Legislative Assembly.

Wednesday, 7th November, 1945.

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

QUESTIONS.

HOUSING.

(a) As to Condition for Supplying Foundation Stone.

Mr. WATTS asked the Premier:

1, Is it a fact that the Balcatta Lime & Stone Co. will supply stone for house foundations only on condition that the contract for the construction of the foundations of the house is given to them?

2, If so, can and will action be taken to prevent such conditions being imposed?

The PREMIER replied:

1, Inquiries indicate that the Balcatta Lime and Stone Co. will supply stone other than on condition that the contract for construction of the foundations is given to them. The quantity of stone so available has been limited by manpower shortages.

2, Answered in 1.

(b) As to Bunbury Scheme.

Mr. WITHERS asked the Premier:

1, Owing to repeated statements in the Press by the Mayor of Bunbury, Mr. P. C Payne, that there is a scheme for the erection of what he terms the 100 houses scheme for Bunbury, will he inform the House if this is a Government proposal and, if so is it to be separate from the quota being constructed under the Commonwealth Housing Scheme, and what are the conditions of construction and occupation?

2, What is the governing factor influencing Bunbury receiving a large quota of Commonwealth houses than towns of similar population in Western Australia?

3, Are any outside individuals responsible for same or is it on account of there being a greater number of applicants?

The PREMIER replied:

1, There is no Government scheme for the erection of 100 houses in Bunbury. The quotas allotted to Bunbury under the Commonwealth-State Rental Housing Scheme to date are:—1st quota, 10; 3rd quota, 6; 4th quota, 6; 6th quota, 8, of which sixteen have been completed. The conditions of construction are by private contract and the occupation by allocation to deserving cases on a rental basis.

2, The governing factor in the allocation of groups to Bunbury is the proved need of persons who have applied for tenancy homes Up to date, 103 applications have been received from this town.

3, The allocation has been made because of the proved need, after a survey has been made by the Workers' Homes Board in conjunction with the local authority—as is the practice in all country towns. No outside individual has been responsible for the large number of applications received from Bunbury and the allocations made.

(c) As to Home Sites at Nedlands and Mosman Bay.

Hon. N. KEENAN asked the Minister for Lands:

1, Has any vacant Crown land been set apart in the Nedlands district for purchase by demobilised soldiers desirous of building homes for themselves and/or their families?

2, If yes, (a) where can plans of same be inspected; and (b) when can application

for same be made by demobilised soldiers who can show they are in a position to erect homes?

3, Will any of the provisions of the Statute, No. 9 of 1919, which are appropriate, apply?

4, Has any vacant Crown land been set apart in the Mosman Bay district for purchase by demobilised soldiers desirous of building homes for themselves and/or their families?

5, If yes, (a) where can plans of same be inspected; and (b) when can application for same be made by demobilised soldiers who can show they are in a position to erect homes?

The MINISTER replied:

1, No.

2 and 3, Answered by 1.

4, No.

5, Answered by 4.

PERTH HOSPITAL.

As to Resumption of Work.

Mr. NEEDHAM asked the Minister for Health:

1, Is he yet in a position to inform the House as to when work on the new Perth Hospital will be resumed on a full scale?

2, If so, can he state as to when it would be ready to receive patients?

The MINISTER replied:

1, The work is proceeding to the fullest extent permissible in the circumstances, which include unavoidable delays in the office of the consulting engineer, and in the obtaining and delivery of various special materials and special equipment.

2, The architect hopes to have the work completed by the end of 1946, but it is impossible to fix a specific date for completion owing to the many unforeseen factors which may arise.

ELECTRICITY SUPPLY.

As to Shortage of Meters.

Mr. CROSS asked the Minister for Railways:

1, Is it a fact that there is an acute shortage of electricity meters?

2, Is it a fact that, because of the shortage of suitable meters, new houses in Albany Highway are without light?

3, If so, will he take prompt steps to obtain new meters either by air or by passenger train?

The MINISTER replied:

1, Yes.

2, No.

3, Meters have been on order since January, 1945, and it is understood are awaiting shipment at Sydney, transit having been delayed by shipping hold-up.

BILLS (3)—FIRST READING.

1, Railways Classification Board Act Amendment.

Introduced by the Minister for Lands.

2, State Transport Co-ordination Act Amendment.

3, Air Navigation Act Amendment.

Introduced by the Minister for Transport.

BILLS (2)—THIRD READING.

1, State Electricity Commission.

2, Electricity.

Transmitted to the Council.

BILL—SOUTH-WEST STATE POWER SCHEME.

Report of Committee adopted.

MOTION—SUPERANNUATION AND FAMILY BENEFITS ACT.

As to Increasing Payments to Beneficiaries.

MR. DONEY (Williams-Narrogin) [4.40]: I move—

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

The problem indicated by the aim of this motion is not easy of complete comprehension except perhaps by the actuarial mind, but that, fortunately for me, is not the same as saying that an actuarial explanation of

this motion is essential. I feel sure that it is not, for the reason that I am required to deal only with the question and the answer and not with the very highly complex calculation that lies between the question and answer.

The matter of superannuation was propounded to our actuarial experts in 1938, in which year—and indeed for some time previously—the financial position of civil servants at 60 or 65 years of age was such as to justify extreme uneasiness on the part of the civil servant, his wife and to a lesser degree his children. Legislation was obviously called for, and before the year was out the Superannuation and Family Benefits Act was on the statute-book. This House thought it a very good Act indeed, and I heard an amazing number of fine things said about it. But having had it for a few years, we need to admit that it has achieved only partial success. This seems to be the fairest way to state the position, namely that the answer was not wrong; rather is it that the answer was not complete.

I am drawing my conclusions largely, I admit, from appearances, and appearances, as we know, frequently to our cost, are often misleading. All the same it certainly appears to me that, with a fixed unvarying payment by contributors during which time the purchasing value of the pound note suffers an almost constant decline, two results must ensue—(1) that the fund must surely find it difficult—almost impossible, I should say—to maintain its solvency and (2) that because insufficient notice, if any at all, had been taken of the sharp and constant lessening of what the pound could buy, the ultimate payments to beneficiaries would not be sufficient to keep them supplied with the needs of life. That is the difficulty as I see it, following my investigations, and I am afraid that the difficulty is likely to be intensified unless it is corrected fairly quickly.

With the passing of the years, that tendency, seldom arrested by any movement of the basic wage in the other direction, is for the pound to purchase less and less. Nor is there at the moment any sign that that tendency will cease or even in any way lessen. In 1938 which, for the purposes of calculation, we shall have to regard as the basic year, the beneficiary retiring could with, say, his £3, purchase £3 worth of the commodities necessary to his living, but today, after the passing of only seven years the best that can be said of the £3 is that it might be worth possibly £2 7s. 6d. This naturally prompts the question as to what the beneficiary will be able to buy with his £3 in, say, 1958, which would be after the fund is some 20 years old and when today's contributors would be retiring in bulk.

Hon. J. C. Willcock: They do not pay any more because they get a cost-of-living allowance, do they?

Mr. DONEY: I understand they do not but in what way that affects the argument I cannot see. Probably the ex-Premier will explain it later in the debate.

Hon. J. C. Willcock: A man has to pay for all he gets in superannuation or anything else.

Mr. DONEY: I am not complaining of that. The hon. member may find later on that I shall be following lines that are in his mind at the moment. For the present however, I am afraid he is misunderstanding my intentions. I submit the question as to exactly what £3 would buy the beneficiary in, say, 1958. Will it be 30s. worth 35s. worth, or 40s. worth of goods? Who knows? Nobody knows! Whatever it might be, it is fairly certain that the beneficiary will starve, having regard to the fact, as I have mentioned that the decline in purchasing value is constant and sharp unless meanwhile we face up to this problem and allow both contributions and benefits to follow the up-and-down trail of the basic wage.

Today the fund contracts to pay out on the due date the number of pound notes that the contributor has purchased by instalments during his qualifying period. As I see it, that must change. The fund must no longer pay out notes as notes. I say it needs to pay out in purchasing power. Nor must the contributor pay in a fixed sum either. Rather must it be a fixed percentage of the contributor's earnings. Admittedly, while the percentage itself would be fixed, the contribution, of course, would be variable, but always it would be in line with the appropriate basic wage movement. This will be or should be obvious to all of us. Unless this or some similar principle is

adopted, the actual value of contributions must certainly decrease. I cannot see how it can be otherwise. Nor could the fund at any time, unless by some strange and unexpected reversal of the basic wage movement, anticipate an income large enough to meet the just claims upon it. As to whether the Treasury should pay its share of contributions as they become due, or continue as it is required to continue under the Act to pay in a lump sum at the contributor's retirement, is for the Government to decide. I feel that the Treasury's obligations to the fund should be paid as they fall due. There is no doubt in my mind that the Treasury will prefer the present method.

Yet surely, particularly in the future, there will be some very anxious periods for the Treasurer owing perhaps to an exceptionally heavy number of retirements at the one time of high salaried servants, thus throwing a strain upon our revenues, that is sure to make the Premier wish that he had adopted the more prudent method of paying as he went. However, the Premier knows more about this matter than I do, for he knows what funds we have or what funds we lack. At all events the option is allowed to him of choosing whatever method he considers best. I freely admit that my understanding of the matter being dealt with under the terms of the motion is entirely elementary. All the same I cannot understand why variations in values were not provided for in the Act of 1938. Incidentally, Section 41 allows the board to make adjustments in contributions every five years. So far as I know, no such adjustments were made at the end of the first five-year period. If they were I should like to be informed regarding them, and whether any variations in the size or nature of the contributions have been authorised. I do not recall that any change of that kind has taken place.

One might say that if no changes were made that presumably was because none appeared to be necessary, or for any reason appeared desirable. I cannot see why they were not necessary at the end of the first five-year period, two years ago. All along the line in each of these five years there must have been a paucity of contributions. Had that been so naturally the lack of income from that source would have been observable. To the best of my recollection neither the ex-Premier, the member for Geraldton, who introduced the measure in 1938, nor any other speaker either on the second reading or in Committee mentioned the fear that the benefits might be subject to any depreciation as is the case now. It might quite easily have been that members' capacity for criticism lost a great deal of point because we were told that our Bill was based on the comparable Commonwealth Act. Indeed, I think that was the case, there being a natural assumption that as the Commonwealth Act appeared to be functioning satisfactorily little if anything could be amiss with it.

Hon. J. C. Willcock: It was actuarially sound at that stage.

Mr. SPEAKER: Order!

Mr. DONEY: I am not attempting to saddle the ex-Premier with this.

Hon. J. C. Willcock: No.

Mr. DONEY: Nor am I saddling the Opposition with it. The House accepted the Bill and must assume responsibility for it. It could be actuarially sound for the reason that it dealt faithfully with such facts and figures as were placed before the actuary. In my view, however, insufficient facts were placed before the actuaries.

Hon. J. C. Willcock: Consideration was not given to the rise or fall in the cost of living.

Mr. DONEY: Had there been no rise in the cost of living this motion would not have been submitted and I would have had no case. I believe that all the Eastern States, with the exception of Tasmania, had Acts comparable with this one. All of them, again excepting Tasmania, came into operation quite a considerable number of years before ours did. I find it very difficult to understand how the Eastern States measures should have managed to escape the rocks that we now seem to have struck, unless it be—possibly this is the reason—that our basis of contribution is materially different from theirs. If it is materially different I do not see how it can be possible to claim, because that is a major factor, that our Act is in all substantial directions based on theirs.

Hon. J. C. Willcock: Actuarial calculations are generally very conservative.

Mr. DONEY: I cannot see how the member for Geraldton can substantiate that claim. Actuarially he may be right. I have alleged that the actuaries could not have taken into account a factor which must have struck them as likely to arise at a later period. I submit the motion because I have been requested to take such action by a representative of widespread railway opinion in the Great Southern. That section feels—and I support its view—that unless substantial adjustments are made, possibly along the lines I have mentioned, or along lines somewhat similar, the future of many public servants in this State will be troublous in the extreme. Members will surely agree that we have an obligation to aged public servants who in the past have done their duty well and properly in this State. It is no use labouring that point because, no doubt, it was observed and conceded at the time I mentioned by speakers when the measure was introduced. I would like to make the point very clear that I bring this matter before the House in no spirit of mere criticism. Indeed, I could not honestly do so because I ask myself, am not I and are we not all equally with members of the Government jointly responsible for the Act, which I find on reference to the debate in 1938 passed this House, as a Bill, on the voices on the occasion of the second reading? For these reasons the Act became the joint responsibility of all members save only the few who have come into the House since.

On motion by Mr. Withers, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

MR. McDONALD (West Perth) [5.2] in moving the second reading said: The object of this Bill is to insert in the Criminal Code a new section creating an offence where death is occasioned by the negligent driving or use of a vehicle. It also contains a minor amendment dealing with the power of the court to send convicted persons to a reformatory prison. The Bill as presented to the House is identical with the one that passed this Chamber last year. That Bill proceeded to the Legislative Council a week or so before the end of the session. It w read there a first time but was not pr ceeded with, on account, no doubt, of pre sure of business in that Chamber at the e of the session. It was, therefore, never co sidered by the Legislative Council b lapsed with other measures when the se sion closed. The position is that under o law, as embodied in the Criminal Code, a person is killed by the use of a moto car, the driver of the car may be charg with manslaughter. If the accused is shov to have driven a car with reckless neg gence, he may be convicted and be liab to imprisonment for life. When our Cri inal Code was enacted in 1912, there we very few motorcars on the road, and t matter of negligent or reckless driving motorcars did not assume the social i portance that it presents today. There nothing in the Criminal Code dealing e plicitly with the negligent control of vehicle; particularly a motorcar.

This measure has been introduced on t representations of the Justices Associati of this State. The members of that ass ciation, from their experience gained by s ting on the bench as coroners, and fro their appreciation of the position as r sponsible men, are of opinion that a pr vision in the Criminal Code of the ki sought would be a desirable addition to o criminal law. If a man drives a motore recklessly and negligently, he may, at t present time, be charged in the police cou under the Traffic Act. He may be fined a also sent to prison, the fine and the i prisonment each being of a comparative minor nature. That liability is incurred a driver even though he does no damage any property or to any person. From th simple offence, punishable in the poli court, there is a gap which extends rig up to manslaughter which, as I have me tioned, is a serious crime, punishable by i prisonment for life. In order that an a cused person may be convicted of ma slaughter, the jury has to be satisfied th he drove the car with reckless negligence.

It has been found that juries feel the r sponsibility of convicting a negligent driv of manslaughter. That is so first of all b cause of the high degree of negligence th has to be proved by the prosecution, a secondly because the jurors realise that would be within the power of the judge

send a man to gaol for a long period—up to life imprisonment. On the other hand, when cases of this kind come before coroners' courts, which have power to commit a driver for trial, the coroners have to take into account the fact that unless the case is a very strong or bad one, the jury may not convict the negligent driver, even although he may have been negligent to some degree and should be punishable for the death he has occasioned to the unfortunate individual who has lost his life. It is, therefore, thought that some intermediate offence should be provided which would involve a lesser degree of proof than manslaughter and a shorter term of imprisonment. In that case, if a coroner were of opinion that it would be difficult to secure a conviction, by a jury, for manslaughter, he would be able to send the driver on to the criminal court for trial for the offence set out here.

Further, by this Bill, it is provided that if a man is charged with manslaughter, but the jury is not prepared to find him guilty of that offence, it may find him guilty of the lesser charge set out in the Bill. The intention of the Bill is not to afford any protection or immunity to reckless or negligent drivers, but rather to make certain that negligent drivers are adequately punished where they cause the death of some person. Under the existing law, they may escape punishment. The Bill therefore provides that any person who has in his charge or under his control any vehicle and fails to use reasonable care and take reasonable precautions in the use and management of such vehicle whereby death is caused to another person is guilty of a crime and liable to imprisonment with hard labour for five years.

The Bill goes on to say that that section shall not relieve a person of criminal responsibility for the unlawful killing of another person. It means, therefore, that a driver who is negligent may still be charged and convicted of manslaughter and incur the major penalty involved by a conviction for that offence, if the facts justify such a conviction. But it also means that if the jury is not prepared to record a conviction for manslaughter, then the accused person does not escape where his negligence is such as to bring him within the provisions of this measure. In England there has been for some years a provision dealing, to some extent, with cases of this kind. By the English statute known as the Offences Against the Person Act, 1861, it is provided that—

> Whosoever, having charge of any carriage or vehicle shall, by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanour.

In England, a misdemeanour is punishable by imprisonment up to three years. That is an old statutory provision. It was made at a time when motorcars were unknown, but it is still in the English law and can be called to aid against a negligent driver where it may not be proper to charge him with the more serious offence of manslaughter. In 1943 in Queensland an Act was passed providing that—

> If any person drives a motor vehicle on a road recklessly or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

to certain penalties on summary conviction in the police court but, in addition, on conviction on indictment—that is, in the criminal or higher court—he is liable to a fine of £500 or imprisonment for a term not exceeding two years, or to both fine and imprisonment. That is an attempt by the Queensland Parliament to meet the case of reckless driving under circumstances where it might not appear desirable or possible to convict an accused person of manslaughter. It must be observed that under the Queensland Act the penalty is two years' imprisonment whereas under this Bill the penalty can be up to five years. Under the Queensland Act, however, the penalty of two years' imprisonment can be recorded in the case of reckless driving where no person is injured, whereas by the measure now before the House an accused person will not become liable to the penalty provided unless his negligent driving has been attended by such serious consequences that he has caused the death of another person.

I feel that the provision in this respect would be a useful addition to our criminal law. It would cover especially the case of the negligent driver which at present is not expressly covered by our criminal law, and it would afford a means by which some negligent drivers—and we have far too many—could be brought to book for their care-

lessness where, under the existing law, they might entirely escape the consequences of the negligence by which they caused some other person's death. The other and minor provision in this Bill is to meet what I think is really a gap in our law. Section 662 of the Criminal Code provides, in effect—

> Having regard to the antecedents, character, age, health or mental conditions of a person convicted of an indictable offence, and the nature of the offence or any special circumstances of the case, the judge may direct that the person be detained during the Governor's pleasure in a reformatory prison.

The Criminal Code, as it now stands, only allows that to be done in the case of a person of apparently the age of 18 years or upwards. If a person is under the age of 18 years and is convicted of an indictable offence, the court has no power to direct that the person be detained in a reformatory prison. The object of the second amendment, therefore, is to amend Section 662 by striking out the words "apparently of the age of 18 years or upwards." The amendment will leave the court free to order to be detained in a reformatory prison not only a person 18 years of age or more but also a person under the age of 18 years. That amendment, which will provide the court with this additional power, would appear to be most desirable and therefore has been included in the Bill.

Thus there are these two provisions. One is to provide that the negligent driver of a vehicle, which in these days will almost always be a motorcar, who kills someone else as a result of his negligence, can be convicted of the offence of negligent driving and be liable to a penalty of five years' imprisonment. The other will empower the court to send to a reformatory a convicted person who is under the age of 18 years. As I previously mentioned the Bill is in the same form as that presented to the House last year and I move—

> That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Debate resumed from the 24th October.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Kanowna) [5.18]: I have examined the Bill and the Government is agreeable to its acceptance. It is a sma measure to amend Section 14 of the Leg Practitioners Act of 1893 and is designe to allow persons, qualified under the Sco tish Act of 1873 as law agents, to be e rolled under our Legal Practitioners Act 1893. Victoria, New South Wales, Queen land, South Australia and New Zealan have already made provision along thes lines and, so far as I have been able to a certain, the qualification of a law agent equal to that of a solicitor who practises the Supreme Court in Scotland. The dif culty here is that the law agent is n registered, but that could be overcome any person interested who had qualified a law agent were to go back to Scotlan pay the necessary stamp duty and subscrib to the list of solicitors in that countr That would qualify him under Section 1 of our Act as it stands at present. Hov ever, that course would be costly and u necessary.

The law agent has the same standard competency as our own legal men in th State, from the standpoint of qualificatio by examination. I do not think in thos circumstances that it is unreasonable tha the law agent should be admitted to pra tise here, and as the persons to be affecte will be those associated with the legal pr fession, the members of which have agree to this legislation and the chairman of th Barristers' Board, Mr. Walker, has su gested that it be accepted, there should b no opposition to the proposal. Probabl Mr. Speaker, if the member for Fremantl were to have a seat on the floor of th House he might have quite a lot to sa about this subject, which has always been pet topic with him, and he would be mo conversant with the situation than I an as he knows the pros and cons regardin the legal profession.

The other small amendment is to admi the man who has graduated in jurispr dence at the Oxford or Cambridge Unive sity where he obtained his B.A. degree. am informed that the degree obtained either of those universities is equal to th Bachelor of Laws degree obtained at an other university. After discussing this ma ter with the Solicitor General, I am co fident that no harm will be done if w accept the provision in the Bill in this re gard. It will affect some of our very me

tally alert boys who have proceeded with their studies here to a partial extent and have then gone to the Old Country with the aid of scholarships and have there taken their B.A. degree. As I am informed that the qualification required for that degree at both Oxford and Cambridge is very high, I have no objection to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

MOTION—SANITARY SITE, SOUTH-PERTH-CANNING DISTRICTS.

To Inquire by Select Committee—Defeated.

Debate resumed from the 24th October on the following motion by Mr. Cross:—

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

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

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

(a) The inhabitants of Clontarf Orphanage;

(b) the inhabitants of Castledare Orphanage;

(c) the children who attend South Como School;

(d) the staff and students of Aquinas College;

(e) the proposed new school for which land has been recently acquired, adjacent to Hobbs-avenue, South Perth;

(f) the owners of surrounding lands;

(g) the construction of workers' homes on the numerous blocks of land recently acquired by the Workers' Homes Board as set out in the "Government Gazette" of the 21st September, 1945;

(h) residents of either the Canning or South Perth Road Board Districts;

(i) the general progress of either South Perth or Canning Road Board Districts.

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

THE MINISTER FOR LANDS (Hon. A. H. Panton—Leederville) [5.26]: At the outset I desire to place on the Table two maps and aerial photographs dealing with the subject and move—

That these papers lie upon the Table of the House.

Motion put and passed.

The MINISTER FOR LANDS: Listening to the member for Canning when he moved the motion and having had an opportunity since then to read what he said, I believe one might imagine that the subject of the motion was a matter of very recent date. As a matter of fact, right from the time the Kent Street School was built and occupied, there was an agitation for the removal of the sanitary site. As time passed, that agitation became more pronounced and it has flared up again this year. As the result of complaints during the time I was Minister for Health, I decided to visit the spot and view the site for myself. I did that on the 5th February, 1941. I went to the Health Department and picked up the late Inspector Toll. It was a very hot morning. Having arrived at the site I started to go over it. I think it was one of the most disgusting sights I have had an opportunity to look at for a very long time. I believe that had there been an hotel close handy, I would have had a double-header brandy to set myself up. It was certainly very bad.

I discussed the matter with a couple of workmen and also with a contractor but the last-mentioned did not seem to see anything much wrong with it. The sanitary site is in a depression. The South Perth sanitary site is adjacent with only a four- or five-wire fence separating the two. At that period the work on the South Perth sanitary site was carried out during the night and consequently in daytime it was closed and reasonably clean when I was there. The other sanitary site was worked during daytime. There was some argument about it in the district at that stage because it was about the time of the blackout. Taking a line—not

as the crow flies but as the perfume was wafted—I found it was about 440 yards to the Kent Street School. I went over the building to have a look at it and to appreciate the position as I found it. It was nauseating enough indeed.

Several tradesmen were there engaged on building operations, and the breeze happened to be blowing across to the school that morning. I can assure members it was anything but pleasant, and how those people suffered it all day I do not know. In addition, there were about 2,000 pans passing right along the front gate of that school every day —2,000 pans to be emptied. I was so disgusted over the whole business that I came back with the late Inspector Toll and we both wrote out a separate report. His was much more modest than mine. After having a look over it, I adopted it, and we decided to send it at once to the City Council with a demand—not a request—that the matter be rectified in some way or other. Since then there has been no end of correspondence and deputations over this question. As I say, on the 5th February, 1941, I inspected the site. Our report was handed to the City Council on the 9th February, four days later. I sent it to the council through the Commissioner of Health.

From then on to the 13th August, 1941, correspondence was continually taking place between the City Council, the Commissioner of Health and myself. I was receiving deputations, in which the City Council joined, and I found that the council was trying, in my opinion, to evade its responsibility. On the 13th August, 1941, a very strong protest was made by the School Teachers' Union. On the 8th September, 1941, the Commissioner of Health recommended that both depots be transferred to what is known as the Collier pine forest. On the 2nd April, 1942, the Secretary of the Kensington Branch of the Housewives' Association wrote to the then Prime Minister, the late Mr. John Curtin, who in turn wrote to the Premier of this State. Quite justifiably, the Premier put me on the carpet and wanted to know what sort of a Minister for Health I was, to allow this state of affairs to continue, if what the Housewives' Association had written was correct. I have been court-martialled more than once, so I got out of that difficulty reasonably well, by blaming somebody else, of course.

So the thing went on up till the 11th May 1943, when the then Commissioner of Health Dr. Park, advised the City Council that the depot was going to be closed. In making that order, he obviously had to give the council some time to shift. After considerable negotiations, he allowed them six months to transfer the depot to the pine forest, the site which had already been chosen. I kept on asking the Commissioner of Health from month to month whether anything was being done, because I appreciated the fact that once the six months notice expired and nothing was done, some extension of time would have to be granted to the council. That is actually what happened. The City Council played about with the matter. Upon the expiry of the six months, we in the meantime having got another Commissioner of Health, it was decided to give the City Council another three months, anyhow. From the 5th February 1941, to the end of 1943, negotiations were proceeding for the approval of this site. There is nothing new about the matter. The site certainly ought to be shifted.

I say quite candidly that the City Council having let the work by contract, should compel the contractor to do his job, because I cannot be convinced that even a sanitary site, with the number of disposals that are being made there, could not be kept in a much better condition. Only three or four weeks ago my colleague, the Minister for Health, invited me to go out with the member for Victoria Park and the Chief Health Inspector of the City Council. They took me for a ride to another sanitary site at Wembley. That site is also controlled by the City Council, but by day labour. In other words, the City Council is doing the work itself, and not by contract. I desire to say that the way in which the City Council is doing this work is a distinct credit to it. As a matter of fact, I was told a story when we went out there. I shall not vouch for its accuracy, but I was informed that it was true. There are several horses on the sanitary site. A man had lost a horse and thought he might find it amongst those horses. He was walking about for half an hour or so on the site and then asked someone, "Can you tell me where the sanitary site is? I am looking for a horse." That is

the type of sanitary site at Wembley. In Victoria Park, however, for some unknown reason, probably because the work is done by contract, the City Council makes no attempt to keep the contractor up to his job.

The Minister for Justice: It is low-lying country, too.

The MINISTER FOR LANDS: As my colleague says, it is low-lying land. That is the position so far as the site is concerned. I now wish to deal with the speech made by the member for Canning and the arguments he adduced to prove his case. I regret that he attacked certain people, for no reason whatever as far as I can see. If members will read "Hansard" they will find that he made an attack on Mr. Ray Brown, who seems to have taken some interest in this question. The member for Canning said, in his usual emphatic way, that he had lived in the district himself for 30 years, but that he had never heard of Mr. Brown, nor could he find anyone who knew anything about him. That is just too bad for Mr. Brown. I have never lived in Victoria Park, but I know Mr. Brown. He was in my office on more than one occasion on this particular matter.

Mr. Mann: He was not a constituent of the member for Canning.

The MINISTER FOR LANDS: Mr. Brown is a returned soldier. He has been secretary of the sub-branch of the R.S.L. in Victoria Park for about 18 months. Previously he conducted a lending library in Victoria Park. Since he went out of business he has occupied a responsible position in Anzac House as Pensions Officer. He is an ordinary decent citizen, occupying a very responsible position. Like other public-spirited men, he has taken an active part in the affairs of his district, and one of those affairs is the sanitary site. Mr. Brown, according to the member for Canning, gathered about him a number of organisations. The member for Canning, again in his emphatic way, said he knew nothing of the organisations; in fact, he did not know anybody who did. A deputation headed by Mr. Brown waited on the Commissioner of Health, and I understand the member for Canning gate-crashed into it, and therefore he did have an opportunity to see who was there.

Mr. Cross: Who told you that?

Mr. SPEAKER: Order!

The MINISTER FOR LANDS: I wish to refresh the hon. member's memory as to who was there. Mr. Brown was there, whom the member for Canning said nobody knows. There were present representatives of the executive of the Teachers' Union; the Victoria Park sub-branch of the R.S.L.; the South Perth Citizens' Council Incorporated; the Victoria Park Methodist Children's Home; the Victoria Park Housewives' Association; the Kensington Housewives' Association; the Victoria Park branch of the A.L.P.; the Como School Parents and Citizens' Committee; the Victoria Park Business Men's Association; the East Victoria Park Parents and Citizens' Committee and the Victoria Park Ministers' Fraternal. The hon. member may interject on the last one, "Who are they?"

Several members interjected.

Mr. SPEAKER: Order!

The MINISTER FOR LANDS: I think that is a reasonable representation.

Mr. Thorn: It is very representative.

The MINISTER FOR LANDS: I should say that they were not people about whom nobody would know anything.

Mr. Thorn: That has silenced him!

The MINISTER FOR LANDS: As I say, the member for Canning saw these people at that particular deputation. Now he informs the House that not only does he not know anything about them, but that he does not know anybody who does. All I want to say on that head is that his education in his electorate has been sadly neglected. I remember seeing in "Smith's Weekly" a cartoon headed, "Ask Bill, he knows everything." Had I been asked whether I knew of any man in Western Australia who was a similar character, I should certainly have said, "Ask Charlie Cross, he knows everything."

Mr. SPEAKER: Order!

The MINISTER FOR LANDS: I am bitterly disappointed in the member for Canning and I shall have to change my opinion of him. He does not know everything. As it turns out, he does not know very much about the other side of the river and the new sanitary site. The plans that I placed on the Table were prepared by the Lands

and Surveys Department and the Aerial Survey Department at the request of the Government. The new site is marked on the maps by a ring, and members will observe that the site chosen is as near as possible to the boundaries of the three authorities. Members will also be able to consult the plan hung on the wall. The site chosen is in the middle of the Collier plantation. That is not a compliment to Mr. Collier's memorial, but nevertheless, it is the site chosen. The member for Canning—and for this I do not blame him—overlooked the fact that the South Perth Road Board now conducts the sanitary service for a considerable part of the Canning Road Board's district. The latter is the road board that we are given to understand is up in arms about this business. The pans are being transported for a number of miles through the South Perth area. The member for Canning has not objected to that. The soil will be deposited near the Kent Street High School, to the detriment of the South Perth and the Victoria Park residents.

So we find that the Canning Road Board is using a sanitary depot near the Kent-Street School, and that the pans are passing through miles of the South Perth district. To that the member for Canning does not object, but when it is proposed that the soil should be taken to the plantation site he does object, although it will not go through South Perth at all. This irritating matter has been continuing since 1941; and this year it has flared up to fever heat. Of course, as I pointed out, the work is being done by contract. Unfortunately, the trenches have been opened up at about 8 or 9 o'clock in the morning and have not been closed again until 5 p.m., and consequently we know something of what is going on. The matter could be easily remedied, just as it has been remedied at Wembley Park. The hon. member also said that nobody who did not know the locality would be aware of it, and that there are no people living close to it. He was talking about the Kent Street School site. I say that it would not matter which way the wind was blowing from that site, anybody with a nose would be aware of it.

Mr. Cross: I was talking about the Welshpool site.

The MINISTER FOR LANDS: I would not advise the member for Canning to mention that site. It is much worse than the Kent-street site. He stated that within three-quarters of a mile of this proposed site in the Collier plantation, there were houses worth £1,000. Neither the member for Canning nor anybody else will find a house worth £1,000, or any other house within three-quarters of a mile of the proposed site.

Mr. Cross: The Minister does not know much about South Perth.

The MINISTER FOR LANDS: If the member for Canning is a sample of South Perth, I do not want to know much about it. If members will interject they must take what is coming to them. I suppose I am expected to lie down and take it all which I do not propose to do. The member for Canning has said I do not know much about it, but members can verify what I have said for themselves, either by maps or by taking a run out there and having a look around. There is not one house within three-quarters of a mile of the proposed site, the nearest dwelling being the Clontarf Orphanage, which is about three-quarters of a mile away. That orphanage has a fair amount of land and is conducting mixed farming operations. The member for Canning played to a great extent on Clontarf and two other institutions, which would appeal to the sentiments of members. Clontarf, which is the nearest dwelling, conducts a mixed farm, running poultry, pigeons, horses, cattle, and a piggery. Piggeries are listed, under the Health Act, as a noxious and offensive trade, so I do not think Clontarf Orphanage, which conducts a fairly large piggery, will be very much inconvenienced by a site three-quarters of a mile away if that site is conducted in a proper manner.

Mr. Thorn: One would neutralise the other.

Mr. J. Hegney: Have the Clontarf authorities made any complaints to the Minister?

The MINISTER FOR LANDS: I have never had any complaints from Clontarf Orphanage. They are running this mixed farm, and the hon. member knows something about piggeries, because there was a lot of excitement over piggeries in his dis-

trict at one time. I suggest that this institution could not be very much affected by a properly conducted sanitary site three-quarters of a mile away. The member for Canning quoted a Mr. Jones, secretary of the Canning Road Board, as an engineering authority. I do not want to follow the line adopted by the hon. member, and I do not desire to say anything detrimental about Mr. Jones, but from what I gathered—and I made minute inquiries—Mr. Jones is not a qualified health inspector and is not a qualified sanitary engineer. I understand he is in charge of the Welshpool depot, and, if Welshpool is a sample of sanitary engineering, we want something better than that at the new site.

Mr. J. Hegney: The Minister had better be careful as to what he says about Welshpool.

The MINISTER FOR LANDS: It is unlikely that any dwelling will be erected within three-quarters of a mile of the proposed site. The unsubdivided area is very swampy, as shown by the aerial photograph, and the balance is farming land held by Clontarf, and the pine plantation. Unless Clontarf is bought out or the pine plantation is erased, and houses are built on that swampy area, there is not much likelihood of houses ever being built round this particular site. The member for Canning also mentioned Aquinas College and Castledare Orphanage, but they are more remote from this site than is Clontarf. They are over a mile from the site, and there are many places that members must know in Western Australia much nearer than one mile to a sanitary site. One member interjected a short while ago about the Town Planning Commissioner. I have no desire to enter into a domestic squabble between the hon. member and the Town Planning Commissioner, as I think both are able to hold their own in such an argument. I assure the hon. member that the Town Planning Commissioner's home is as close to the site as is any house in the district.

Mr. Cross: It is not.

The MINISTER FOR LANDS: I leave the member for Canning to argue about that. The Town Planning Commissioner's son attends Aquinas College. I do not think even the Town Planning Commissioner would be likely to support a site, if his house was as near to it as is that of any other person, and he thought it would be objectionable. The Town Planning Commissioner has a job to do and if he supports what he believes is the right thing that is no reason why he should be represented as a menace to the health of the community. South Perth and Victoria Park will both contribute to this depot, but those contributions will gradually diminish. The member for Canning himself pointed out that there is a large number of houses waiting to be sewered. Members know what the trouble has been and will be for a considerable time to come regarding sewerage, and that there is a great amount still to be done in that area.

From the information I have obtained I am more than satisfied that South Perth and Victoria Park will contribute to this proposed depot but that the contribution will gradually diminish until all that is left will be the Canning Road Board. It will be a long time before all the houses in the Canning Road Board are served. The Minister for Forests—I am now speaking of my colleague—has agreed to the Perth City Council constructing a road through the firebreaks of the pine plantation to the new site. I mention that because, according to the figures put forward by the member for Canning, there will be five times as many disposals going to that site by road as will come from South Perth. With the road through the firebreak there will be five times as much disposed of by this road as will be coming from South Perth, including that brought from South Perth on behalf of the Canning Road Board.

The only disposals that will pass the Clontarf Orphanage will be those from the Canning Road Board, and it does not matter where the site is—even where it is at the present time—they will still go past Clontarf. At the new site only the disposals from the Canning Road Board will go past Clontarf Orphanage and the rest will go by the road to be made through the pine forest by the City Council. I understand, also, that none of the disposals from South Perth and West Canning go past the orphanage. There is ample land, in excess of that actually required, being resumed, so as to give access to the main road. Ample land is being resumed over and above what is actually needed for the time being at this site. The

balance, of 75 acres, will be a buffer between the main road and the depot. The member for Canning led us to believe that this depot was to be right alongside the road, but that is not the case.

Mr. Cross: Is the site to go in the pine plantation?.

The MINISTER FOR LANDS: The member for Canning knows where it is to go. Otherwise how did he get his map?

Mr. Cross: There is no buffer at all.

The MINISTER FOR LANDS: The member for Canning can reply and pull my statements to pieces as much as he wishes, because I am giving the facts. Parliament has amply safeguarded the situation under the Health Act. As a proviso to Section 111, Division 5, of that Act, it is laid down that it shall not be lawful to deposit nightsoil in any place where it will be a nuisance or injurious or detrimental to health. That is the provision in the Health Act, passed by this Parliament. If the new depot is as badly conducted as is the depot at Kent-street, which is conducted by the South Perth Road Board and the City of Perth, the member for Canning or any organisation he represents can have the depot terminated under that section of the Health Act.

I think I have given a reasonable answer to the motion of the member for Canning for a Select Committee. I appeal to members and point out that it has taken five years to get the City Council and the South Perth Road Board to where we have them today, transferring this unseemly depot and sanitary site from alongside the Kent Street School and the homes thereabouts to a place in the middle of a pine forest, where no one will see it or be near it except the people working there. The City Council, through the Health Committee, has recommended the site and has agreed to shift the depot and put down the necessary roads and so on as soon as possible. The carrying of this motion for a Select Committee would simply mean delaying the matter further. The health of the community is not only in the hands of the Health Department, but in the hands of members of this House, and the sooner that depot is shifted from near the Kent Street School the better it will be for all concerned. In view of the hot summers we have had and the prevalence of flies, I think it is fortunate that we have not had an epidemic in that area.

This matter is not a question of party politics with me, at all. I am concerned only to get the best possible depot, for the health of the people of this country, and of Victoria Park and South Perth in particular at the moment, and that can be done by shifting this depot to the proposed site. For at least four years—the member for Victoria Park can substantiate this—people have been looking into the matter of a proper site and have examined all sorts of areas. The City Council has even said, "The Government is shifting us out. Let it find us a site." The Government, assisted by others, has found this site, which seems to be the only suitable one without going miles away from the road boards concerned. I say, in all seriousness, that this motion should be defeated so as to give the City Council an opportunity to get on with the job, and I appeal to members to act accordingly.

MR. J. HEGNEY (Middle Swan) [5.58]: I have read the speech made by the member for Canning regarding this proposed site, and I think he overstated his case. It was very much overdrawn. If he had a case there was no necessity to exaggerate and extend it to the limits because, as the Minister has said, the hon. member told the House that Clontarf was three-quarters of a mile from the proposed site, Aquinas nearly two miles away, and so on, and that the carts going to this depot, would pass the Clontarf Orphanage. I think that is exaggeration in the extreme, because I happen to live within a quarter of a mile of a sanitary site and can say that there is definitely no offence and nothing of which anyone could complain so far as the Perth Road Board site is concerned. It is on a reserve, and often the carts pass backwards and forwards though the service is diminishing as sewerage is extending. I live within a quarter of a mile of that site, and I have been closer and I say definitely that, owing to the proper treatment there, no offence is given. Therefore I consider that the hon. member, in making a point about the distance from the proposed site, overstated the case. The hon. member as the representative of Canning is certainly a good fighter for his district, but having fought the issue as far as

the Commissioner of Public Health and the Minister for Health, he might well have let it rest there. I do not consider that he was justified in dragging the subject before Parliament. Having made his protest, he should have desisted and not sought a decision from Parliament.

The hon. member, in his peroration, fervently appealed to the House to take a statesmanlike view of the motion and say that the sanitary site must go forever. Certainly it was a moving appeal, but I am frankly of the opinion that, after having made his protest to the administration, he should have been satisfied. The hon. member has not been consistent either in his statements or his actions, inasmuch as he solved a similar difficulty on the Welshpool-road some years ago to the detriment of another district, and the solution he obtained was not creditable to him. He got the Works Department to excise an area of land from the Darling Range Road District and tack it on to the Canning district, notwithstanding a protest by the Darling Range Road Board against that area being used as a sanitary site by the Canning Road Board.

Mr. Read: That was clever.

Mr. J. HEGNEY: But it was not fair.

Mr. SPEAKER: Order! The hon. member is getting away from the motion.

Mr. J. HEGNEY: No, I am not.

Mr. SPEAKER: I say the hon. member is.

Mr. J. HEGNEY: The hon. member referred to the Welshpool occurrence and the Minister also dealt with it.

Mr. SPEAKER: I do not mind a reference being made to it, but I must prevent the hon. member from making a speech on the Welshpool sanitary site To do so would be distinctly out of order.

Mr. J. HEGNEY: I did not intend to make a speech on it; I merely wished to refer to it in order to indicate the hon. member's attitude then and now. The hon. member in moving his motion, according to "Hansard" page 975 stated—

> When I saw the Town Planning Commissioner I said, "The confines of the Canning district are not the place on which to put a sanitary site."

Mr. SPEAKER: Is the hon. member quoting from "Hansard" of the current session?

Mr. J. HEGNEY: Yes, I am quoting from the hon. member's speech.

Mr. SPEAKER: The hon. member knows he is not permitted to quote from "Hansard" of the present session.

Mr. J. HEGNEY: I wish to allude to statements made by the hon. member when moving his motion and that is what I am doing. I wish to be exact. The hon. member objected to a sanitary site being placed in the confines of the Canning district, and yet he lent his assistance to the placing of a sanitary site on the confines of another district and went to the extent of getting a portion of a road district excised for the purpose.

Mr. Cross: In entirely different circumstances.

Mr. J. HEGNEY: No, the hon. member put one over me on that occasion, and I do not think his action was fair or honourable. Now he is asking Parliament to do the exact opposite, and so far as I am concerned, the hon. member will not get away with it. The hon. member also said that we are not living in archaic times; we are living in modern times, and then he went on to say that he did not care where the nightsoil was carted so long as it did not pass through the Canning district. Of course, it could be taken anywhere else! That was not a reasonable attitude to adopt. If he wished to be fair in all the circumstances, why should he approve of its being carted through any district except his own? My view is that his statements in support of the motion were grossly exaggerated, and by indulging in exaggeration, he has not done his case much good.

Speaking from experience in the district where I live and knowing that there is nothing offensive from the way in which the nightsoil is dealt with there, I cannot imagine that his protest will be very effective. The hon. member suggested that the present site at South Perth should be retained and that sewerage extensions will ultimately solve the trouble. No doubt in two or three years, the extension of the sewerage system will have the effect of alleviating the trouble to a great extent, but I think the hon. mem-

ber, by his statements, did a great disservice to the children attending the school in that district. I repeat that the hon. member as representative for the district carried his protest to the proper quarters and, having done so, he should not have brought it here. I oppose the motion.

MR. MANN (Beverley) [6.8]: I have listened with great interest to the discussion on this motion.

The Minister for Education: Interest and satisfaction?

Mr. MANN: I have examined both of the maps that have been submitted and find that they differ greatly. I believe the Government map is the more honest of the two. However, I am so concerned about the dignity of Parliament that I think the House should discuss the question of appointing a Select Committee to inquire into the statements of the member for Canning. The member for Middle Swan has made serious statements about him, and so has the former Minister for Health. In the first place this was a very unsavoury topic to bring before Parliament, and it has developed into a very heated discussion by both the Minister and the member for Middle Swan. Why should the member for Canning have brought the matter before Parliament for discussion? The member for Middle Swan pointed out that the member for Canning had gone as far as possible to impress the facts upon the authorities and get the matter rectified. Surely Parliament has not fallen so low that it should be asked to discuss such a matter!

Mr. Thorn: Is not this the right place in which to discuss such matters?

Mr. MANN: It might be. I have no desire to cast any reflection upon the member for Canning. He is a man I have greatly respected, but, after having listened to the debate, I am afraid that my opinion of him will alter considerably. When we study the two maps, we cannot believe that the Minister's officers would present other than an honest drawing of the position that really exists. As I have pointed out, the two maps do not correspond. On the one hand we have the official map and, on the other hand, we have a map drawn out of the imagination of the member for Canning.

Mr. Cross: There is no imagination about it.

Mr. MANN: We have to accept the official map. Therefore I shall support the Government in the hope that the motion will be defeated. By so doing, I will show the broad and impartial view that I and doubtless other members on this side of the Chamber take of questions brought before the House.

MR. CROSS (Canning—in reply) [6.11]: I am somewhat surprised at the statements of the member for Beverley regarding the map I produced. It was prepared by one of the oldest draftsmen in the Lands Department, a man who knows every inch of the district intimately, and I challenge the member for Beverley and even the former Minister for Health to say that the places shown in that map are not correctly shown.

Mr. Mann: I would like to see them checked side by side.

Mr. CROSS: The only difference between the two maps is that mine has been drawn to a scale of four chains to the inch. I purposely got a large scale map in order that members would have no difficulty in understanding the position. In spite of all the discussion, we have had no denial that the sanitary site extends right up to the property of the Clontarf Orphanage and is actually within half a mile of the main building. The member for Middle Swan accused me of having indulged in exaggeration. I was very careful in presenting the facts of the case because I realised that, if an inquiry were made by a Select Committee, the information I had given would have to be supported by evidence.

Regarding the old Welshpool sanitary site, which it is proposed should be removed later on also to a spot close to the Clontarf Orphanage, I wish to point out that when the land referred to was taken by the Canning Road Board, the circumstances were different. It was proposed to compel the Canning Road Board to adopt a site nearer to the city. There are very few houses near the site even at present, and many people do not know of the existence of the site. There is not a large number of services passing through the district. As the ex-Minister for Health pointed out, the South Perth Road Board removed quite a number of services near to the Canning Road District. I consider that the ex-Minister for Health put up a case almost in

support of the appointment of a Select Committee. Not once did he claim that the site in question was suitable.

The Minister for Lands: I suppose I agreed to it!

Mr. CROSS: The member for Middle Swan said that after having been to the Commissioner of Public Health and the Minister, I ought to be satisfied and sit down. On the day when I sit down, knowing that I am right and not doing what is in the interests of the people, I hope I may lose my seat or drop dead. When I saw Dr. Park and he informed me of the proposed site, I asked him whether he thought it a good site.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. CROSS: I said before tea I had interviewed Dr. Park immediately I knew that the proposed site, Lot 25, was to be chosen as the site, not for one place in particular, but for South Perth, and the City of Perth. The Town Planning Commissioner told me it was the intention to place the Canning site somewhere near it. I asked Dr. Park if he thought it was a suitable site. He said it might be a slightly better site, because fewer people would be affected, than was the Kent-street site. He also said, "I do not consider it is a suitable site and I have directed my officers to keep looking until they find a suitable site." The ex-Minister for Health said—

Mr. Mann: Call him the Minister for Lands; it sounds better.

Mr. CROSS: It is extraordinary that the ex-Minister for Health should get up to reply and not the present Minister for Health himself. It may be that the ex-Minister, having been associated so long with the Health Department, knows a good many of its activities. He said I had gatecrashed into a deputation. At that deputation the Minister said amongst other things that a representative of the A.L.P. was present. That representative was never authorised at any meeting of the A.L.P. to be present. He also mentioned a representative of the South Perth Citizens' Association Incorporated. He did not tell us that that association was comprised of two or three people who had put in a few pounds each, and that this is known to the present member for Victoria Park and he also knows when it was done. That association was formed to get rid of the present site because some of those concerned owned high land around it. That was the interest they had. They represent no people. The Town Planning Commissioner was one of the ringleaders of the deputation. He was the only person who objected to my being there. I told him I would support the move to remove the present site to a suitable area.

The Kent-street site is in my electorate. It is my people who are most affected. My people say, and have said, that what they want is a concerted effort to get rid of the site, but that they do not want it located where it would be a menace somewhere else. They have told me they are prepared to wait a reasonable time so long as a definite effort is made to prevent any more houses being built unless they are connected with sewerge or septic tanks, and a definite concerted effort made to induce people to connect who are already along the sewerage system. There are 1,100 or 1,200 of these people; I gave the figures when I moved the motion. They are alongside the main. Many of them are waiting until men and materials are available to enable them to connect up. The people around the present site say that if a definite effort is made to eliminate the site by people getting connected up—it can be done in 18 months or two years—they will be satisfied. I pointed out how at South Perth, during the war and in the course of the first 18 months of it, people got half of the area connected up with the sewerage, and that it would be an easy matter for them to have the remaining 600 houses connected within 18 months or two years.

It ought to be possible to close the present site, and eliminate all the services connected with it, within 18 months. The Minister said I did not know everything. I do know that the first effort in regard to the new sanitary site was to place it in the Collier pine plantation and we were told that no one would know anything about it. The hubbub was so great that the authorities altered their minds. They found out that it was not possible to use a Class A reserve as a sanitary site without the consent of Parliament. It is now proposed to go to the other side of the pine plantation. The new site will not eliminate the nuisance. Mr. Johnson, the secretary of the South Perth Road Board, has pointed out to me

that if the Kent-street site is closed all their services from Gwenyfred-road will have to be taken along the Canning-highway to Canning Bridge through South Perth and along the main highway, and it will come out at the new site near the Clontarf Orphanage. He pointed out that that would cost the road board several thousands of pounds. The City of Perth has to construct a new road. The Acting Lord Mayor, Councillor Langley, told me a week or two ago that the council had authorised the expenditure of over £10,000 on a road and admitted that the work might cost £15,000.

The Minister for Lands: Is not the hon. member bringing in new matter?

Mr. SPEAKER: Order! The hon. member is introducing new matter and no other member will have a chance to rebut it. I must ask him to confine himself to what was said during the debate.

Mr. CROSS: I am pointing out the extraordinary cost of this work.

Mr. SPEAKER: The hon. member should have done that when moving the motion.

Mr. CROSS: I did mention it.

The Minister for Works: You cannot reply to yourself.

Mr. CROSS: The point is that the Minister said it would obviate the taking of the pans through South Perth. I point out to him that the pans will have to travel through Victoria Park, right around South Perth, and go the farthest way round to the new site. The area is thickly populated, and the people along the track will have to put up with the smell as the pans are taken through the streets during the daytime. I am not going to refer to the Minister's personal abuse, but I will say he has no argument at all to advance. He said that the land adjacent to the site was swampy. No doubt in the last few years members have gone past the Clontarf Orphanage from Cannington. They will have observed, half a mile before they reach the site, a hill which is the highest point in the metropolitan area. This is eminently suitable, because of its elevation, for building purposes. There is no swamp land there. The claim is made that it is one of the finest belts of country for building purposes in the metropolitan area. The owner of the land informed the Minister for Health at a deputation recently that he and the other owners were waiting for the war to be over to subdivide the land and build a model suburb theron.

The Minister for Health: Vested interests!

Mr. CROSS: I am indeed surprised that the place where it is proposed to put the sanitary site has not been resumed for building purposes long ago.

Mr. North: What about deep sewerage? That is the solution of all.

Mr. CROSS: I will come to that. If the people in South Perth and those in the Victoria Park area were compelled to connect up with the deep sewerage, as could be done during the next 18 months or two years, that would solve the problem. In a few months many men will be out of the Services and we shall have to find work for them. Could they do any finer work than to assist in abolishing a dirty pan system and introducing deep sewerage and connecting that sewerage with the various homes? If they could, I have a long way to go. The Minister for Health said that the appointment of a Select Committee would merely delay the matter further. The Government cannot get men to make these roads yet, roads that the Minister says will be made through the pine plantation. All I have asked for is an inquiry. I have been told that I have exaggerated. I know my district better than does anyone else.

The Minister for Works: Hear, hear!

Mr. CROSS: Better than does the Minister, the Town Planning Commissioner or anyone else.

Mr. Thorn: Hear, hear!

Mr. CROSS: There are few areas over which I have not tramped at one time or another.

Mr. North: What for?

Mr. CROSS: If the Select Committee is appointed we shall have an opportunity to find out whether there are any objections or not.

Mr. Mann: You do not require a Select Committee seeing that you know the district so well.

Mr. CROSS: There are some objections. In South Perth on the Como side and on the South Perth side, where the houses to which I have referred have been erected, a few nights ago I took the member for Collie with me to show him the foundations of the

new school. That will be within a mile of the site and there are houses on each side. A Select Committee would find out whether I was exaggerating or not. There is an agitation in South Perth, and 2,000 signatures, I am informed, have already been obtained to a petition. I have a petition here. That was organised by a boy in the Clontarf Orphanage, and everyone in the institution signed it. I have another from people who live on the south side and there are 50 names upon it, although it was said that no one lived in that area.

The Minister for Health: It is more psychological than real.

Mr. CROSS: The Minister says it is more psychological than real. When discussing the question with the manager of the Clontarf Orphanage, on the 28th October, Brother Crowley said to me—

Point of Order.

The Minister for Lands: I do not want to burke the member for Canning, but he is introducing brand new matter all the time. He has a right to reply to what has been said. This is the first we have heard of all these petitions.

The Speaker: The member for Canning is quite in order. The statement was made that no objection had come from Clontarf. He is trying to show that there has been objection.

Debate Resumed.

Mr. CROSS: I heard the member for Middle Swan say that there was no objection from the Clontarf Orphanage. This petition is signed by all the living souls at Clontarf.

Mr. J. Hegney: By the boys.

Mr. CROSS: Yes, they signed it; they organised the petition.

Mr. Read: You organised them to do it.

Mr. CROSS: No.

Mr. Abbott: You are taking advice from boys of 15 years of age and less.

Mr. CROSS: Not necessarily. The manager of Clontarf, on the 28th October, asked me why it was proposed to put this dump against an institution that had been in operation for many years. He said that it would have a psychological effect on the district, and that is true. He claimed that whatever was done they could never completely obviate the nuisance and the offence. He claimed that there was also a danger of contaminating the beautiful springs of water that are used for drinking purposes at the institution. The proper way to do justice, to the institution and to the people around Kent-street, is to remove the site altogether. He said that the proper method is to connect up with the sewerage in the metropolitan area. In conclusion I want to appeal to members to agree to the Select Committee. It is only an inquiry to see whether some other method can be devised to obviate the necessity for removing the site from where it is already a nuisance and placing it where it will not be a nuisance to someone else. Not only sanitary sites, but gaol sites should not be in the metropolitan area.

Mr. SPEAKER: Order! Gaol sites are not mentioned.

Mr. CROSS: The present site should be closed. I have always maintained that. If a Select Committee is appointed, it will be found to be thoroughly justified.

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

Ayes	.. .. ..	11
Noes	.. .. ..	28
Majority against	..	17

AYES.

Mr. Doney	Mr. Smith
Mr. Fox	Mr. Triat
Mr. Leahy	Mr. Wilson
Mr. Millington	Mr. Withers
Mr. Read	Mr. Cross
Mr. Rodoreda	(*Teller.*)

NOES.

Mr. Abbott	Mr. North
Mr. Berry	Mr. Nulsen
Mrs. Cardell-Oliver	Mr. Owen
Mr. Graham	Mr. Panton
Mr. Hawke	Mr. Perkins
Mr. J. Hegney	Mr. Shearn
Mr. W. Hegney	Mr. Styants
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Tonkin
Mr. Kelly	Mr. Watts
Mr. Mann	Mr. Willcock
Mr. Marshall	Mr. Willmott
Mr. McDonald	Mr. Wise
Mr. McLarty	Mr. Seward
	(*Teller.*)

PAIR.

AYE.	NO.
Mr. Leslie	Mr. Needham

Question thus negatived; the motion defeated.

BILLS (2)—RETURNED.

1, Town Planning and Development Act Amendment.
With an amendment.

2, State Government Insurance Office Act Amendment.
With amendments.

MOTION—VERMIN ACT.

As to Adopting Royal Commission's Recommendations—Defeated.

Debate resumed from the 24th October on the following motion by Mr. Watts:—

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

MR. MANN (Beverley) [7.50]: I am sorry the Government is not going to give effect this session to the Royal Commission's report. I had the pleasure of being a member of that Commission which covered much of the State and took a lot of evidence. The witnesses who came before us were anxious that legislation should be brought down this session to deal with the pests of the country areas. I am not going to enumerate them all, but vermin of every description has been increasing during the war period, so that today the carrying capacity of our country properties is considerably reduced. We took evidence from pastoralists operating as far away as the South Australian border. If the position in regard to wild dogs and kangaroos is allowed to continue many stations on the outer fringe will go out of production. Today they constitute the buffer areas, and it will not be many years before further encroachment will take place and that will mean a tremendous loss of production in the State.

With the present high operating costs of farming and grazing, and the worsening vermin position, a serious problem confronts us. I believe, and I think all members do, that the starving world needs feeding, and meats, both sheep and cattle meats, are essential for that purpose. We said to practically every person who came before us, who was doubtful about the activities of the Government or Parliament and said that the findings of this Commission would be pigeon-holed, like many others—that opinion was expressed freely in many parts of the State—that we felt confident the Government would act on our recommendations.

Mr. Watts: Or some of them.

Mr. MANN: Yes, I do not say all. But the Minister in dealing with the motion moved by the Leader of the Opposition said that he did not have time to sift all the evidence. It is unnecessary for him to do that. If he went through all the volumes of evidence, he would be no wiser, because the matter is too big to grasp.

Mr. Seward: And much of it overlaps.

Mr. MANN: Yes. The Commission's report, which summarises the evidence, has been tabled, and it gives a definite indication of the position. I grant that the hon. gentleman has not had long experience as Minister for Agriculture, but his Under Secretary, who should be a competent man, must realise that there are many virtues in the report. He should have assisted the Minister. I sometimes wonder whether the Under Secretary likes the Commission's report. I would be glad to know whether he thinks it of no use. As one of the members of the Commission I feel that I wasted my time for nearly four months in going over the State from the South-West to as far as the Lower Murchison.

The Premier: I would not regard it in that way.

Mr. MANN: I hope I have not, but many reports by commissions have been tabled without effect being given to them. A definite assurance was given that early legislation would be brought down to give effect to this report. Time is passing, and apparently no attempt is being made to deal with the matter. Much valuable evidence is given to the State in the report. It could help in the future of the State. Why postpone giving effect to it? Even at this late hour the Minister has time to frame legislation that could be introduced before the end of the session. Without enumerating the various points raised in the report, I appeal to the Government to give further consideration to it and bring down, before the House adjourns, at least some of the legislation recommended by the Commission.

MR. BERRY (Irwin-Moore) [8.0]: Unfortunately I was not present in the House when this motion was presented but I subsequently had an opportunity to read the report of the debate in "Hansard." I desire to express my gratification to the members of the honorary Royal Commission for the manner in which they conducted the inquiry. It is perfectly obvious, even to the nit-witted, that something must be done. From the interest displayed from time to time in the country districts, it is perfectly clear that those outside Perth a

any rate are thoroughly alive to the various menaces that are threatening production today. As the member for Beverley pointed out, production in these times is not only a matter of vital necessity for the Australian people but is one of national humanitarianism. If we are going to continue procrastinating—God knows that is one of the commonest things that we do—the present-day position will be aggravated considerably before legislation is passed to give support to what the Commission sought to do as a result of their investigations. There is no need to discuss the various aspects that have been mentioned, but it is quite apparent from the report that even Government departments require definite alterations in the haphazard, slipshod methods that hitherto have been adopted in dealing with the various Australian pests.

As a matter of fact, this country is noted for its pests. As the member for Victoria Park suggested to me, the farmers at one time held that this was a country of pests and politicians! It is interesting to note the position in areas where attempts have been made to deal with the pest menace, for, in fact, a great deal has been done. In my district the road board employed a vermin inspector and, without any favour or bias, that officer has compelled the people to deal with these pests, particularly rabbits. I assure the House that the results achieved in my immediate vicinity would surprise members. We have had the evidence of Mr. Lefroy, who claimed that the carrying capacity of the country could be increased by 50 per cent. Some of us believe that statement. I can remember the day when large portions of my own crops were damaged by rabbits, to the extent of probably 25 per cent. Now, because of the measures taken in consequence of the interest displayed by the vermin inspector and the co-operation of farmers in the district generally, we are not losing 10 per cent. In fact, we are probably losing not more than two per cent. of the crops. If a similar achievement could be recorded everywhere it would be indeed an accomplishment.

Unfortunately from the evidence in the Commission's report, it would appear that other road boards and vermin inspectors are not taking a similar interest in the problem. I assume that one of the objectives of the Royal Commission is the introduction of legislation that will compel road boards and vermin inspectors to exercise the interest that is essential. I would certainly like to see the introduction immediately of legislation to make the ploughing-in of rabbit warrens compulsory. In my district we are doing that, and propose to continue the process because we realise what results have been achieved. Perhaps there are many farmers who cannot undertake that work and therefore require help from other sources. The responsibility of rabbit eradication is as much that of the farmer himself as of the Government. But it is certainly not far sighted on the part of the Government to sit tight and do nothing while people on the farms do all the work that is carried out.

We have before us the question of Crown lands and abandoned holdings and the neglect of the vermin thereon. That has been a cause of complaint ever since I have been a member of this House, and we still continue expressing complaints in the same old way. I think that is one of the questions that prompted the Leader of the Opposition who was the chairman of the Royal Commission, and those associated with him in the inquiry to endeavour to insist upon something being finalised. That is the crux of the whole position—finalisation. If we are not going to do that, why bother about sending so many members of Parliament around the countryside, and dragging people from all over the country to attend sittings of the Commission in order to give evidence? I was present at the sittings held at Moora and I know that those who gave evidence were not all members of road boards but included people vitally interested in the problem. They believed in the Commission. They regarded it as honest. They believed it was the honest purpose of the Government to give effect to the recommendations of the Royal Commission. Already we know there has been stalling.

Unless we get something done this session, we will have to wait until next session—and wait hopefully. If after that we are still required to wait for the next session, we should tell the people plainly that we have wasted their time in regard to this particular Commission and that we are not going to bother about it any more. We should tell them that in future we shall not care one hoot whether the country areas are devastated

by rabbits, emus, wild asses or even wild cats. I do not intend to make any long speech on this subject as I feel that I have been away from the House for so long that I have rather lost touch. I support all that has been said regarding the work of the members of the Royal Commission, who are to be congratulated on a very fine piece of work—even if I cannot say the same thing of the Government that has not given effect to the Royal Commission's recommendations.

THE PREMIER (Hon. F. J. S. Wise—Gascoyne) [8.8]: I am afraid the member for Irwin Moore has indulged in a flight of fancy——

Mr. Berry: Not too much of a flight.

The PREMIER: —in anticipating something which was fairly stated by the Minister for Agriculture, in his regrettable absence from the House because of ill-health. The hon. member at this stage has no right to deduce the comment which was contained in the last few sentences of his remarks. The member for Beverley, too, was in a very despondent mood as to the future——

Mr. Mann: I am not alone in that respect.

The PREMIER: —regarding the action to be taken by the Government in connection with the Royal Commission's report. I would say to him, that I have, from my own knowledge, the experience of a Royal Commission which resulted in not only weeks of effort but months of intense study and work. After travelling for tens of thousands of miles and hearing hundreds of witnesses, it was to find with much disappointment, that in spite of the Commission's one object being, as this was too, a desire to benefit Australian citizens generally, little action was taken, very little attention devoted to the results of the investigation and indeed very little comment made at all. That is one of the penalties that any person who is anxious to make a contribution nationally and in a very wide sphere, must experience when he offers himself for such a task. Therefore I say to the member for Beverley that there is no need at this stage, within the very short period of the Government having had an opportunity to see the report, to be disappointed, nor is there any necessity to say that the Government does not intend to act in any way in connection with the report.

Mr. Triat: Hear, hear! That is wha want to hear.

The PREMIER: Having disposed of two points that struck me most forcibl the speeches of the member for Irwin-M and the member for Beverley, I desir congratulate those associated with the S Committee, which subsequently becam honorary Royal Commission, upon work. There is no doubt that they did job earnestly and well. If I may indulg some earnest and friendly comment, I w say that one difficulty I experienced in r ing the report of the Royal Commission that the recommendations and suggest contained therein were very difficult to se gate or even to find in the context the report. From a very long experi in the writing and preparation of such ports, I suggest, too, and advise all who associated with Select Committees to r sure that all recommendations are set clearly in the report in black type or it so that the findings and recommendat are easy to ascertain.

I suggest, in a very friendly way, the report of the Vermin Royal Commis would be improved materially even no the recommendations could be taken out printed separately. If members read motion under discussion they will see the Government is asked to afford an op tunity this session for members to de whether the recommendations should be g legislative effect. That is the essence of motion—to decide this session whether or how many, of the recommendations to be given legislative effect. It does necessarily mean that the Government to give legislative effect to them this ses but merely that the House should have opportunity to obtain an indication f the Government as to what may be done garding them. My colleague, in speak to the motion, made it clear that he had little opportunity to study the re with a view to making recommendation the Government in connection with the commendations contained therein. Tha how all members of the Government situated for the time being.

Since this report is still not long in hands of the Government, I think mem should attempt to regard the position fr the Government's point of view. Altho the report was received in May and motion was launched in September, I k

very many reports, perhaps more far-aching in their effects than the one under scussion, that have been in the hands of overnments for two years as a consequence the activities of the Commonwealth Rural econstruction Commission. I am still hope-il that some of them may yet be acted pon. On the other hand, all the circum-ances must be taken into consideration. With regard to the Vermin Commission's eport, there are two or three principles volved in the recommendations that will reate, if given legislative effect, altered con-itions in the set-up and operations of the ermin Fund and in the administration con-emplated if what it suggests is incor-orated in an Act of Parliament. The first that the control is to be taken from the gricultural Department and placed in the ands of what is to be known as the agri-ulture protection board.

Mr. Watts: Protection board.

The PREMIER: Yes. Then we get the rinciple of direct taxation on all lands to aise funds for pest destruction. In addi-on, there are two principles, that the esponsibility is taken from the farmer and ut on to the road boards, particularly in onnection with rabbits, and that the board ill carry out the work for the farmer if he oes not do it himself at approximately half he cost of doing the work. Those are par-icular points within the recommendations f the Commission and I do not intend at his stage to debate them, for the reason that he Government has not only not the fullest omment from its administrative officers, but lso has of itself not had the opportunity o study the recommendations. There will, I m sure, be something emerging which will how that not only has the Government an nterest in the recommendations, but an ppreciation of some of them. It is esti-nated by the Commission that the loss in roductive value of commodities is about 2,000,000 per annum.

Mr. Watts: That is in one department.

The PREMIER: Yes, but I submit that n present circumstances and under present ontrol there is an opportunity very cheaply o alleviate a tremendous part of the loss o sustained. Two farmers are particularly nentioned in the report, I think Mr. Prosser nd Mr. Lefroy. But we could mention an-ther farmer, Mr. Berry, the member for rwin-Moore. Dozens of other farmers could be mentioned who have, by their own en-deavours and exertions nullified the operations of these pests within their boundaries. As the member for Irwin-Moore said a few moments ago, it is properly the responsibility of the farmer.

Mr. Berry: We have a most excellent inspector in our district.

The PREMIER: It is an unfortunate feature of the present set-up that some boards have excellent officers, but that some officers have not very excellent boards. We know that, placing the road boards throughout the State side by side, if some boards could take action against their neighbouring board because of its dilatoriness in complying with the provisions of the present Vermin Act, they would be delighted to do so. Within the same road board district—I have a list here which would be most interesting and illuminating if it were read to the House—we find three good farmers and three bad farmers and the effect of their efforts is clearly shown. It is remarkable that a large proportion of the road boards have not accepted, or attempted to accept, their responsibility under the existing Vermin Act. Until we can awaken the conscience of the farmer himself, we shall be unable to get him to come close to the problem, and that remark applies also to the vermin boards: the boards will not even do their work within the limits of the present legislation and will not do so unless there is considerable rigidity in any amendment of the existing law.

Mr. Triat: What about dogs and foxes?

The PREMIER: They are a problem. The Government has spent a considerable amount of money on them. Speaking from memory, under this new proposal, it is anticipated that £35,000 per annum will be raised by a levy on lands, whether urban or rural.

Mr. Watts: No; the £35,000 was on the urban lands.

The PREMIER: The present spending from the fund—again speaking from memory—is about £37,000.

Mr. Watts: But that fund will be in existence also.

The PREMIER: I would like to draw attention to the fact that in addition to the money expended from the Vermin Fund by the Government on pest destruction last year and on vermin control, the Government also spent in the vicinity of £19,000. I therefore challenge the statement that the Gov-

ernment has been dilatory and indifferent. The Government, through its officers and by its administration of the existing Act, has shown much earnestness and in some instances has had little co-operation in its endeavours to control vermin of all kinds. The weakness in the present law is obvious, and unless it is possible to take direct action against a board, we cannot expect much improvement until the law is altered.

Members know, because they have been told in this House, that the Government intended to overcome some of the weaknesses in the Vermin Act; but I do not wish to intrude into the debate at this stage the merits or demerits of the recommendations which have been so thoughtfully put forward by the Commission. I simply say that I appreciate the work which the Commission has done. As soon as the Government has had the opportunity to scrutinise the possibility of giving effect in a practical way to those recommendations, the House will be afforded an opportunity then to decide whether, in the matter presented to it in the proposed amendments to the Bill, the Government has gone far enough. In expressing appreciation of the Commission's work, I do not wish to be overlooked the manner in which the problems have been faced district by district throughout the State in connection with the various pests of the State.

MR. WATTS (Katanning—in reply) [8.22]: My general attitude towards the debate on this motion is one of satisfaction insofar as the reception of the work of the Commission is concerned. I feel that all members who have spoken to the motion have been generous—some extremely so—in their attitude towards the recommendations made by the Commission. That there has been some misunderstanding of some aspects of the Commission's intentions is fairly clear, and that misunderstanding may have been due to some of the shortcomings in the report itself, although I do not think that either I or my colleagues on the Commission feel conscious of those shortcomings. On that aspect, however, I shall deal with an observation made by the Premier, and that was the failure to segregate the Commission's recommendations into separate paragraphs at the end of the report, or by some other means. I would say that the members of the Commission will agree in this, becaus the matter was discussed with them at th time and it was decided not to take th course, as it was felt more desirable that th persons reading the report should read th reasons and conclusions of the Commissio as well as its bare recommendations.

Our experience, derived from source other than those of the Premier, was th many people read the recommendations an find fault with them, without having rea the conclusions and the reasons which le up to them. That is the reason why th recommendations were not segregated in th manner recommended by the Premier. I deal with the last speaker first, the revenu proposed to be used by the agriculture pro tection board—the central authority to b set up—comprise all the revenues that ha been available in the past for vermin de truction, as well as additional revenues. Th Commission therefore included—as will b quite clear from a perusal of the statemen at the back of the report—a statement o estimated receipts and expenditure. Th central vermin fund, which has been collec ing revenue over many years at varying rate depending on the discretion of the Ministe from time to time, has been included. I revenue is collected on agricultural lands.

But the Commission also included a su which it was proposed should be collecte from all urban lands and which woul amount to £35,000, as nearly as could b estimated. The total figure, with one or tw incidental items, was £78,000 per annum which entirely excludes all the collection on rural lands by local authorities them selves. But it is indicated that the charg upon the rural lands would not be less tha twice as much as the charge upon the urba lands under the proposed system, because th rural lands would pay the local authority rat and the central vermin authority's rat which is still to be in the discretion of th Minister as to the amount. The urban land would pay only a fixed rate of 5/16d. i the pound, which could not therefore b more than one-half, and would usually b less than one-half, of the amount payable b the agricultural or rural lands. In additio the Commission recommends that th amounts hitherto set aside by the Depar ment of Agriculture for the destruction o grasshoppers should be added to this sum

hich should be available to the central auth-rity—the agricultural protection board.

The Commission estimated that for a eriod of three years it might be necessary) find as much as £15,000. So then we come) this interesting position, that it is not 35,000 which is to be available for the estruction of vermin of all kinds, but a ɔtal of £93,000, plus the amount to be col-cted by local authorities from their rate-ayers. I think that indicates that the embers of the Commission were not with-ɹt some apprehension of what the cost of determined attack upon this vermin might ɔ. They were naturally restrained in their aim for public funds. They did not say ıat the Government only, as the Minister ɔr Agriculture said, should contribute. hey proposed to impose new obligations pon the majority of the people in the ıral areas, because they prescribed a mini-ım rate of not less than 3/8d. in the pound, ith a right to the Minister to increase that inimum rate to ½d. in the pound on all ıral lands, whereas hitherto a great major-y of the local authorities have fixed rates ınging from 1/24d. to 5/16d. in the pound. he Commission was not without some com-ent on that point.

There have, of course, been local authori-es that have, for one reason or another, en fit to charge much greater rates. But e were of the opinion that the principle ' the minimum rate should be accepted if, ıancially, assistance was to be obtained by ıral local authorities from the urban areas.) it amounted to putting it in the hands ' the Central Vermin Fund. That is my ıswer to the observations just made by e Premier, and those made earlier in the ɔbate by the Minister for Agriculture, as the undesirability of a minimum rate of ɹd. being struck by local authorities. I y on the one hand that the Commission commended that the Minister should have ɔwer to order it to be ½d., and on the her hand that I disagree with him that 1d. the pound should be the minimum. In ew of the fact that losses are being suffered ' this country owing to the vermin posi-ɔn, as is clear to everyone—they are not ıing suffered by the rural areas alone but ' the whole community—it is reasonable ıd advisable that the community as a whole ould subscribe to the cost of endeavouring exterminate the vermin. We have limited e proposal to a period of five years because we have no desire to put upon the people of the urban areas an unnecessary imposition, or one that is found, as a result of five years' experience, to be of less value than we thought. For those reasons we have suggested a five year plan.

The Premier made some reference to the need for action to be taken against local authorities that might not stand up to their obligations. We have expressed the opinion that in the past some local authorities have not done so well as they might have done, and we have given reasons why that is so, including among them the fact that there was an attitude of despair in many of them because of the large areas of Crown lands in their districts. We have, in consequence, made some special provision dealing with Crown lands. We think that the first essential towards bringing local authorities up to the mark is to convince them that other sections of the community are taking their full share of the responsibility as and when they should. We have also provided that the central authority, which will have a closer connection with the local authorities than anything else we could devise because it will have representatives of their association upon it, shall have power which should be used, without procrastination, to dismiss —put out of office—any local authority that does not carry out the law that is on the statute book to be carried out. It should be used without procrastination whenever the necessity arises.

There should be some co-ordination and uniformity in this matter, and that co-ordination and uniformity have obviously been lacking in the past, although the Commission has not sought, nor do I seek, to place the blame on anyone in particular. It is like Topsy, just growed, as far as I can see. We are all responsible for the errors into which we have fallen. I am the last one to apportion the blame in regard to this particular matter. The Minister for Agriculture also referred to the mobile units proposed by the Commission. He gave us a fearsome list of the approximate cost of one of these units for a year and suggested that one would be required for each of the vermin districts of which there are something over one hundred. I interjected that I thought about five would be nearer the mark and I say that again now because no recommendation can be found in the report that every local authority should be compelled to have

one. It was suggested that mobile units might be used in some districts of thousands of square miles. The main object of them, as disclosed in the report itself, is in connection with Crown lands. Paragraph 25 of the report provides—

> Mobile Units.—We have made some reference in earlier portions of this report to the desirability of the creation of units of workers which we have described as mobile units for the purpose of vermin destruction on an organised basis. We have recommended that the Agriculture Protection Board should have power to organise such units, particularly for the destruction of vermin on Crown and other vacant lands.

We are not going to ask that 100 or more mobile units should be provided; on the contrary a much lesser number would be sufficient. The Minister for Agriculture also drew attention to the recommendations of the Commission with regard to 1¼ inch mesh netting. I want the hon. gentleman to give some consideration to this subject. I tell him that there was an overwhelming mass of evidence as to the ineffectiveness of the 1½ inch netting. There was considerable evidence that there was a need for netting of a smaller mesh. If we are to undertake the heavy expense of acquiring wire-netting let us be certain that we acquire netting that will give the best service and not netting that will give little or no service. The information advanced by the Commission, contrary to that expressed by the Minister is, as I think the member for Pingelly informed the House the other night, borne out by the Victorian Minister for Agriculture who said—

> The Superintendent of Vermin Destruction Branch advises that 1½ inch mesh not absolutely rabbit-proof and 1¼ inch mesh highly recommended.

That aspect is worthy of more consideration than the Minister gave it because it is not of much use asking a farmer to spend £200 or £300, or perhaps more, on 1½ inch netting and then find out that it will not solve his problem to the degree that it should, whereas by the expenditure of another £30 to £50—a comparatively small sum in relation to the total—he could purchase 1¼ inch netting which would do a far better job. That, without going into the matter at greater length, was the view held by the Commission.

The Minister laid great stress on the question of the destruction of rabbit burrows. This matter was strongly brought before notice. Many witnesses of all types shades of thought gave it consideration. this recommendation of the Commission done nothing else it has at least done s good in bringing the Minister around to conclusion that there is some virtue i determined attack on the destruction of t burrows because hitherto—and I have m times heard the Chief Vermin Inspector other members of the department dwell this—great stress has been laid on the sirability of phosphorus and others type poisons, but particularly the former. will gain something if we establish that destruction of warrens and burrows is n desirable to produce results. The Mini also said, "What farmer is going to sp his time eradicating rabbits if by not d so he can get the board to do it at l cost?" I say this: The average farme not going to be anxious to pay 12s. per day, or any other sum, to have work done if he is able and willing to d himself. The whole purport of this p posal is to ensure that, if the farme lackadaisical, or if circumstances are s that he finds it difficult to do it hims someone does it.

In many cases it is difficult for the far to attend to these matters and we conside that other people in positions of author such as the officers of local governing bod are far better equipped and more able to these things. So I say that there is necessity to treat the matter in the way t the Minister did, when he said that of cou the farmers could afford to fence. I sugg that there are many of them who are not a position to obtain the ready money ne sary to do that. It is not a cheap prop tion. I have put in some time making quiries and I say that, on a 2,000 acre p perty, a properly done job would cost £ or £600. If members can show me a ma ity of farmers in Western Australia who raise £500 or £600 to put rabbit nett round their properties whenever they th it necessary, I will be surprised. I vent to suggest that not half of the farmers in a position to raise that sum of money, the Minister says they cannot afford not fence. There are those who contend that job can be done without fencing, and i one of the recommendations of this Comm sion that an attempt should be made prove whether that is so.

I did not suggest that it was necessary to introduce legislation in this regard before Christmas, Christmas being the time when this House is most likely to adjourn, after its usual custom, to a date to be fixed by Mr. Speaker. I say that the session can be made to last or to restart or go on in April or May of next year. As it has done in the past, so it can do again, and in my view there would be ample opportunity for a decision to be reached by the Government in that time. If an undertaking had been given in that direction I would have been comparatively well satisfied with the progress of this motion, but nothing of the kind has been done and I feel that this House should take it upon itself to say whether it thinks action should be taken this session, "this session" meaning the period that comes between now and the end of May next year.

I remind the House that this report was made available to His Excellency on the 28th May, but was not available to this House until the 11th September. I know of no reason why it should have been held up for four months and I am certain that it could have been made available to members of this House before that time had expired. It seems to me that it was an extraordinary procedure that the report should not have been made available for the conference of the Road Boards Association, when I am satisfied that, so far as the printing of it was concerned, it could have been so available. That organisation does not meet for at least another two years, I understand, after its last conference, and unfortunately it could not have this subject before it so that better public opinion could have been gained as to the recommendations of this Commission. I am indebted to the Government for supplying me with sufficient copies to send one to every local vermin board in this State, and that has been appreciated by those boards.

The Premier: I wonder where all the copies have gone from here.

Mr. WATTS: The fact remains that they were not available when, in my opinion, they should have been available. I do not think the Government needs any more than another five or six months in order to deal with this matter. I say to the Premier that, because the reports of other Royal Commissions have been pigeon-holed, and because the necessary consideration and attention have not been speedily given to those to which he referred and which were possibly more deserving than this, that does not justify another instance of the same thing taking place, because it is never correct to say that two or any number of wrongs make one right.

The Premier: I did not make any such suggestion.

Mr. WATTS: Because other reports have been unnecessarily delayed, in their consideration, there is no reason why this one should be so delayed. In the country districts of Western Australia, in the North-West of this State and in the outer pastoral areas there is no question of more importance than that of the eradication of vermin of one kind or another.

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

Ayes	18
Noes	22
Majority against	4

AYES.

Mr. Abbott	Mr. Owen
Mr. Berry	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Read
Mr. Keenan	Mr. Seward
Mr. Kelly	Mr. Shearn
Mr. Mann	Mr. Thorn
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. North	Mr. Doney
	(Teller.)

NOES.

Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Panton
Mr. Graham	Mr. Rodoreda
Mr. Hawke	Mr. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Leahy	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Needham	Mr. Wilson
	(Teller.)

PAIRS.

AYES.	NOES.
Mr. Leslie	Mr. Hoar
Mr. Stubbs	Mr. Collier
Mr. Hill	Mr. Coverley

Question thus negatived; the motion defeated.

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

In Committee.

Mr. Rodoreda in the Chair; Mr. McDonald in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 69:

Mr. STYANTS: This clause is really the Bill. The proposal contained in it is both revolutionary and undesirable. It is revolutionary because it departs from the basic principle underlying British justice which is that the law should protect the innocent and punish the wrongdoer.

Mr. Abbott: Who is to say which is the innocent party in these cases?

Mr. STYANTS: It is undesirable because it will provide protection and relief for wrongdoers. All our divorce legislation provides that the injured person shall have the right of release from a matrimonial venture that has proved unhappy and unsuitable. If the Bill is passed with the clause as printed, it will permit a husband to desert his wife and children and live in adultery for a period of ten years, not with one woman only but probably with half a dozen women, and after such a life of profligacy at the expiration of ten years he can appeal to the court which, if not made cognisant of the type of life that person has indulged in, will be certain to grant the divorce. Further than that the court is to have discretion in such matters, and that is what I particularly object to. A person who has behaved himself in an undesirable manner should not be provided for, even to the extent of allowing a court to exercise discretionary powers.

This provision in the Bill would allow a man or woman who was unhappily married and who attempted to murder his or her partner and in consequence lived apart for a period of ten years, to make an application to the court for divorce and the court might exercise its discretionary power to release the persons concerned from their matrimonial obligations. A woman might desert her family and lead an immoral life for ten years, and then would have the right to approach the court for divorce on no other ground than that she had been living apart from her husband. I admit, however, that in most instances a woman would not desert her children and even after living an adulterous life while yet remaining with her husband and then subsequently clearing off with some other man, she would generally take her children with her. In that respect the maternal instinct seems to be greater than the paternal instinct.

The Bill, if agreed to in its present fo would allow that woman to clear out ten years and then, on making an appl tion to the court, it could use its discre as to whether she could have her rele from the union. I do not think we sho agree to that, but should definitely say t if a person has not conducted himself herself in a reasonable and decent man he or she will not be granted release fi the union. What particular virtue is th in having to wait for a period of ten yea If anyone is prepared to condone this fence at the end of ten years, let him honest and frank with himself and whether he would be prepared to go whole way and scrap all moral laws. If is not prepared to condone any such fence after 12 months or two years, be prepared to do so after ten years? such principle applies to any other sec of the law. Should a man commit a mu today and the law should not catch up v him for a period of years, he is still resp sible for his actions when finally he is rested.

I believe that every time we m divorce easier we encourage people to e into irresponsible marriages. If pe know that they can contract a marr and then evade the consequent respo bilities easily and cheaply, there will b greater inducement and encouragement the contraction of unions that are not s able. I believe there is some merit in clause and, for the purpose of giving r to those who may have entered into a u that has proved to be unhappy, I have gested the inclusion of a new clause w appears on the notice paper. That will able release to be obtained from a u that has proved unhappy and yet, in nection with which, both parties have l respectable lives. If the Committee agree to the new clause I shall propos will support the Bill as it stands. Ot wise I intend to vote against the third r ing.

Mr. PERKINS: I move an amendme

That a new proviso be added as follow

"Provided further that if the petiti at the time of the presentation of the tion is in default in respect of mainten payable under any antecedent Court orde under any agreement for the payment maintenance to the respondent for herse any child of the marriage, a decree dissolution of the marriage shall no granted."

he proviso already in the Bill limits the
retion to the provision of suitable main-
nance for the respondent and any de-
dants. It is possible that cases could
e where the husband had deserted his
ily and had not complied with an agree-
it regarding maintenance over a long per-
, and later came to court and gave all
s of undertakings to live up to some
r provision for the maintenance of the
ondent and the members of the family
the future. As the individual had not
d up to his previous agreement, there
ld be no reason to believe that he would
our any such further agreement in the
ure. Under the clause as drafted, the
rt could take that into consideration, but
further proviso I propose would give
court a general direction as to what
uld be expected from the petitioner before
epting further undertakings for the
per maintenance of the family. If a
band had deserted his family and not
d a moral life, it is unlikely that any
lertaking he gave would be worth much
re than the paper it was written on.

Mr. McDONALD: I have no objection to
amendment, though I do not think it is
essary. The Bill provides that the court
ll refuse a decree unless and until pro-
on is made for such maintenance as the
rt thinks proper. If any petitioner were
ler an agreement or court order to pay
intenance to his wife or for his children
l was in arrears, I believe the court would
entertain the petition in view of the
uirement that provision must be made
the future. However, as the amendment
n keeping with the provision in the Bill
secure the wife and children in the mat-
of maintenance, I have no objection to it.

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

New clause:

Mr. STYANTS: I move—

That a new clause be added as follows:

. A new section is inserted in the princi-
Act after Section 69, as follows:—

69A. If upon any petition for disso-
lution of marriage on the ground set out
in Subsection (6) of the last preceding
section it shall appear to the Court that
the petitioner has been guilty of such
conduct as would have enabled the re-
spondent, had he or she so desired, to
present a petition for dissolution of mar-
riage on any ground other than the ground
set out in Subsection (6) of the last pre-
ceding section, the court shall dismiss
the petition, exception that in every case
where the ground on which the respondent
might have presented a petition is one of
those specified in paragraph (a) of Sub-
section (3) or Subsection (4) of Section
69 of this Act and the petitioner has
proved his or her case, the court shall
have a discretion as to whether or not a
decree shall be made.

The new clause will provide for couples who are unable to live together, who decide to part and who live respectable lives. Under the Bill, after 10 years, either party may approach the court. A person who has committed an offence against the provisions of Section 69, however, will not be permitted to approach the court. This will be in conformity with the principle that the guilty person shall not be given relief, but that the innocent or injured party should be able to take action. In this case, however, there will not be either an innocent or a guilty party. Paragraph (a) of Subsection (3) provides for desertion for three years, and Subsection (4) provides for cases where an order for the restitution of conjugal rights is issued.

A woman may have left her husband and lived a respectable life, but after 12 months the husband might take out an order for the restitution of conjugal rights and it is almost certain that the women would not comply with it. She was not able to get on with her husband as his wife and left him, and it would be very unlikely that he would comply with the order. Then after the expiration of ten years, if this provision is not made, we would debar the wife from applying to the court for a divorce on the ground that she had lived apart from her husband for ten years. Under paragraph (a) of Subsection (3), which refers to desertion, a man who is unable to get along with his wife and decides to leave her, would after an absence of three years be guilty of the offence of desertion; yet after the expiration of ten years he could apply to the court for a divorce on the ground of having lived apart from his wife for that period. Unless this exception is inserted, he would be debarred from getting a divorce on the ground set out in the Bill.

Mr. McDONALD: I ask the Committee not to accept the new clause. The member for Kalgoorlie, in his previous remarks on Clause 2 of the Bill, which he rightly said

was the main clause, mentioned that it would permit the petitioner to pursue a life of profligacy. The remedy, however, is entirely in the discretion of the court. I do not think the court would accept this measure as an excuse for profligacy, or as the reward of profligacy. The court would take into consideration the various factors, as it does at the present time, in exercising its discretion and would refuse the divorce. Under the Bill as it is drawn the wife could always raise the point, if she objected to the divorce. She could appear and give any evidence she liked and could place before the court all the facts which she thought the court ought to know, and all the facts which she thought might influence the court's discretion. If the wife does not appear, obviously she is willing for the divorce to go through, and so those matters do not become very relevant. If she is unconcerned, there seems no great reason that the petitioner should be held to the marriage.

Hon. N. Keenan: There might be collusion.

Mr. McDONALD: Collusion would not arise in this case. Collusion arises where the parties concoct the facts upon which the petition is based, where they manufacture the circumstances upon which the petition is based.

Hon. N. Keenan: Or remain silent.

Mr. McDONALD: I do not think that collusion can be assumed from mere silence. Under this Bill the main ground will be ten years' actual separation. As far as one can be certain, the court has to be sure that after such a period the marriage would not be resumed. I do not think that members need be apprehensive that the court will regard this Bill as a measure advantaging people who have entered on a career of profligacy. I quite appreciate the attitude of the member for Kalgoorlie, who said that perhaps the petitioner might attempt to murder his wife, or vice versa, the wife her husband, and yet would still be able to approach the court and ask for the relief which will be given by this measure. What possible motive would a respondent have in trying to preserve her marriage to a man who had tried to murder her? I do not think we need give weight to that aspect.

Mr. Doney: It is very difficult to say on what possible grounds either party to the marriage in such circumstances would wish to retain the marriage.

Mr. McDONALD: That is so. In a number of cases the respondent might be able to divorce a petitioner, and the petitioner may wish to be divorced. He may have formed a new association assuming the husband is the petitioner. But the wife, through spite or vindictiveness, may not take action. As the member for Kalgoorlie said, there are 10 grounds in the existing law under which a wife may divorce her husband.

Mr. J. Hegney: It might be on the ground that the wife wants to protect the children.

The CHAIRMAN: Order! The member for West Perth might return to the clause. He is getting on to a general discussion of the Bill.

Mr. McDONALD: The wife might have any one of the ten grounds on which to divorce her husband but, through spite or vindictiveness, may not take advantage of the law. These ten grounds may amount to a dead letter as far as the marriage is concerned. Under this amendment the Bill will still have some utility, but it will be greatly restricted in scope. I would be just as pleased to see the term retained at ten years for the time being. It is new legislation, in this State at all events. There has been legislation of this kind in some of the States of the United States of America, and there is legislation comparable, although not going quite so far as this, in South Australia and New Zealand. The New Zealand legislation has been in force for about 18 years. Under the Bill if the petitioner has been guilty of any matrimonial offence, with the exceptions of desertion or failure to comply with a decree for the restitution of conjugal rights, he will be excluded from taking advantage of the measure. That is to say, if the petitioner either before or after the commencement of the 10 years' separation had been guilty of adultery or drunkenness combined with cruelty or drunkenness combined with failure to maintain, or failure to pay his obligations under a court order or separation agreement—to take some of the grounds—he would be debarred from any remedy here.

Mr. Abbott: Even if he did it on the last day.

Mr. McDONALD: Yes, or if he did it ten or twelve years before the petition was presented. The petitioner under the amendment would have to live a completely blameless life in every way except in two respects, namely, that he may have deserted his wife,

or she may have deserted her husband, or the petitioner may have failed to comply with a decree for the restitution of conjugal rights. If the petitioner had been guilty of adultery, either an isolated case or by forming an association with some other woman, that would be a complete bar to any relief under the amendment. In the instance of the petitioner forming an association with some other woman, which may be enduring and happy and as the result of which there may be children, the wife—assuming she is the respondent—could herself secure a dissolution of the marriage, but she may choose not to do so. She may determine that she will not allow the petitioner the freedom to marry the woman with whom he has formed an association. Under the amendment no such petitioner, even after ten years' separation and after the marriage is completely and admittedly dead, could secure relief.

Hon. N. Keenan: Unless he has clean hands.

Mr. McDONALD: Yes, unless he has been guilty of no matrimonial offence except the two I have mentioned.

Mr. Perkins: If the wife did not put in an appearance the court would not have any knowledge.

Mr. McDONALD: Under the amendment I think the court would have to make inquiries as to the petitioner's conduct.

Mr. J. Hegney: The respondent might not have the evidence.

Mr. McDONALD: That is true.

Hon. J. C. Willcock: You could not put that obligation on the court, surely?

Mr. McDONALD: There is an obligation under existing law, which in general operates. I will read the reference in Joske's "Laws of Marriage and Divorce in Australia". This is the chief work on the Australian law on this subject.

Hon. J. C. Willcock: By intervention of the King's Proctor?

Mr. McDONALD: Not necessarily. He could always intervene if he becomes informed of material facts that have not been brought to the notice of the court after a decree nisi, or conditional decree has been made. He may apprise the court of those facts and the court can, if it thinks fit, rescind the decree nisi that it has made. This book of Joske's has this to say on page 264—

> The failure of a petitioner to disclose all the material facts may be regarded as a fraud on the Court punishable by dismissal of the petition or by proceedings for contempt of court.

That reference arises from Section 77 of the Supreme Court Act, 1935, which applies to the existing law of divorce. That section provides—

> The Court shall not be bound to pronounce a decree for dissolution of marriage if it finds that the petitioner has during the marriage been guilty of adultery, or if the petitioner in the opinion of the Court has been guilty of unreasonable delay in presenting or prosecuting the petition, or of cruelty towards the other party of the marriage.

It is in consequence of that provision that the text book writer Joske says that the failure of the petitioner to bring to the notice of the court a fact of material importance to be considered, such as adultery on his part, may be looked upon as a fraud on the court. In line with the existing law the amendment would involve a specific obligation on the part of the petitioner to disclose any matrimonial offence of which he may have been guilty and which would be material for the court's consideration.

Hon. J. C. Willcock: If he was going to do that he would not apply at all.

Mr. McDONALD: I will come to that in a moment. First of all he may not do it. He may possibly prefer to commit perjury. If the point arises he may prefer to deny that he has ever committed any matrimonial offence. I do not think a petitioner should be put in that position if it can be avoided. The hon. member's amendment relating to this particular ground for divorce which is proposed, namely 10 years actual separation, makes the position much harder than is the case under the existing law where a petitioner has been guilty of adultery because, under the existing law, even if the petitioner appears in court and admits that he has been guilty of adultery, the court has power, in its discretion, to grant him his divorce. In other words the court may say that, having regard to all the circumstances and the social aspects of the matter, this is a case where the divorce should be granted.

Under the proposed amendment in connection with the new ground for divorce proposed by this Bill, that discretion of the court would be taken away altogether. Once the court became aware that the petitioner had been guilty of even a single

act of adultery, and even if that act of adultery had taken place perhaps 10 years before the petition, the court would have no option but to refuse the petition. That means that, in respect of this proposed new ground of divorce, 10 years actual separation, the law is going to be more harsh than it is today under the existing statutes and practice. Under the existing statute and practice the petitioner's adultery, while a factor to be taken into consideration by the court, is not necessarily a bar to the petitioner obtaining a decree for the dissolution of his marriage. The reasons why the court—although the petitioner has been guilty of adultery himself, which is the most frequent ground for questioning a petitioner's right to divorce—will exercise a discretion and will, when it thinks fit, grant the petitioner his divorce in spite of his adultery, are also stated in this work by Joske, on pages 266, 268 and 269. With your permission, Mr. Chairman, I will read them, because they are not Mr. Joske's personal opinions, but a condensation of the findings of the courts, based on the experience of many years. At page 266 of "The Laws of Marriage and Divorce in Australia," by P. E. Joske, the author states—

> It is very strongly in the interests of society to prevent future illicit relations, and a law which refused a divorce under circumstances which would encourage such relations would be a mockery, would defile the sanctity of marriage, and would be subversive of and contrary to public morality. Marriage would be looked upon as an immoral relationship, and as something to be avoided. The courts therefore recognise that by holding parties to married life which is no more than a name, public morality is likely to be outraged, and this element is accordingly weighed very materially in the exercise of the discretion.

That is the end of the quotation. That situation has weighed very materially in the exercise of the discretion as to granting the divorce where the petitioner himself or herself has been guilty of adultery. The same work, at page 268, goes on to say, under the heading of "Main Factors in the Exercise of the Discretion"—again the discretion which the court can exercise where the petitioner himself or herself has been guilty of adultery—

> While the husband was on active service his wife committed adultery, and as a result left the children in a neglected state so that he had to take them away from her. He took them to a woman with whom he afterwards committed adultery and with whom was living at the time the decree nisi w pronounced. Though he did not disclose t adultery, the decree was allowed to sta having regard to the interests of the childr as they were living with their father and was in their interests to live with him a have a home with the sanctions of decen the interests of the woman, that she might in a position to marry him and have th union regularised; the fact that the wi holding of the decree would not be likely reconcile husband and wife; and the intere of the husband himself that he might marry and lead a respectable life. These fo considerations are now regarded as very i portant factors in the exercise of the disc tion.

At page 269, the same work, dealing wi the same subject, says—

> The greatest weight is to be laid upon t interests of the children and upon the desi bility of enabling guilty parties to be leased from an impossible union in order th each may re-marry the person with wh new bonds have been formed. The intere of the children are paramount and they m suffer if a decree is refused and adultery thereby encouraged, but on the other hand may be impossible to refuse to punish ad tery because of the children.

So when we come to the case of a petitio under the existing divorce law, and the ca of a petitioner as he may be under t measure if it is passed into law, we fi that factors arise which make the cour from their long experience, feel that ev though the petitioner may have committ so serious a matrimonial offence as ad tery, that should not be a reason for refu ing him a dissolution of the marriage if should present a petition for that purpo For those reasons it seems to me that wh the amendment of the hon. member wou grant relief in the case of parties who h lived, shall we say, a blameless life and h avoided all through those 10 years separation, and before that, any offence a matrimonial nature except, perhaps, c sertion or non-compliance with a decree f the restitution of conjugal rights, it wou rule out those people who may, ve humanly, have committed a matrimonial o fence. It would rule out all that class petitioners referred to in the observatio of Mr. Joske in his work on divorce; th is a petitioner, whose wife may have sepa ated from him—perhaps for years—w has sought solace with some other woma with whom he is living happily and whom he desires to be married, and whom he has had children. That man wou

be ruled out from any relief, even after 10 years of actual separation, and even though the court finds that there is no possibility whatever of the petitioner and respondent ever resuming their married life again.

The new clause also would deprive the court of its right to use its discretion where it finds that the requirements of society, in the widest and best sense, make it seem fitting that the marriage should be dissolved so that the parties concerned may make a new start in life. The social aspect in a broad sense, which under the existing law the court is entitled to consider, would be excluded altogether by this amendment. I therefore feel that while the amendment might go some distance and meet the needs of a certain class of people who should receive relief following upon ten years' separation, it would completely exclude another class that might be equally, or even more, entitled to relief. The kind of person the amendment would cover is the blameless individual who has contracted no fresh alliance and would assist people where the interests of third parties have not arisen. I suggest the interests of third parties do arise frequently in actual life and will continue to do so, and yet they would be excluded. I urge that the law at present, exercised in accordance with the principles I have placed before the Committee, is far more suited to humane considerations than the rigid exclusion which the amendment by the member for Kalgoorlie would involve.

The last thing that can be said about the Bill is that it will be an instrument calculated to induce hasty and ill-considered marriages. I can say with complete conviction that no young couple, however impetuous, would rush into an ill-conceived marriage knowing that after the expiration of ten years they could secure a divorce under this amending legislation. I invite the Committee to accept the Bill as printed and to reject the amendment, while at the same time acknowledging the excellent intentions of the member for Kalgoorlie in submitting it. We frame legislation not for exceptional people, but for people as they actually are.

Hon. N. KEENAN: I do not desire to speak at any length nor to attempt to submit arguments that might more or less confuse the Committee. It is not a matter of great difficulty to find authorities which in a measure will contradict some other statement appearing in a textbook. The fact is that the whole administration of the law has been so varied and complex that one can, with diligence, nearly always find a case that has been decided on principles which, on the face of them, are entirely contradictory to the principles deciding a somewhat similar case, but which on careful examination are found to rest on the same common basis. I do not propose to indulge in an argument of that character, nor am I prepared to do so, nor have I prepared any brief whatever in respect of the proposed new clause. I shall make a few commonplace observations which I hope the Committee will consider in a grave and proper manner, for this is a grave and delicate subject.

To begin with this amendment can only be understood by the Committee if members have in mind the balance of the Bill which we have already agreed to. The new clause is really a proviso and in effect says that what we have already agreed to in the portion of the Bill we have dealt with, is not to operate in certain circumstances except to a limited degree. Whereas the Bill now would allow discretion to the trial judge, in cases where the party concerned in petitioning for relief under this new legislation was before the judge where it was clear to, or came to the knowledge of, the court that the person had committed a matrimonial offence which would entitle the other party to a divorce, the court would refuse that divorce. With the object of the member for Kalgoorlie I entirely sympathise; it is that this new remedy should not be subject to any discretion, but should be simply a remedy given to a petitioner, whether male or female, who came into court with absolutely clean hands.

It is not correct to say that the new clause would in any way bear on the existing law because it simply relates to petitions brought under this measure if it becomes an Act. Section 77 of the Act relates to the law as it is today. That section was passed in 1873, and at that time adultery was the only wrong for which a remedy was provided. The law was not then so wide and generous as it is now. That remedy was open to the court to refuse if it appeared that the petitioner during the marriage had also

been guilty of adultery. That is not necessary for determining the merits or demerits of the new clause, but it is necessary to clear the air of any misconception that the new clause will alter the existing law.

We are now liberalising the law of marriage. We are giving a new escape road to parties who have entered into the bond of matrimony. I do not dispute that it might be wise to give that road of escape. It is one that the other party, in respect of whom the marriage is a contract and therefore a highly interested party, has no right to offer objection to. If the parties have lived for 10 years apart, that is to be a sufficient ground for a petition. This necessarily means relief for the petitioner, but it equally necessarily means some deprivation to the other party, and we ought to bear in mind that the other party has rights.

I think it wise in the circumstances to allow this new measure of relief, but I do not think we should allow it to a party who has been guilty of what is set out in the law as a matrimonial offence. If the petitioner has been guilty of such an offence, who would suggest that this new road of escape should be open to that party? I am not prepared to support the measure if it is open to guilty parties to avail themselves of it, and I join with the member for Kalgoorlie in saying that if the new clause is not accepted, I shall have to reconsider my attitude to the Bill. It is entirely dependent on the fact that a union has proved to be absolutely impossible in the sense of the parties living together, and for this reason we say that one of the parties has the right to go to the court and have the contract annulled. If we provide for that, we should stipulate that it shall be only for the party with clean hands.

A rule that has always been observed is that anyone who seeks equity is entitled to it only if he has clean hands, and although this is not a question of equity but is a matter of statute law, the same principle should apply. If the circumstances were such that, without the knowledge of the respondent, that the other had been living in adultery and, at the end of 10 years, availed himself of the provisions of this measure, would we desire that that party should be given the right to determine a contract that morally he had determined for years? Although in certain cases we are prepared to take into consideration other interes such as those of children, we should not low those considerations to outweigh t great moral fact that this is a contract a that we have no right to determine it u less the party asking for it has a cle record and is entitled to it. I do not pr pose to enter into the intricacies whi might well be discussed, but I do wish point out that we are taking a step to a ford a new measure of relief to those w have entered into a contract of matrimon and that we should certainly provide that party, before having any right to claim r lief, should be able to show that his han are clean.

Mr. McDONALD: I am indebted to t member for Nedlands for having express his viewpoint. It is a matter of individu point of view. This is something more th a contract affecting two people who agr to buy a motorcar; this is a contract havi implications affecting the whole soci structure and may involve crucially thi parties, especially children who may arri from some irregular union. Therefore t courts have considered that, in the interes of society as well as the individual, the should be power to set aside such a co tract. A petitioner has no right to ha his marriage annulled; all he can do is approach the court and ask the court exercise its discretion in favour of the pe tion. The court then will or will not di solve the marriage, according to its view consideration of all the facts involved.

Hon. J. C. Willcock: The court will a sume that the law was passed so that might be used.

Mr. McDONALD: Yes, but this law w have been passed with an express directi to the court to use its discretion. Th measure says to the court, "You must u your discretion and decide whether in the circumstances and also from the point view of social conditions, there should should not be a dissolution of the marriage The wife can always, if she wishes the ma riage to continue, appear before the jud and produce to him any facts within h knowledge which she thinks might influen him in the exercise of his discretion. I lea it to the Committee to decide whether t clause, as drawn, should be agreed to.

Mr. GRAHAM: I am not particular enamoured of the new clause, as I feel it h no regard for the facts of the situatio

Much as we might desire to think that people live good, clean, moral lives, we must have some appreciation of the frailties of human nature. I believe there would scarcely be a case in which either party would not have committed some breach of the law relating to the marriage contract. I am impressed by the statement by the member for West Perth to the effect that there is no limitation whatever to the new clause moved by the member for Kalgoorlie. Anticipating that the new clause might be carried, I think it should be made a little more practical. I move an amendment—

> That in line 4 of the proposed new section after the word "has" the words "at any time during a period of not less than five years immediately prior to the presentation of the petition" be inserted.

I submit that this amendment would make the proposed new section more practical.

Amendment put and passed.

Mr. STYANTS: Even as amended, the proposed section will enable guilty parties to escape. Take the case of a wife who is deserted after 12 years of married life. The husband has found that the contract which he entered into and his obligations as a husband and a father are too irksome for his moral character. He decides to desert his wife and three children, aged 10, 8 and 6 years, and makes no provision for their maintenance. He probably goes to the Eastern States and the wife rears the children herself, posssibly with the aid of the State and of the taxpayers.

The CHAIRMAN: I would ask the member for Kalgoorlie to confine himself to the new clause, which now provides for a five-year period.

Mr. STYANTS: The wife rears the children until they are 20, 18 and 16 years of age, at which time they would be able to earn their own livelihood. The husband then returns to the State and is qualified to approach the court for a dissolution of the marriage. I am not a legal man, but I think that under the Bill the court would have no discretion, except as to maintenance. That man may have committed every offence in the matrimonial calendar and could get away with it, because he would have been living apart from his wife for a period of five years. The discretion of the court is very limited. Should we make provision for unworthy and undesirable people to be released from contracts into which they have entered? We should consider what is in the best interests of the community at large. The member for West Perth quoted a case which might have appealed to some members. He mentioned the case of a man who broke the contract which he entered into. His grounds for doing so may have been good or may have been poor. He may have broken the contract merely to indulge his passions. He may have left a good wife and his children and formed an attachment to another woman, to whom he may have been faithful and by whom he may have had children. Because of the children these are hard cases to decide against. But the plea was first made by the hon. member on behalf of the erring husband, and the woman who was prepared to sacrifice her moral principles so as to live with a man whom she well knew had deserted another woman and her legitimate children.

Mr. Abbott: But she might not.

Mr. STYANTS: In the majority of cases, she would.

Mr. Abbott: What, after ten years?

Mr. STYANTS: No, after five years. It may be six months. The man might form an attachment for the woman before deserting his wife.

Mr. Abbott: And he has to stick to her for ten years.

Mr. STYANTS: It is now reduced to five years. The children are the only persons who evoke any sympathy so far as I am concerned. I have no consideration for the man who deserts his wife and children or for the woman who lives in adultery with him and bears children to him, well knowing that he has deserted his wife and children.

Mr. Abbott: What if she does not know?

Mr. STYANTS: That might make it a little better so far as she is concerned, but not for the person with whom we are concerned, namely, the man who will ask the court to dissolve the marriage.

Mr. Abbott: What about the third party?

Mr. STYANTS: Instead of that man remaining with one woman it is permissible for him, under the provisions of the Bill, to leave his wife and child and indulge in adultery with a number of women. He would still be able to approach the court and say that because he had lived apart from his wife for five years he had established a ground for divorce. So long as he proved

that he was prepared to provide maintenance for his wife and children the court would have no discretion to consider his moral life.

Mr. Abbott: Do you think the court would grant his petition in those circumstances?

Mr. STYANTS: The court would have no jurisdiction to refuse him. The member for West Perth quoted certain legal aspects. I would not have been able to refute them, but they were ably refuted by the member for Nedlands. The whole thing resolves itself into a question of whether we should provide a means of enabling unworthy and undesirable persons to escape from a contract into which they entered. The member for West Perth quoted from Joske. I agree that the aim of divorce is to prevent illicit relationships. This Chamber also realises the desirability of providing divorce so as to prevent those relationships developing. Because of that we have made available 10 grounds on which a husband can get a divorce from his wife and 14 on which a woman can get a divorce from her husband. I have no objection to the shorter term. If the amendment is carried, ten years would be too great a period to ask people, who had entered in to an unhappy union and had parted but were living clean and respectable lives, to live apart. By putting in such a prohibitive period we might provide an inducement for them to break away from the straight and narrow path. Many married people might agree to part and live respectable lives for three years, knowing that at the end of that time either party could approach the court to get a dissolution of the marriage.

Mr. Thorn: Give us a chance, and we will carry this for you.

Mr. STYANTS: In reply to the member for East Perth, I ask if we are to make restrictions against breaking the law because we think someone might like to break away and commit an offence against it. I hope that the amendment will be carried, and that the proposed new section will be inserted.

Mr. McDONALD: The member for Kalgoorlie is under a misapprehension in thinking that if the petitioner can satisfy the court that he can provide for the maintenance of the respondent, the court is bound to grant him a decree for the dissolution of the marriage. No matter what money the petitioner has, the court still has, in the words of the Bill, absolute discretion in t matter of dissolving the marriage. If t petitioner has been consorting with su cessive women, then I think the court wou say that the marriage should not be d solved, because the judge would say, " makes no difference to you whether you a married or not." The case of a man w has deserted his wife is one which is c cluded by the amendment. Where t petitioner has deserted his wife the jud has power in spite of that desertion, to gra a dissolution of the marriage.

New clause, as amended, put and a divisi called for.

Mr. McDONALD: On a point of orde I am not sure whether it is quite clear th those who seek the inclusion of the n section proposed by the member for K goorlie are on your right, Mr. Chairman, a those who opposed it on your left.

The CHAIRMAN: The question is th the new clause, as amended, be agreed Those in favour will pass to my right a those against will pass to my left.

Division resulted as follows:—

Ayes	...	....	....	20
Noes	....	....	....	16
Majority for		....	...	4

AYES.	
Mrs. Cardell-Oliver	Mr. Styants
Mr. Fox	Mr. Thorn
Mr. Hawke	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Keenan	Mr. Watts
Mr. Lenhy	Mr. Willcock
Mr. Marshall	Mr. Wilson
Mr. Nulsen	Mr. Wise
Mr. Panton	Mr. Withers
Mr. Shearn	Mr. Perkins (*Teller.*)

NOES.	
Mr. Abbott	Mr. McLarty
Mr. Cross	Mr. Needham
Mr. Doney	Mr. North
Mr. Graham	Mr. Owen
Mr. J. Hegney	Mr. Seward
Mr. W. Hegney	Mr. Smith
Mr. Mann	Mr. Willmott
Mr. McDonald	Mr. Read (*Teller.*)

New clause, as amended, thus passed.

Title—agreed to.

Bill reported with amendments.

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council n considered.

In Committee.

Mr. J. Hegney in the Chair; Mr. Watts in charge of the Bill.

The CHAIRMAN: The Council's amendment is as follows:—

Clause 2, page 1:—Delete all the words ter the word "by" in line 12 and insert in u thereof the following words:—"deleting e proviso to subsection (1) thereof and inrting in lieu thereof the following:—'Proded that the alternative condition conined in this subsubparagraph (b) shall be a ualification for registration under this Act, the case of a person other than a person ho is or was a member of the Defence Forces the Commonwealth during the war in which is Majesty is or was recently engaged and hich commenced on the third day of Septem-r one thousand nine hundred and thirty-ne, until the thirtieth day of June one thous-nd nine hundred and forty-six, and in the se of a person who is or was a member of ch Defence Forces, until the thirtieth day June one thousand nine hundred and forty-x or the expiration of nine months from ch person ceasing to be a member of such efence Forces, whichever is the later.'"

Mr. WATTS: I move—

That the amendment be agreed to.

he Legislative Council has sent down an nendment to this Bill which considerably idens the scope of the proposed amend-ent. As the Bill left this House it pro-ided that persons who had been members f the Forces or those who, in consequence f the war, had been out of Western Aus-alia during the war but had returned to Western Australia, should be given an ex-nded time within which to apply for egistration, provided that they had been ractising as builders for at least two years rior to the passing of the Act. The Legis-ative Council has decided to widen the pro-osal so that everyone who was carrying n the profession or occupation of builder r supervisor of buildings before the Act ame into operation, but who failed to ap-ly, should be given till the 30th June next ear if they were not a member of the 'orces and, if they were a member of the 'orces, a period of nine months after their ischarge. To that extent, therefore, the 'ouncil proposes to allow applicants who 'ere practising as builders before the pass-ng of the Act to register, up to next June, 'hether they were absent from the State r not. The Council has extended the pro-isions of the Bill as it left this House.

My intention was to undo a measure of ajustice that I saw had been done to cer-tain sections, but I am advised that there are other people who, for one reason or another, were not aware of the existence of the law and who therefore did not apply within the prescribed time. I do not want there to be any doubt on this point. This amendment of the Legislative Council does not give any rights to a person who was not engaged in the building business as a builder or a supervisor for two years prior to the passing of the Act, which means two years prior to 1940. If he was not so engaged he will still have to pass the necessary examinations, whatever happens to this Bill. I had, originally, no desire to go beyond the scope of the amendment that I introduced and the further amendment carried by this House, but I see no objection to the proposal of the Legislative Council.

Question put and passed; the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Council.

House adjourned at 10.30 p.m.

Legislative Assembly.

Thursday, 8th November, 1945.

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

QUESTIONS.

RAILWAYS.

(a) As to Fuel Used on Perth-Northam Run.