to the Under Secretary, relative to the error in the retention of the words, "and when the Commissioner so requires shall" in Section 247, wrote—

> Legally the error does not affect the validity of the Bill, it having been passed as a whole by both Houses of Parliament . . . . It is true there are other means of forcing the hands of the local authorities, should an order be issued by the Commissioner under Subclause 1; but we know the intention of Parliament in the matter, and no order should be issued.

On the 19th June the Clerk of the Legislative Assembly admitted that the error had been made, and on the 13th June the Solicitor General gave an opinion on the point to the Colonial Secretary, and said that he could not advise the Commissioner to act upon the words which had been erroneously left in the Act.

Hon. J. D. Connolly: Are you not speaking of the words in Section 247?

The COLONIAL SECRETARY: I will deal with all the matters later on. The late Colonial Secretary, not satisfied with the opinion of the Solicitor General, thought it advisable to approach the Attorney General. He explained the error and then went on to say—

> It is necessary for the proper enforcement of the infectious diseases provisions of the Act that local authorities should continue, as in the past, to provide for the treatment of infectious cases that may arise. I now learn that it is their intention to repudiate any responsibility in regard to infectious cases, or, in other words, to wash their hands of such cases, as they have done in the past. I shall be glad of your opinion whether the Act is sufficiently explicit to show that they are charged with the care of infectious cases. I should be glad of your opinion also as to whether the provisions (Parts IX. and X. of the Act) are such that orders may be made by the Commissioner under Subsection 1 of Section 247 and enforced by orders under Section 34 or Section 38.

Subsection 1 of Section 247 was the one erroneously left in the Bill. The Attorney General replied—

> Sections 203 and 204 of the Public Health Act, No. 34 of 1911, give the Commissioner of Public Health the widest powers—including the removal and curative treatment of, and the providing of accommodation for the sick—to check or prevent the spread of infectious diseases; and Section 34 enables him to secure compliance with his demands.

Now, the next thing on the file is a request from the City council that the various hospital boards and local authorities throughout the State should not be debited with the cost of maintaining any infectious cases. There was a further request of an assurance that the Commissioner would not exercise the powers conferred on him by Section 247 of the Act. The late Colonial Secretary then recommended to Cabinet that the Health Department should not avail themselves of the power given in Section 247 by the words, "and when the Commissioner so requires shall," which had been struck out. He then advised that the Solicitor General's suggestion be adopted in regard to the restoration of the amendment which had been struck out, but that in the meantime the powers mentioned in the Attorney General's minute, although cumbersome, be availed of by the Health Department. Cabinet approved of this, and consequently confirmed the action of the late Colonial Secretary in his efforts to carry out that which he had, no doubt, conceived to be right—I will admit this—but which, at the same time, was in opposition to the wishes of both Houses of Parliament. Mr. Connolly, in his second reading speech, insinuated that the letter from the Acting Commissioner to the City council, which I read, had gone out without his knowledge.

Hon. J. D. Connolly: I said that I did not see that particular letter. I said I had given a general instruction but——

The PRESIDENT: The hon. member will stand to make a personal explanation.

Hon. J. D. Connolly: The personal explanation is this: the Minister simply repeated what he said before, and I say again that the remarks that he has made are childish. The powers that Cabinet empowered me to act under were the regulation powers in Section 203 and Section 204, and the power about which there was some doubt was in Section 247. This letter, which was written, was written and sent under my general instruction under Section 243. There is no doubt at all about that.

The COLONIAL SECRETARY: We will come to that gradually. Mr. Conolly gave the impression that he had no knowledge as to the existence of this letter. As he said that he did not intend to lead hon. members to believe that was so, I accepted his explanation. But previous to the letter going out, Mr. Connolly wrote a minute, "Please note these papers. Will you please see me before replying to the Town Clerk?" More than that, Mr. Connolly, before the letter was forwarded, carefully revised it, and I shall read the letter from the file in order that the House may be in full possession of the facts. I need not read the whole of the letter, because it is rather lengthy, but only portion of it. It says—

> Your council is unquestionably charged with the duty of taking measures to check and prevent the spread of infectious disease. This duty cannot be discharged in the absence of proper hospital accommodation, and the burden of providing that accommodation cannot be shifted on to the shoulders of the board of the Perth, or any other hospital; it must be provided by the council itself.

And this, despite the fact, that when Section 243 was under consideration in Parliament both Houses of Parliament refused to grant him permission to order the Commissioner to compel these local authorities to provide hospitals for the treatment of infectious diseases. The Perth City council replied very pointedly to that letter. It stated—

> According to *Hansard*, book No. 26, page 3723, the Colonial Secretary stated that "it was provided that if a local authority refused to carry out certain matters in relation to infectious diseases, the Commissioner of Public Health could enter into an agreement to do so. When the Bill was originally introduced in another place it contained that proviso. It was struck out in the other place, and was reinstated on his (the Colonial Secretary's) motion. It has been cut out again, and he regretted it very much. He would not now take any responsibility in the matter as another place had twice re-

jected the proviso. He would be extremely sorry to lose the Bill because it contained very important powers relating to a pure food supply; therefore, it was not his intention to insist on the amendment. He moved—That the amendment be not pressed. Question passed; the amendment not pressed." In these circumstances the council venture to submit that it must be quite plain to the Hon. Minister that Parliament intended the Government should bear the cost of maintaining infectious cases, and that local authorities should not be coerced into assuming such a burden.

On the 15th September the Commissioner wrote to the council, stating that an order had been made in the matter, which order was enclosed, and that if the council did not obey the order then there would be no alternative but to test the position by recourse to legal proceedings. That order was one to establish and equip a hospital under Section 243. It was a mandatory order, and the council were threatened with legal proceedings.

Hon. J. D. Connolly: Do you say that there was any question as to the legality of Section 243?

The COLONIAL SECRETARY: I say that the hon. member attempted last session to carry an amendnment to Section 243, enabling the Commissioner of Public Health to compel local authorities to maintain these hospitals, and that both Houses of Parliament refused to accept his amendment, but in spite of that he utilised Section 243 in order to compel the City council to establish and maintain an infectious diseases hospital. I do not wish to pursue this matter further, but when I mentioned the matter the other evening Mr. Moss stated that it was only a permissive power, and a simple request on the part of the Commissioner. But according to the language of the letter, the Commissioner required, and not only required but said to the City council, "If you do not carry out my request, I will take you to court," so I do not think the hon. member will now contend that it was a permissive request.

Hon. M. L. Moss: That was a mere bit of bluff on the part of the Commissioner.

The COLONIAL SECRETARY: But surely Government departments are not supposed to bluff. It is a letter written in legal form, and it threatens legal proceedings. It seems to me a very improper course to adopt. I would not have pursued this question so far had it not been for the attitude adopted by Mr. Connolly. And I again say that I do not think this was a proper course for the Government to take in view of the action of Parliament last session. In regard to Clauses 6 and 7 of the Bill, there is an impression that the object is to lower the standard of general nursing.

Hon. J. F. Cullen: It is the effect, not the object.

The COLONIAL SECRETARY: But there seems to be an impression that that is our object. The Bill deals only with midwifery nurses, and there is no desire whatever to lower the standard of general nursing. Under Section 256 of the Act any woman who passes the prescribed examination, after having served 12 months in an approved institution, may be registered and receive her certificate; she need have no previous training as a general nurse, but in this amending Bill we say that if she has had three years' training as a general nurse in an approved training institution she need only have six months' training in midwifery. Let me inform the House, and I wish members to take particular note of it, that excepting Western Australia, there is no part of Australia which restricts the practice of midwifery. The registration of midwives is only in force in New Zealand, Tasmania and this State. In New Zealand six months' training is required in the case of a general unrse qualifying for midwifery, the same as is provided for in this Bill, and in Tasmania the practice is similar. The Australian Trained Nurses' Association, which, I think it will be admitted, has the highest standard of general nursing, recognises in its obstetric register the certificates of eleven different institutions which give only six months' training in

cases where a general nurse's certificate is held. These are the institutions—

> Royal Hospital for Women, Paddington, New South Wales; the Women's Hospital, Sydney; the South Sydney Women's Hospital; St. Margaret's Maternity Hospital, Sydney; Queen Victoria Hospital for Women, Launceston; the Women's Hospital, Melbourne; the Lady Bowen Hospital, Brisbane; the Lady Musgrave Hospital, Maryborough; the Women's Hospital, Rockhampton; the Queen's Home, Adelaide, and the Alexandra Hospital, Hobart.

All of these institutions admit untrained women to receive training as midwifery nurses for 12 months, but the woman who has had three years previous training in general nursing is only required to serve six months, the same as is provided in this Bill. Up to the present—and I do not think it is proposed that there shall be any change in the future—no hospitals except those that are recognised by the Australian Trained Nurses' Association have been recognised by the Midwives Registration Board. I think Mr. Connolly will bear me out in that.

Hon. J. D. Connolly: No.

The COLONIAL SECRETARY: I am given to understand by the department that it is so.

Hon. J. D. Connolly: If you will look up the Health Act you will see they admit them on 12 months training.

The COLONIAL SECRETARY: I understand that, but this is in connection with general nurses. Mr. Connolly said that the clause amending Subsection 2 of Section 256 did not provide that nurses who were in training as midwives should attend a single case of midwifery during the six months, but if he looks up Subsection 2, Section 256, which is amended by this clause, he will find that the candidate must produce evidence of having conducted a prescribed number of cases. There is provision that there must be a prescribed number of cases by the very section of the Act which this seeks to amend.

Hon. J. D. Connolly: It is in the Act but not in the Bill.

The COLONIAL SECRETARY: The words "approved institution" are in the Bill if I am not mistaken. The clause says—

> Provided also that if a candidate is the holder of a general nursing certificate covering at least three years training in an approved institution.

There is "approved institution."

Hon. J. D. Connolly: But where is "the prescribed number of cases"?

The COLONIAL SECRETARY: This clause is an amendment of the Act that already provides for the prescribed number of cases. The clause says that Subsection 2 of Section 256 is amended by adding the proviso I have just indicated, and Subsection 2 of Section 256 reads—

> Such regulations shall provide among other things, that candidates for registration shall produce evidence of having undergone at least 12 months training in an approved institution, and may provide that candidates shall produce evidence of having conducted the prescribed number of cases.

Hon. Sir E. H. Wittenoom: Then it is to be prescribed by regulation.

The COLONIAL SECRETARY: Certainly. There is provision in this section of the Act to make regulations prescribing the number of cases it is considered advisable.

Hon. J. D. Connolly: But you are repealing Section 256.

The COLONIAL SECRETARY: No, we are simply amending it by adding a proviso. That is how there has been considerable misunderstanding in connection with the matter I think.

Hon. C. Sommers: It shows the necessity for publishing the section alongside of the amendment.

The COLONIAL SECRETARY: Yes, that is a very good suggestion indeed.

Hon. J. D. Connolly: I thought you were speaking of Clause 7.

The COLONIAL SECRETARY: With regard to the Midwives Registration Board I think when hon. members come to examine the personnel of the board they will admit the members are duly qualified, and are persons in whom the public may have confidence. The board

consists of Dr. Hope, the Commissioner of Public Health, as chairman, Doctor A. T. White of Fremantle, Doctor J. S. Hicks of Guildford, Mrs. Harris, matron of the House of Mercy, Perth, an Australian-trained nurse, and Miss M. Tate, the late Silver Chain maternity nurse, now matron of the Valesco private hospital, Perth, and also an Australian-trained nurse. So it will be seen the personnel of the board has been carefully considered, whoever was responsible for it, and of course my friend Mr. Connolly was. This board can, I think, be relied on to make regulations to safeguard the public in every respect. I hope there will be no strong opposition to the Bill. If there is necessity for amendment any suggestions thrown out will be carefully considered in Committee.

Question put and passed.

Bill read a second time.

House adjourned at 9.7 p.m.

Legislative Assembly.

Wednesday, 6th December, 1911.

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

PAPERS PRESENTED.

By the Minister for Works: By-laws of Marble Bar and Brookton Roads Boards.

By the Minister for Mines: Papers re Inspection of Permanent Way, Midland Railway.

QUESTION — BUILDING SCAFFOLDING INSPECTOR.

Mr. O'LOGHLEN (for Mr. A. A. Wilson) asked the Premier: In view of the large and increasing number of accidents in the building trade, owing to the faulty construction of scaffolding, will the Government consider the advisability of appointing a practical "Building Scaffolding Inspector" immediately?

The PREMIER replied: The attention of the Government has not been officially directed to the circumstances referred to in the hon. member's question, but the advisability of appointing a practical inspector of scaffolding will be taken into consideration.

QUESTION — RAILWAY OVERHEAD BRIDGES, SUBURBAN.

Mr. GILL asked the Minister for Railways: 1, In connection with the proposed improvements to the suburban railways, how many overhead bridges is it proposed to build over the railways between West Perth and East Perth? 2, What is the estimated total cost of same? 3. What is the estimated cost of the proposed extension to Beaufort-street bridge?

The MINISTER FOR RAILWAYS replied: 1, Four, exclusive of the extension of the Beaufort-street bridge. 2, As certain alterations in the design are impending, the estimated cost cannot at present be given. 3, Approximately, £20,000.

QUESTION—RAILWAY CONSTRUCTION, WICKEPIN-MERREDIN.

Mr. BROUN asked the Minister for Works: 1, Is it the intention of the Minister to construct the first section of the Wickepin-Merredin line from Wickepin to a point in the vicinity of Lake Kurrenkutten? 2, Is it the intention of the Ministre to make an exhaustive inquiry into the claims of the Kumminin selectors for railway facilities before departing from