

# Legislative Council,

Wednesday, 2nd October, 1918.

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

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

## BILL—NAVIGATION ACT AMENDMENT.

Third Reading.

Read a third time and transmitted to the Assembly.

## BILL—PRESTON ROAD DISTRICT SOLDIERS' MEMORIAL.

Second Reading.

Hon. J. EWING (South-West) [4.36] in moving the second reading said: The preamble of the Bill clearly states the purpose of the measure. I intend, not to delay members at any length, but merely to place before them in a few words the necessity for the Bill. It is to legalise the transfer of certain funds collected for one specific purpose to another specific purpose. In 1914, I understand, the people of the Donnybrook district collected something like £300 for the purpose of erecting a hospital. That money is now lying at the West Australian Bank in Donnybrook at fixed deposit. When Mr. Drew was Colonial Secretary he visited Donnybrook, where a deputation waited on him requesting a subsidy of pound for pound on the money collected, in order to erect a hospital. The Government of the day, after consideration, concluded that a hospital was not necessary in that district, seeing that there was already a well equipped hospital in Bunbury, and another being erected at Kurrup, seven or eight miles from Donnybrook. Consequently the subsidy was not granted. Subsequent Governments were approached with a similar request, but they all took the same view of the matter. Those responsible for the collection of the money approached Mr. Frank Wilson, the then member for the district, with suggestions. One was that the money should be devoted to the building of a hall with a library and reading room, and a room for the roads board. Mr. Wilson approved of this suggestion and consulted the Crown Solicitor, by whom he was advised that it would be necessary to call a meeting to decide what should be done with the money, and a further meeting to resolve how it should be done. Those meetings were called, and although not all the subscribers were there, yet the majority of them attended, and the others agreed by letter to the transfer of the money to the purpose I have indicated. After that this Bill became necessary. It is almost entirely a formal matter. I do not think the money could be put to a better purpose than that proposed. In the vestibule of the building

will be an honour board, placing on permanent record the names of those men of the Donnybrook district who have gone to the Front. It is not intended to expend the money until after the war, but it is necessary that the Bill should pass in order that the money may be invested in war loan bonds. When peace is again proclaimed, the funds will be applied to the building I have described. All the returned soldiers of the district are to be made life members of the library and reading room. I am sure the measure will commend itself to hon. members. I move—

That the Bill be now read a second time.

Hon. E. ROSE (South-West) [4.41]: I have pleasure in seconding the motion. I do not think a better way of spending the money could be devised. A very large number of men have gone from Donnybrook district to the war, in fact, Donnybrook has one of the biggest percentages of the South-West. When those men return they will find a comfortable hall in which they can read and write, instead of having to go to the hotel. In my opinion all country districts should be provided with similar halls for the returned soldiers. As Mr. Ewing has stated, the money was collected for the erection of a hospital, but the Government could not agree to subsidising it for that purpose. Nor do I see that a hospital at Donnybrook is necessary. However, all members will agree with the proposal to devote the money to the erection of a hall.

Question put and passed.

Bill read a second time.

In Committee.

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

## BILL—STATE CHILDREN ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.47] in moving the second reading said: Although it is intended that the present session of Parliament should be comparatively brief, and that the legislative proposals of the Government should be confined to matters of urgent importance, I make no apology for asking members to consider this proposed amendment of the State Children Act. On humanitarian grounds, and in a general sense, it will be admitted that no country can do too much for its children; and the enormous sacrifice of life in the present war has given an added value to young life in every community. I do not think there is a country in the civilised world which at the present time is not taking some steps to conserve what is recognised as a great national asset. "The child is the living future," is the slogan everywhere. In Australia, and more particularly in Western Australia, the economic aspect of this question intensifies our moral obligations. The Australian people are imbued with high

ideals of racial purity and lofty ambitions for Australian nationhood. They aspire to keep this great island continent, this outpost of Empire, as a home and heritage for the English speaking peoples of both hemispheres, as long as the world shall last. Now the difficulty which stands in our way, a difficulty that must extend for generations, intensifying or lessening according as we direct our affairs or otherwise, is the sparsity of population compared with the enormous territory that we control, and seek to continue to control. There are, so far as I know, only two methods by which population can be increased—by immigration, and by the excess of births over deaths. So far as immigration is concerned, the prospects, not only for the immediate future, but for some time to come, are rather cloudy. The shortage of shipping tonnage will undoubtedly interfere with immigration so long as the war continues, and even after the war closes all the shipping of the world will be required for a considerable time to return the soldiers to the different countries from which they came. The Old World, too, will have suffered staggering losses in its population. Everywhere there will be a desire to keep one's own people, and the rebuilding of devastated countries will make enormous demands upon the available supply of labour. Already we see by the recently passed emigration legislation of the Imperial Parliament that the Imperial Government are likely to take a somewhat different view of the question of emigration, even to British Dominions, from the view which was taken in the past. There will be restrictions that were not imposed before; and at the present time the increase in passage rates in itself is enough to very seriously retard emigration. At the present time we in Australia, and particularly in Western Australia, are turning our eyes to America, to see what prospect there is of getting suitable immigrants from that country. But even if the prospects of obtaining immigrants were of the brightest, it would not in any sense relieve us from our responsibility to conserve the lives of the children in our own country. It is the aim, in the conservation of infant life, not merely to keep children alive, but to see that they are brought up in such a way that they are likely to become useful citizens; and for this purpose our present State Children Act was passed 11 years ago, in 1907. There can be no question that that Act has abundantly justified itself. It has worked well, and has served the purpose for which it was passed; and this amending Bill, which I am now introducing, does no violence to any of the principles of the existing Act. It is intended principally to rectify omissions which experience has revealed, and is designed also to bring the legislation of Western Australia in this particular into line with that of other countries. I think hon. members will recognise that a Bill having these objects is one of the highest importance, not merely to the children themselves but to the State, and to the Commonwealth, and one might go further and say to the Empire itself. In considering the second reading of this Bill it may interest members, and perhaps the public generally, if

I sketch briefly the activities of the State Children Department, a department distributing upwards of £1,000 per week of the taxpayers' money, a department whose ramifications extend from one end of Western Australia to the other, and a department through whose beneficent oversight many young lives are saved and the worst pinch of poverty is removed from a good many homes. Prior to the passing of the Act of 1907 the supervision of foster mothers caring for illegitimate children was vested in the local boards of health. Generally speaking, the supervision under those conditions was not more than formal, while in many cases it was less. Hon. members may recollect the truly horrible disclosures which were made in connection with the Mitchell baby farming case, and which undoubtedly had a good deal to do with the passing of the State Children Act of 1907 and the creation of the State Children Department.

Hon. W. Kingsmill: The Mitchell case was somewhere about 1904.

The COLONIAL SECRETARY: About 1904 or 1905, and the Act was passed in 1907. It probably took just as long in those days to place on the statute-book legislation which was desired as it does to-day. However, if the hon. member refers to the debates when the Act was passed, he will find the Mitchell case very frequently referred to.

Hon. W. Kingsmill: It is ancient history though.

The COLONIAL SECRETARY: The close supervision of illegitimate children by the department has led to a very remarkable decline in infant mortality in this State. Year by year results in Western Australia have compared more than favourably with those in the other States, and last year we established an Australian record. The number of children with licensed foster mothers supervised by the department under this heading for the 12 months ended 30th June, 1917, was 274, and the deaths numbered only four, a death rate of 1.4 per cent. South Australia for the year ended 30th June, 1917, showed a death rate of 1.7 per cent., there being 470 children and eight deaths. This appears to be the nearest approach to our records, the death rate in the other States for these children varying from 3.5 to 4.5 per cent. The children I am speaking of now are not State children, are not children supported by the State. They are illegitimate children supported by their own parents, and kept by registered foster mothers under the supervision of the State Children Department. It is very interesting to compare these figures with those relating to illegitimate children in this State who are free from departmental supervision. Necessarily, the department's records of these latter cases are incomplete; but out of 294 cases of illegitimate children retained by their mothers or foster parents without payment—that is without receiving payment from anybody, either the State or the mothers, and therefore not under any supervision whatever so far as the department are concerned—the number of deaths was 28 in 294 cases; that is to say, the deaths of the unsupervised children were 9.38 as against 1.4 of the supervised children, and in

many cases the supervised children at the time they were taken over by the department were extremely delicate. So that, as far as I know, there is no reason to account for the tremendous difference in the death rates except that the one lot of children have had the careful supervision of the department, while the other lot have had no supervision at all. Another phase of the department's activity is the boarding-out system which was inaugurated in 1908. That was the year after the passing of the Act, and that system has been steadily extending year by year. On the 30th June, 1918, the number of children boarded out was 571, being an increase of 66 for the year. The number of deaths among these children was ten. As the total number of children dealt with in the year in this way was 691, the death rate was 1.44, which, again, is highly satisfactory. The department have, in a large number of cases, excellent foster mothers who are greatly attached to the children; and a very satisfactory feature of the boarding-out system is that it leads, in quite a number of cases, to the adoption of the children and the providing for them of permanent homes. Altogether, since this system started, 366 of these children, 91 of whom were State children, have been adopted by their foster parents. Then we have the children in orphanages and industrial schools. The number of these at the end of June of this year was 717, an increase of 29 over the corresponding date of last year. The whole of these institutions are doing excellent work; and the subsidies received by them, and paid under the boarding-out system, are uniform and on the following scale:—The orphanages, when they undertake education as well as the maintenance of the children, receive 8s. per week per child. When they undertake only the maintenance, and the education is carried out by the State, they receive 7s. per week. Industrial schools receive 9s. per week for children under 14, and 10s. per week for children over 14. In the cases of children boarded out, those under one year are paid for at the rate of 9s. per week; those from one to two years at the rate of 8s. per week; and those over two years at the rate of 7s. per week. Occasionally special rates are paid in the case of very delicate babies who require something more than the ordinary treatment. The total cost of the children in institutions and boarded out for the last four years was as follows:—1915, 665 children in the institutions and 395 boarded out, a total of 1,059, cost £19,634; 1916, 768 children in the institutions and 400 boarded out, a total of 1,168, cost £22,250; 1917, 688 children in the institutions and 505 boarded out, a total of 1,193, cost £33,147; in 1918 there were 717 in the institutions, 571 boarded out, making a total of 1,288, costing £24,988. It will be seen that the figures, although they are increasing, are increasing very slightly indeed and it is expected that the expenditure for the current year will be not greatly in excess of that of last year. In each case the year to which I have referred is that ending on the 30th June. All over Australia there has been an increase of recent years in the number of children committed to the State Children's Courts. I have no doubt that is to be attributed very largely

to war conditions. There is no doubt the absence of the father at the war very often causes relaxation of parental authority, and I suppose it is a condition of affairs which has obtained in all wars and which we cannot hope to prevent. In this State the committals, especially of older girls, has increased considerably since the appointment of women police. The fact that they have increased shows the necessity that existed for those appointments and which justifies the appointment of two more women police to operate in the Fremantle district, where the system has not been taken up at the present time. Another important field of activity is that of making allowances to women on whom children are dependent. Most of the cases which have been relieved under this heading are widows, the remainder being deserted wives and women whose husbands cannot earn anything because of illness. The husband may be in the hospital or in a sanatorium, and in one or two instances in asylums. Regarding the deserted wives, we feel we have a grievance against the Commonwealth Government in one particular. Men who enlist for war leave their allotment money for their wives and children. They are taken out of the State and if the man deserts, which unhappily is the case in a number of instances, the Military Department immediately stop the payment to the wife and children, and they come on the charity of the State. In the case of widows and deserted wives, the general rate of allowance is 7s. per week per child, the same as the allotment to foster mothers. Every case is considered on its merits. The maximum allowance is not paid in every case or in any case unless it is necessary. There are rare instances where the child is on the breast or for some other particular reason in which a special allowance for some limited period is granted. In a majority of cases, the maximum allowance is reduced, that is if the family have their own homes and no rent to pay, or there are older members of the family earning money. In those cases the maximum is reduced. The ability of the woman herself to work and all circumstances are taken into account, and every case is decided on its merits and on the general principle that 7s. per child under 14 years is the allowance made to those entirely dependent on the charity of the State. In these cases the need for close supervision will be realised, when it is stated that the payment under this heading for the last financial year exceeded £25,000. The detailed figures for the past four years were as follow:—1915, assistance rendered to 641 mothers and 1,331 children at a cost of £21,793; 1916, 631 mothers and 1,491 children at a cost of £23,274; in 1917 assistance was rendered to 640 mothers and 1,619 children at a cost of £25,087, and in 1918, 698 mothers and 1,519 children, the cost being £25,573. Here, again, it will be seen the amount has increased during the four years by nearly £4,000. The estimate for the present year is £25,000, showing a small reduction, because we hope to be able to recover more money from those

who ought to assist in the maintenance of these women and children. This form of assistance is practically equivalent to the widow's pension that is at present in force in some parts of the world. I think there is very little doubt that it has the effect not merely of enabling these people to lead decent lives and enabling their children to be brought up to become good and decent citizens, but it decreases juvenile crime. It certainly decreases the number of children committed by the Children's Court. The proof of this lies in the fact that notwithstanding the large increase in the juvenile population the number of committals of boys to industrial schools has not shown an increase. If anything there was a tendency in the opposite direction. The increase in the number of older girls committed is shown, but that is due to temporary causes which I have already explained. The argument may be advanced that the activities of the State in this direction are calculated to incite parental irresponsibility, and I am bound to confess that in reading through a number of the files—and I can assure members it is a sad panorama of human woes which passes under the eye of the Colonial Secretary, whoever he may be—it has often caused me to wonder if in a number of cases the father would have deserted the wife and children had he not known that the State would be ready to take them up and look after them. In regard to some young girls who get into trouble, too, they seem to be—to say the least of it—extraordinarily casual, but the department takes the view that it is not for us to visit the sins of the fathers and mothers on the children. As far as we are concerned, want is the only qualification for relief. Whilst this is the case we are making additional efforts every year to try and cast the responsibility in the proper place, to try and bring the deserting fathers to account.

Hon. J. Nicholson: Increase the punishment.

The COLONIAL SECRETARY: I think there are a good many directions in which it is necessary to take action. We have succeeded last year in collecting 200 per cent. more money in this direction than we had collected before. The figures under this heading during the past three years were: 1916, £847; 1917, £897; 1918, £2,643, or practically three times as much as in the previous year. By the system which we have now inaugurated, and assisted to some extent by one of the clauses in the present Bill, more money will be recovered in the future. We desire to have uniform legislation in all the States of Australia, so that deserting parties may be followed up. Every State in Australia, I believe, is taking the matter up at the present time. Our department has been in correspondence with the other States quite a long time. I noticed the other day that in Victoria it was intended to take action—it was mentioned by one of the members of the Government—and it is hoped that by uniform action throughout Australia to make it more difficult than at present for fathers

to desert families and leave them on the charity of the State. Another activity is to afford outdoor relief. This last year we have absorbed £10,064 in this direction. Usually this amount is small, but we are faced with the obligation of maintaining a certain number of enemy subjects and their families. Personally, I think that the Commonwealth should bear this responsibility, but they refuse to intern these men and no one will employ them. In not a few cases, although they are enemy subjects, they have Australian wives and Australian-born children, and it is the duty of the State to see that they do not starve. Every case is submitted to a close investigation because, personally, I have no doubt in many cases the department has been imposed on by enemy subjects in the past, but the department has invoked the aid of the police in every instance. What we have endeavoured to do is to prevent impositions, at the same time, to see that the wives and children of enemy subjects are not allowed to starve. It is expected that the expenditure under this heading for the present year will be a little less than last year, but not to any appreciable extent. Last year the total expenditure of the department under all the headings which I have enumerated amounted to £68,195, and it is estimated that for the present year it will be practically the same, £69,000. We know there are a few more children, but we hope the matters I have suggested will keep the expenditure down and we shall not incur more than was spent last year. The department is working under great disabilities, simply because we have not the money to do what we would like to do under the circumstances. For instance, in connection with the Children's Court, a great many ladies and gentlemen devote a good deal of time to this work. We had last year 898 cases in that court—a very large number of cases—and the only accommodation for the court is a room 18 feet long by 14 feet wide and 10 feet high. There is no retiring room for the justices and no waiting room for witnesses. I doubt if one would find anywhere a court dealing with such a large number of cases with such totally inadequate accommodation. The Government are not at liberty at the present time to incur expense to build a suitable court, and we await certain changes which will place at our disposal premises which are more suitable. Then we have the Government receiving dépôt. This is a dépôt for the receipt of children pending being placed with foster mothers, in cases of very small children, or for larger children before they are sent to orphanages or homes. This receiving home was situated at Subiaco when the Maternity Home was established. I do not wish to discuss the question as to whether the establishment of a maternity home at that spot was justified, but it was a shame to take the place away from the children without making suitable accommodation for them elsewhere. At present we have a place in Marquis-street, which is altogether unsuitable. The premises are discreditable for the use to which they are put. The number of child-

ren received in the receiving depôt for the year was 316, and the average accommodated from 20 to 25, and this number almost invariably includes several young delicate infants who require better care than we can give them in an institution of that kind. We propose by the Bill to raise the age of the supervision of children with licensed foster mothers, from three to six years. It is desired to secure power to regulate the appointment of special magistrates and special justices, and lady members of the court, who will have the sole right to sit in the Children's Court in certain prescribed areas; to provide that cases under the Bastardy Laws Act of 1875 shall be heard in the privacy of the Children's Court; that the State Children's Department shall have the sole right to place children at service and collect their wages, as is done in every other State of the Commonwealth; that maintenance orders may be made at the time of committal when advisable, and under certain circumstances—that, it is considered, is a provision which will help us to prevent fathers escaping their obligations in the way they do now—that there shall be a further restriction of street trading by children; that children under the age of 16 years shall be prevented from begging or collecting alms; that children of tender years shall not be employed in racing stables or in the training of race horses; and that children under 16 years of age shall be prohibited from performing for profit or reward in any public entertainment, with certain exceptions. Power is sought to license any person in charge of any institution or place used for the reception of two or more children under 16 years of age. We also seek to control the advertisements regarding the adoption of children under 15 years of age or the care of children under six years of age, and the prevention of premiums to persons adopting children under 15 years of age or taking charge of children under six years of age. Persons other than near relatives having entire charge of children under six years of age are to advise the department. We seek a definition of persons who are at the time guardians of female State children for the purposes of the Criminal Code. The occupier of a house in which an illegitimate child is born has to effect early registration of the birth of such child, and the occupier of a house in which such child dies has to give early notification of the death. The parent or guardian or any other person in whose care such child is placed is to be liable for punishment for neglect in this direction. Officers of the department, or members of the police force, are to have power to enter a house or premises and arrest a child under certain circumstances. For the benefit of hon. members, I will briefly run through the clauses of the Bill. Clause 2 sub-clause 1 alters the definition of institution. The definition given in the parent Act is considered to be unnecessarily cumbersome. The present definition in Subsection 2 of "State child" needs enlarging in order that all children committed by the Children's Court and paid for by the department can be classified as State chil-

dren. It is also necessary in connection with the collection of maintenance, and the placing out at service. The Crown Law Department does not consider that the present definition of State children applies to a child convicted of an offence. Subclause 3 raises the age of supervision of children placed out with licensed foster mothers from three to six years. After the age of six years the children will be subject to the law regarding education. As most of the children are illegitimate, the supervision up to six years will act as a further protection, and should tend to improve the lot of these children. South Australia is supervising these particular children up to seven years, and Victoria up to five years. In this State we propose to take a middle course and adopt this age. The reason for adopting six years is that on reaching that age the children come under the Education Act. Clause 3 gives a special magistrate the right to visit any institution. Clause 4 makes provision for the establishment of special children's courts. It is not intended to make any drastic alteration in this particular, but in the case of, say, Perth, although the resident magistrate is, under the Act, a special magistrate for the Children's Court he practically never attends. He has not time to attend, and consequently the Children's Court in Perth is presided over by six ladies and any justice of the peace who chances to come along. As a matter of fact there are about half a dozen justices of the peace who take great interest in the court and are regular in their attendance, and they and the lady members have compiled a roster in order that there should be a certain number sitting on each occasion, and so that each one shall do his or her fair share. There were previously some difficulties in connection with the court. It was sometimes found that there might be a bench of eight or ten, which is hardly what the Act contemplated. It was not intended that juvenile offenders should be called upon to face a bench of ten persons. This difficulty has, however, now been overcome. The intention is to give legislative force to the existing practice, and create in Perth a Children's Court, which will consist of a certain number of men and a certain number of women, who will arrange their roster and carry out matters very much as they have been carried out in the past.

Hon. J. Ewing: Will they act in an honorary capacity?

The COLONIAL SECRETARY: Yes, purely in an honorary capacity. In the smaller townships it is not necessary to make any alteration in the present system, because the resident magistrate does as a matter of fact act as chairman of the Children's Court. Subclause 2 provides for the appointment of special justices and ladies, who will have the sole right to sit in any particular court. It will not be competent for anyone merely because he is a justice of the peace to come along and sit in the Children's Court. Experience indicates that this course is not desirable where there is a special children's court.

Hon. J. Nicholson: What about the term of their appointment?

The COLONIAL SECRETARY: That is provided for. Subclause 4 will probably be found of benefit in the metropolitan area, for a special magistrate could also relieve another special magistrate during his leave of absence. It is intended that cases under the Bastardy Laws Act of 1875 shall be heard in the privacy of the Children's Court, but it is not intended to entrust these cases purely to honorary justices. Any case of that kind will be heard before a special magistrate, but otherwise all the conditions of the Children's Court will apply. It is thought desirable under the Bastardy Act that these cases should be heard privately and not in the open courts as at present. There are many girls who refuse to take their cases to the ordinary police courts on account of the dread of exposure. They do not care to be seen in the vicinity of police courts. The result generally is that the child comes upon the State, and the person who should maintain it escapes. That is one of the directions by which we hope to get in a little more revenue for the support of the child. Clause 6 gives power to the court to release a neglected child on probation. This is necessary in the case of a child who is lapsing into a career of vice or crime. Clause 7 provides for the private detention of any child who has been fined and has failed to pay the fine. It is not intended to provide for more than a few days' detention, and that detention will not be in a gaol, but in an institution. Subclause 2 of Clause 7 gives power to the court to commit a child to an institution during the period he has been remanded by the court, and while awaiting trial in the Supreme Court. Clause 8 gives power to apply the same provision to neglected children who are released on probation. With regard to Clause 9, in the other States of the Commonwealth the State Children's Departments place the children at service, and collect their wages. In this State the orphanages and industrial schools have this power vested in them. It is considered that the State should be brought into line with the other States in that particular, and that the State Children's Department should be made responsible. Clause 10 provides that the wages of the children should be made payable to the Secretary. This must be read in conjunction with the previous clause. The same thing applies to Clause 11. Clause 12 relates to the wages of State children, and removes the right of governing authorities of institutions to expend moneys deposited. The sole power is to be vested in the department. Clause 13 will give the courts power to make an order for maintenance at the time of committal, provided the parent is present. This will facilitate proceedings and avoid delay and expense. Separate applications and sittings of the court are now necessary when a maintenance order is applied for. Delay in this respect frequently facilitates the departure of the persons who are responsible for the payments. Clause 14 relates to the employment of children. Under the existing Act children can be employed in street trading over the age of

10 years, but they require a license from the department. The section of the Act in question reads—

A written license authorising a child of or over the age of ten years to engage, within prescribed hours and subject to the regulations, in a specified description of street trading may be issued by the department.

Subsection 3 says—

Such license shall not be issued unless it is shown that the moral or material welfare of the child will not suffer by such trading. It may be argued that having that power the department wants nothing more, and that if the department considers that the moral and material welfare of a child of 10 years is endangered by street trading, they can refuse to give him a license. That is so. The department, however, takes this view, that the legislation as it stands contemplates the issuing of a license to a child of 10 years of age and upwards, and that the department is not entitled to do something which the Legislature did not intend. Consequently we propose to alter the 10 to 12, and restrict street trading to children over 12 years of age. In some places the street trading of children is prohibited altogether, and I am inclined to think that there is a very great deal to be said in favour of taking that course.

Hon. J. Duffell: Will that apply to selling newspapers in the street?

The COLONIAL SECRETARY: Yes. To do that children must have a license from the State Children's Department, and only children over 10 years of age can receive such license. The present proposal is that only children over 12 years of age can be licensed. I recognise that the clauses regarding the employment of children are of a controversial nature.

Hon. W. Kingsmill: The whole Bill is of a controversial nature.

The COLONIAL SECRETARY: I have no doubt that in Committee these clauses will be thrashed out carefully. My present duty is to explain what the intention of the department is. It is intended to prevent the employment of children in racing stables or in the training of race horses, under the age of 14 years. There has been a number of cases in the Children's Court, very terrible cases, too, some of them, and there is no doubt that they arose from the employment of very young boys in these racing stables. Personally, it would not object to seeing the age higher than 14 years. I admit that I am somewhat prejudiced against war time racing. We propose to prohibit the employment of boys under 14 in racing stables that is until they have passed the school period. There is an important provision regarding the employment of children for profit under the age of 16 years. Clause 14 contains these words—

No person shall (c) cause, procure, suffer or allow any child under the age of 16 to be in or on any premises or place used or intended to be used for the purpose of any public entertainment, for the purpose of singing, playing or performing for profit or reward to the child or to any other person or offering anything for sale: provided that

this provision shall not apply in the case of an occasional entertainment the proceeds of which are intended to be applied for the benefit of any school or charitable or patriotic object.

At the present time we have no restriction whatever, and quite a large number of very young children have been employed regularly in performing at places of public entertainment for the profit of their parents. Children of school age cannot be employed in this way without their health and education suffering. We had inquiries made 12 months ago through the schools of the metropolitan area and the facts revealed that a number of children of five, six, seven and eight years of age were constantly performing for profit for the benefit of their parents, and that the health and the education of these children were being ruined. Consequently to my mind there is sufficient justification for the introduction of legislation of this nature. The exploiting of children of tender years for money is not in the best interests of the community. It may be argued that 16 years is too old. The practice in New South Wales is to prohibit children from performing until they have reached the age of 16. That is also the law in some of the other States, but recently I noticed in South Australia the limitation was placed at a lower age. In that State they prohibit children under seven years of age from performing for profit. It is contended on physiological grounds that the period from 14 to 16 years is a most important one, particularly for girls, and it is a period in which they should not be employed in places of public entertainment. Clause 15 repeals the sections of the Act dealing with lying-in homes, the control of which is now provided for in the Health Act. Clause 16 should be read in conjunction with Section 2 (iii.) The age of supervision of children with licensed foster mothers is to be raised from three to six years, as I have already explained. Clause 17 provides for the supervision of all children in private institutions up to six years of age. The clause is aimed at any person or institution taking two or more children and not registered as licensed foster mother or certified as an institution. These institutions are usually established by religious bodies and are maintained by endowments, legacies, church funds, public subscriptions, etc. The provision to license these establishments has been adopted from New South Wales. As a number of children who are orphans, abandoned by their relatives, or surrendered for various reasons, are passing through these institutions, it appears to be desirable to bring them under some effective supervision. It is not suggested that any abuses exist in the present institutions, but it is expedient to endeavour to further safeguard the interests of young children, particularly infants. These children are not a burden on the State, although some of them eventually become so. It will also prevent unauthorised persons from establishing homes for young children and inviting subscriptions from the public. Clause 18 merely makes a verbal alteration in the principal Act. The word "State" will no longer be necessary in the Act.

Hon. W. Kingsmill: What is the effect of the alteration?

The COLONIAL SECRETARY: The word "State" is struck out of Section 106 as being no longer necessary. The section reads "Every licensed foster mother shall keep a register in the prescribed form containing in respect of every State child received by her the prescribed particulars . . . ." If the amending Bill is agreed to, the word "State" will no longer be required because the Bill proposes to apply to every child and not merely to every State child. Clause 19 provides for control by the State Children's Department of all advertisements relating to the adoption of any child under 15 years of age or the fostering of any child under six years. This power exists in a somewhat similar form in the Old Country. The New South Wales Department strongly favours the control of advertisements relating to children. Cases have occurred in this State where most undesirable persons have obtained possession of young children who were not wanted and whose relatives had advertised in the Press. An infant was rescued a few weeks ago by the State Children's Department and committed to the care of the State. If it had not been removed it may have died, as the woman who had possession of it did not bear the best of characters. This will prevent any person from offering or receiving a premium or lump sum for the adoption of a child under the age of 15 years. It is not intended to prevent a licensed foster mother or approved persons taking care of a child under six years of age and receiving reasonable payment. The department considers four weeks' payment in advance is reasonable. The idea is to prevent payment of lump sums in the case of not wanted children. The clause will also allow the department to ascertain whether any child has been placed in the care of a suitable guardian. Any undesirable person may secure a child if there is no restriction. Clause 20 applies the provisions of the Criminal Code to persons having the care of female State children. Clause 21 provides for the supervision of all illegitimate children up to six years of age. This is in force in South Australia and has reduced infantile mortality there. The department in Western Australia finds it difficult to prove that some women are receiving payment. Supervision is only permitted where payment is made. Many illegitimate children are in the care of persons who are not being paid but who often neglect them. Marriages are often arranged as a result of State supervision. This is also intended to encourage breast feeding when a mother can do so.

Hon. J. Nicholson: You would not ask for such a provision where an illegitimate child is in the care of its mother?

The COLONIAL SECRETARY: No, but illegitimate children are much better cared for when under State supervision. Supervision could be relaxed when the department is satisfied that a child is being satisfactorily cared for. During the year ended 30th June last the State Children's Department super-

vised 274 children under three years placed out with licensed foster mothers. There were only four deaths, as against over nine per cent. in the cases where there was no supervision. The clause is also intended to secure early registration of births of all illegitimate children. It will result in earlier inspection and tend to reduce infantile mortality. It should also encourage breast feeding. It is in force in Victoria and is working smoothly and beneficially. The same clause provides for early notification of the death of illegitimate children. This will facilitate inquiry and may result in a reduction of infantile mortality in other children and tend to expose abuses. This, too, is in force in Victoria. Clause 22 is adopted from American legislation. It will tend to make parents realise their responsibility and also prevent other persons from aiding and abetting or conniving at the neglect or delinquency of a child. A parent, guardian or person having the custody of a child may be omitting the control of the child, and may be allowing it to associate with vicious, immoral or criminal persons, or to solicit alms, or to wander about the streets at night without being in any lawful business or occupation, or to furnish entertainment for gain upon the streets or in any public place. Persons other than the parents may be wilfully encouraging, aiding, or abetting such child, and it is proposed to make them responsible. Clause 23 provides power which at present does not exist to enter premises and arrest neglected children. This has been adopted from South Australia where it has been in force for several years.

Hon. W. Kingsmill: They have a very different department in South Australia.

The COLONIAL SECRETARY: The remaining clauses merely relate to the printing of future copies of the Act. As I have already said, I recognise there are many controversial features in the Bill, but I am satisfied hon. members will treat it sympathetically and with a full recognition of the obligation of the State towards these children who have no one to look after them. I move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill debate adjourned.

## BILL—INTERPRETATION.

### Second Reading.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [5.40] in moving the second reading said: My remarks in introducing the second reading of this Bill will be brief because I regard it as being entirely a measure for consideration in Committee. The existing Interpretation Act, 1898, required amendment in two directions, the opportunity has been taken vision in Section 11 that any by-law or regulation should continue to have the force of law unless disallowed by both Houses of Parliament, and the second, the absence of any provision to enable a Bill to continue a temporary

Act to be proceeded with and have the effect of continuing the temporary Act, notwithstanding that the temporary Act may expire pending the passing of the continuing Act. In view of the necessity for amending the Act in those two directions, the opportunity has been taken to re-enact the principal Act and its amendments in a consolidated and revised form, and to incorporate some additional rules of construction from the Acts of the Commonwealth and the States. It will be conceded that it is highly desirable that the Interpretation Act should be consolidated in one measure because otherwise a good deal of confusion might follow. As regards the new rules taken from the Commonwealth Interpretation Acts, 1901-18, and the South Australian Act of 1915, most of these are sufficiently obvious rules of construction and introduce no new principle, and are commonly expressed in the introductory part of Bills. The clause enabling a continuing Act to operate as from the expiration of the continued Act, so as to prevent the continued Act from lapsing pending the passing of the continuing Act, is Clause 18, and is taken from the South Australian Act. Clause 31 under which a provision in future Acts creating an offence punishable on summary conviction, is deemed to provide that an attempt to commit the offence shall also be punishable as if the offence had been committed. This is new and is taken from the South Australian Act and the Commonwealth Act of 1904. An attempt to commit "a crime" is under the existing law punishable as a misdemeanour. Clause 33 which removes any ambiguity in the use of the words "may" and "shall" is also new and is taken from the South Australian Act. Provision is made by Clause 33 to enable regulations made in the past to be validated where the formalities made by inadvertence have not been observed. I do not think it is necessary for me to say anything more with regard to the Bill. I daresay hon. members will desire to look through it and compare it with the existing legislation, and as there is no hurry to pass the Bill, the debate can be adjourned. I move—

That the Bill be now read a second time.

Hon. J. NICHOLSON (Metropolitan) [5.0]: I move—

That the debate be adjourned to Wednesday, 9th October.

Hon. J. W. Kirwan: That will be Show day.

The Colonial Secretary: I think Mr. Kingsmill adjourned the debate on the State Children Bill till Tuesday next.

The President: No, till Wednesday next.

Hon. W. Kingsmill: That is so.

The Colonial Secretary: My only anxiety is to study the convenience of hon. members. I do not desire the business to get behind at all. We shall probably have a lot of work pressed upon us in a little while. The Honorary Minister (Hon. C. F. Baxter) has been delayed by the railway strike and will not return until, I think, next Wednesday, and we cannot go on with the Vermin Bill until he has moved the second reading. Therefore, there will be no business to place before the House to-morrow, and I know that hon. members will desire to have a free day on Wednesday next for the Royal Agricultural Show. But I would like



to get on with the business on Tuesday and Thursday of next week. If the hon. member will agree to postpone the debate until Tuesday next this could be done.

Hon. W. Kingsmill: The leader of the House knows perfectly well that this amendment of the State Children Act is so extremely controversial, and affects so many people who hold directly opposite views to those expressed in the Bill, that an adjournment until next Wednesday is too short. I thought myself, when I moved the adjournment until next Wednesday, that I was making it too short.

Hon. H. Stewart: Make it Thursday.

Hon. W. Kingsmill: Well, if I leave it at Wednesday it will automatically become Thursday if we do not meet on the Wednesday. But in regard to the length of the adjournment, the Colonial Secretary must know that there will be a great deal of controversy over the Bill, and that being so I do not think that I was at all immoderate in asking that the debate be adjourned for one week.

Hon. Sir E. H. Wittenoom: The hon. member apparently misses the point. Probably we shall not sit on Wednesday next, on account of the Royal Agricultural Show, and therefore the adjournment of the debate can be made "until next Thursday."

Hon. W. Kingsmill: It will automatically become next Thursday if we do not sit on the Wednesday.

Hon. J. W. Kirwan: As we are not going to meet on Wednesday next, and as Thursday is always a short day, may I suggest that we adjourn over next week in view of its being Show week? No doubt agricultural members will be glad of the opportunity to attend the Show, while other members from remote districts will not be required to come to Perth. It seems to me we shall have very little to do next week and, that being so, we could well adjourn until next Tuesday week.

The President: Then the adjournment of the debate on the State Children Bill is to remain as originally moved. The question of the adjournment of the debate on the Interpretation Bill has yet to be settled. I will put it to the Council as moved, namely, that the debate be adjourned till Wednesday, 9th October.

Question put and passed.

#### ADJOURNMENT—ROYAL AGRICULTURAL SHOW.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [5.54]: I move—

That the House at its rising adjourn till Tuesday, the 15th October.

I do this in accordance with the suggestion made by Mr. Kirwan. I am only anxious to meet the convenience of hon. members and no doubt it will suit hon. members to have a free week next week, and afterwards sit longer hours in order to get through the business which probably will have accumulated. I am perfectly ready to fall in with the wishes of hon. members if they have any alternative to suggest. It makes no difference to me.

Question put and passed.

House adjourned at 5.56 p.m.

## Legislative Assembly,

Wednesday, 2nd October, 1918.

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

[For "Questions on Notice" and "Papers Presented" see "Votes and Proceedings."]

### QUESTION—DEPARTMENTAL REPORTS.

Hon. P. COLLIER (without notice) asked the Premier: When may we expect the report of the Auditor General for last year, also the reports of such departments as the Railways, Mines and Water Supply? I ask this because it is essential that the House should be in possession of these reports, particularly that of the Auditor General, before we proceed to discuss the financial statement of the Treasurer.

The PREMIER replied: I am not in a position to reply to the hon. member. Perhaps those Ministers in charge of the particular departments concerned will be in a position to inform the House.

Hon. P. Collier: They are all late. They have generally been down before this.

The PREMIER: I shall be pleased to inquire into the matter, and see that the reports are laid on the table of the House.

### BILLS (2)—FIRST READING.

- (1) Government Railways Act Amendment.
- (2) Midland Railway Lands.

Introduced by the Minister for Railways.

### MOTION—KULIN AND PERENJORI HOTEL LICENSES.

To inquire by Royal Commission.

Hon. P. COLLIER (Boulder) [4.37]: I move—

That in the opinion of this House a Royal Commission should be appointed to inquire fully into—(1.) The forfeiture of Conditional Purchase and Homestead Leases formerly held by one W. J. Curtis in the Kulin District; (2.) The conversion of the said leases into a Grazing Lease and the granting of the same to A. L. Johnston; (3.) The interest, if any, ever held in the said Grazing Lease by one W. M. Butler, an agent at Wickiepin, and the whole of the circumstances and history of an application for a provisional certificate for a hotel to be erected on the said Grazing or Homestead Lease; (4.) The conduct and attitude of the Lands Department, the Titles Office, the Agricultural Bank; the Magistracy, the Police Department, and the applicants and their agents in reference to the abovementioned leases, and the application for a provisional certificate in respect thereto, and in respect also to the application for a provisional certificate at Perenjori, and upon all matters relating to or affecting the said leases and applications at Kulin and Perenjori respectively, the Commission to have