traverse it north and south and east and west. Probably greater lengths of railway run through the electorates of other members. In my electorate, most of the railway crossings are at right angles, and properly so. There are some, however, that have a bend resembling a hairpin. I regret that the title of the Bill confines the measure to the closing of railway crossings. I would not therefore be permitted to move an amendment in Committee to give power to a board to alter or remove a crossing that might be dangerous to the public, and not be at right angles, as all crossings should be. I ask the Minister for Railways whether the title of the Bill cannot be amended to give effect to this suggestion. In my electorate there are nine road boards, all of which have been written to in regard to this matter. I have received replies from eight of the boards—one has not replied—intimating that the Bill meets with their approval. The member for Pingelly (Mr. Seward) has given notice of an amendment which I think will be acceptable to the Minister and to the House. I hope it will be. His amendment is to the effect that the board should be composed of a nominee of the Commissioner of Railways, a member of the local governing body in whose district the crossing is situated, and an independent chairman appointed by the two members, the chairman not to be a Government officer. I think the suggestion is an excellent one. Police magistrates in the country, I am positive, are fitted and willing to act as chairmen. I am sure members would not question the fitness of a police magistrate to perform that duty.

My main reason for speaking on the second reading is to point out that a board might be appointed of members who would know nothing about local conditions. I admit that traffic at the time our railways were constructed could not compare with present-day traffic. In the Great Southern district the railway line divides many towns into two parts. People have invested capital in property on both sides of the railway; and if a crossing were closed at the will of men who did not understand local conditions, great injustice might be done. The Railway Department should, in the interests of public safety, have power to close a crossing; but the Bill should provide that if a crossing is closed at a certain point, the Commissioner of Railways should be empowered, if necessary, to purchase land to construct another crossing some distance away. That power should also be given to a board to be appointed under the measure, if it becomes law. The Bill does not empower a board to remove a crossing from one spot to another. It would be well for the Minister to agree to the insertion of such a provision in the Bill. One of the road boards in my electorate—a board that controls a considerable area—has requested me to place before the House the suggestion that the Bill should contain a provision empowering the board to direct the construction of a new crossing, if the Commissioner so desires. That suggestion also might receive the attention of the Minister. I am afraid that any board appointed under the measure would not have such power under the title of the present Bill. I have pleasure in supporting the Bill, and hope the amendment on the Notice Paper to which I have referred will receive favourable consideration.

On motion by Mr. Wilson, debate adjourned.

House adjourned at 9.9 p.m.

Legislative Council.

Wednesday, 20th September, 1939.

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

QUESTION—LICENSING COURT.

Hotels on Class "A" Reserves.

Hon. H. SEDDON asked the Chief Secretary: 1, Which portion of Part III. of the Land Act, 1933, or the Parks and Reserves

Act, 1895, or the Licensing Act, authorises the Licensing Court to grant provisional or publican's general licenses for premises proposed to be erected on a Class "A" reserve? 2, How many hotels holding a publican's general license are erected or about to be erected on Class "A" reserves, and where are such reserves situated? 3, In whose name or names are these hotels vested, and are the licenses granted held in their name or names? If not, then in whose name has each license held been granted, and upon what date was each license first granted, and what were the dates of the subsequent renewals? 4, Are any Class "A" reserves exempt from the granting of licenses?

The CHIEF SECRETARY replied: 1, There is no statutory enactment which either expressly authorises or prohibits the granting of a provisional certificate or a publican's general license in respect of premises situate on a Class "A" reserve and subject to section 47 of the Licensing Act, the Licensing Court may grant a provisional certificate or a publican's general license in respect of premises situate on a Class "A" reserve provided the granting thereof by the court and the enjoyment thereof by the holder is not inconsistent with the purposes for which the land in such reserve was reserved. Under section 29 of the Land Act, 1933-1934, land may be reserved for any purpose of public health, safety, utility, convenience or enjoyment and provided the erection of buildings upon the reserve is not inconsistent with the purposes thereof buildings may be erected on any reserve by way of the improvements thereof. 2, (1) 3. (2) Yallingup, Yanchep, Rottnest. 3, (1) (a) State Gardens Board, Rottnest Board of Control, General Manager of State Hotels. (b) Licenses are not held in the names of these authorities. 2, (a) Yallingup, present licensee—Elsegood, Leslie Alfred. First granted 30th January, 1924. (b) Yanchep, present licensee—Faulks, Arthur. First granted 12th December, 1936. (b) Rottnest provisional certificate in name of Stark, James Balfour —issued 4th July, 1939. (d) Licenses are renewed at each annual meeting of the Licensing Court for the respective districts. 4, See reply to No. 1.

BILL—GERALDTON HARBOUR WORKS RAILWAY EXTENSION.

Read a third time and *passed.*

BILL—SWAN RIVER IMPROVEMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [4.39]: I do not intend to vote against this measure, but would like to express my views. The position as I understand it from the remarks of the Minister is that the Bill implements an agreement between the South Perth Road Board and the State Government. The Government proposes to spend £20,000, and it is estimated that the South Perth Road Board will be involved in an expenditure of approximately a similar amount. I understand the Government has already spent £149,000 on reclamation work along the Swan River, and that the Perth City Council has contributed £2,500 to that sum. It is also admitted that the City Council has spent on its own work, such as levelling, road construction, etc., between £60,000 and £70,000. The Subiaco Municipal Council has contributed £2,500 and the Nedlands Road Board £3,000 towards similar reclamation work. In a small measure, therefore, the local authorities benefiting by the Government scheme, have contributed to the capital expenditure. I am not opposed to the beautification of the river, and agree that the Government and the local authorities have done excellent work. Apparently, 83 men will be employed, and the average rate of pay per man will be £7 5s. per week. I hope the Minister will give members some explanation of how this money is made up, and whether the £7 5s. is the correct amount.

The Chief Secretary: It includes the cost of material.

Hon. A. THOMSON: I took it that the men were receiving that wage.

Hon. G. W. Miles: That is how I took it.

Hon. A. THOMSON: As the statement reads, that is how it would appear.

The Honorary Minister: It includes material.

Hon. A. THOMSON: There has been a good deal of criticism in country districts because of this expenditure on the beautifi-

cation of the Swan River. When members of Parliament ask for expenditure on educational facilities in country areas, they are told it is impossible to get any money. A difficult position is thus created for the representatives of country constituencies The stereotyped reply to all requests of that kind is that no money is available for further educational facilities. Notwithstanding that, members representing country districts know that the Government has spent no less than £145,000 on the beautification of the Swan River, however useful and valuable that work may be. Meanwhile, the children of farmers and others resident in country districts are denied necessary educational facilities. Because of the low price of wheat, farmers have been passing through a serious crisis, and they will remain perplexed in mind until they know the intentions of the Imperial and Federal Governments. Since the outbreak of war, a little more hope exists for the producers, calamitous though the war itself is. In reply to a question I recently asked, I was informed that approximately £1,000,000 was being spent on public buildings in the metropolitan area. I do not say that such works are unnecessary, but I do claim that such expenditure calls for a good deal of criticism from country districts. I respectfully suggest that the time is now opportune for the Government to appoint a joint public works committee or public funds control committee, made up of representatives of both Houses, to investigate all proposals for the expenditure of money, and pass or veto them as may be considered desirable. It is not suggested that such a committee should take out of the hands of the Government the control of the finances of the State. A good deal of financial emergency legislation is likely to be brought down. Already the State Government has suggested the probability of increasing taxation, and we know what the Federal Government is doing in that respect. Because of the terrible war, a state of emergency undoubtedly exists and a committee such as I have proposed, would probably suggest postponing the beautification of the Swan River at a cost of £20,000.

Hon. G. Fraser: What a wonderful help that would be when we are trying to induce people to do the other thing, and keep men in employment.

Hon. A. THOMSON: The interjection is quite unnecessary. The committee would have an opportunity to suggest the expenditure of the money in other directions that might bring forth better results both to the State and the workers as a whole. Apparently the reclamation work will provide employment for about 80 men. I do not suggest they should be put out of employment. Both publicly and privately I have encouraged people not to close down, but to carry on with all the means at their disposal. Every public-spirited employer will stand behind the Government, and do his best to carry on as he was doing prior to the present unfortunate tragedy. I hope Mr. Fraser will absolve me from any desire to put men out of work; nothing is further from my thoughts. Many subjects could be considered by the committee I have in mind. We are told to increase production. The committee would be able to tender useful advice on how the Government could spend money in the achievement of that object. Unfortunately the position to-day is that Parliament, appreciating the fact that money has been spent on various works, is to all intents and purposes committed to the undertakings unless determined to put a stop to them before completion. I advance the suggestion that the time is opportune for the appointment of a joint committee that would act in an advisory capacity to scrutinise proposals for works of one description or another. The Federal Government furnished us with an example in the Council for Migration and Industrial Development, the establishment of which saved the Commonwealth many hundreds of thousands of pounds. In one instance a State Government sought to promote an irrigation scheme, but, after examination by the Commonwealth body, the State Government was prepared to admit the proposition was unworkable and would not produce the expected return on the outlay involved. As a matter of fact, the proposal was an engineer's dream, and not a practicable scheme. The appointment of a committee to operate along the lines adopted by the Federal body would be opportune, and I submit the suggestion to the Government for serious consideration. I do not propose to cast a vote against the Bill. The South Perth Road Board is to be commended upon the fine public spirit displayed in undertaking to spend such a large

sum of money. Of course, much of it will be recouped by means of the land to be resumed.

Hon. J. M. Macfarlane: The intention is not to sell that land but to establish public parks and gardens.

Hon. A. THOMSON: I was not aware of the board's intention, but presumed that some return would be secured. As Mr. Nicholson pointed out, the Bill provides that a resident who may consider his water frontage of some value will not be entitled to compensation because of the severance of his land from the river. My intention in speaking was to point to some of the difficulties confronting country members in relation to such proposals for the expenditure of public funds, and to suggest the establishment of the joint advisory committee, which I think would be practicable and of definite value to the State as well as, in the long run, to the workers.

THE HONORARY MINISTER (Hon. E. H. Gray—West—in reply) [4.53]: I am gratified at the reception accorded the Bill. In reply to Mr. Thomson, I would point out that the improvements effected along the Swan River foreshore will be enjoyed by everyone who visits Perth. The Government has adopted a long-range policy, the effect of which will be to the advantage of all concerned. As to the point he made regarding the employment of men, the practice of all employing departments is to furnish returns showing the actual cost of any work that is undertaken. In this instance the cost runs out at £7 5s. per man employed, which includes the cost of all material used. That is the total cost per man for wages, material and so forth.

Hon. G. Fraser: That means that 75 per cent. of the cost is for labour?

The HONORARY MINISTER: Yes.

Hon. A. Thomson: In another place the statement was made that the work would cost £7 5s. per man.

The HONORARY MINISTER: Yes, and I am repeating that statement.

Hon. G. Fraser: That is the average per man of the total cost.

Hon. A. Thomson: According to the report in "Hansard" the suggestion is that that cost included wages only.

The HONORARY MINISTER: The work will cost the South Perth Board about £20,000, and the policy of the Government is to encourage local governing bodies to engage in such operations by helping them as much as possible. Members will realise the value that attaches to such undertakings, particularly at the present juncture when it is necessary for the Government to provide work for men who for various reasons must remain in the metropolitan area. The work contemplated by the Bill will be of service to such men who cannot proceed to the country to earn a living.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL RESERVES (No. 1).

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.57]: in moving the second reading said: Each Session a Bill is introduced to deal with desired alterations and adjustments to reserves and lands held under public trusts. Members will recall that last year's Bill was returned to another place with two amendments relating to the use of a portion of Government House grounds for building purposes. The Bill was eventually referred to a conference, but as an agreement could not be reached, it was lost. That measure included a number of clauses that met with general approval but their fate was sealed when the Bill was set aside. The Bill now before members is for the purpose of authorising the non-contentious proposals contained in last year's measure and also includes a provision dealing with the excision of three lots from a Class "A" Reserve at Katanning, which did not appear in last year's Bill. With the exceptions I have mentioned the measure is similar to that introduced last session.

The first proposal relates to certain Class A reserves along the Perth foreshore. In 1937 the Government agreed to vest those reserve in the City Council, provided the council proceeded immediately to construct the road known as Riverside-drive and carry out improvements generally. So that the roads within the reserves may be proclaimed public roads under the provisions of

the Municipal Corporations Act, parliamentary authority for their excision is necessary. The roads concerned are shown coloured in brown on Plan No. 1, which, with certain other plans, I have laid on the Table, and comprise Riverside-drive, the parallel road known as Terrace-road, and the continuation of Plain, Bennett, and Hill streets

National Park reserve near Warren House, south-west of Pemberton, is dealt with in the following clause. This is a park of approximately 2,500 acres, which was set aside as a Class A reserve in 1901 because of its remarkably fine karri forest. The present boundaries are shown in red on Plan No. 2. Authority is now sought to exclude about 500 acres from the northern portion, and to add about 1,400 acres to the western portion of the reserve—a net addition of 900 acres. The Conservator of Forests considers the alteration most desirable as the virgin karri forest on both sides of the Warren River will be permanently preserved for a distance of nine miles, instead of 3½ miles as at present. Moreover, access will be given to the timber on a location situated on the north-east of the reserve.

Clause 4 deals with Cottesloe Lot 182, on which is erected the Claremont fire station. This land is held in trust by the Fire Brigades Board for the purpose of a fire station site. The board desires to sell the site and the buildings, and proposes to apply the proceeds of the sale towards the acquisition of a more suitable site and the erection of a smaller building more in accordance with actual requirements. Provision has therefore been made in the Bill to enable the board to dispose of the land freed from its trust.

On Plan 3 is shown Cottesloe Lot 192. This land, comprising about six acres, was excluded from Class A reserve 7804 under the Swanbourne Reserves Act, 1931, which also provided that the area should be granted to the Education Endowment Trustees in exchange for other land held in the vicinity. The trustees are no longer in a position to effect the necessary exchange, as the other lands have since been acquired by the Commonwealth for defence purposes. As a result, the land cannot be dealt with in any way, and therefore we propose to permit the land to be disposed of under the provisions of the Land Act.

Under Clause 6 power is sought to excise about 215 acres from National Park at Porongorup Range. This is a Class A reserve comprising a total area of about 5,600 acres. The owner of an adjoining holding desires this land for his son, and also as a source of water supply for his existing holding. As the land applied for has no scenic value, being timbered with stunted jarrah, banksia, and blackboy, the controlling authority—the State Gardens Board—raises no objection to the proposal. Provision is made in Clause 7 to revest in the Crown the Totadjin agricultural hall site and recreation ground. At present the reserve is held under a 999 years' lease by three trustees, two of whom have requested the Bruce Rock Road Board to assume control. The whereabouts of the other trustee is unknown, and therefore, in order to vest the land in the Bruce Rock Road Board, it is necessary that it should first be revested in the Crown.

Clause 8 deals with Class A reserve 18956. This and certain other lands which abut on Beaufort-street were originally acquired with the object of widening that street to two chains. Buildings, however, were subsequently erected on some of the other land that was needed for the purpose, and the project was abandoned. The land which had been acquired was surrendered to the Crown. However, the owners of land adjoining reserve 18956 were unaware that the original scheme of widening the street had been abandoned, and they submitted a plan of subdivision, which was approved by the Town Planning Commissioner. The position to-day is that unless the reserve is made a part of Beaufort-street, the subdivision cannot be effected as no titles can be issued for the new lots. To overcome this difficulty, we propose to cancel the existing reserve, so that it may be declared a public road. The Town Planning Commissioner and the road board have agreed to the proposal, and there is no departmental objection.

The next clause deals with Class A reserve 3617, which is vested in the South Perth Road Board for recreation purposes. The board desires a small portion of this land at the corner of Hensman and Coode streets to be set apart as a site for the erection of an infant health clinic. As a matter of fact the building was opened on Sunday last. The clinic has cost about

£1,000. Under Clause 10, power is sought to exclude a small portion of Class A reserve at the corner of Canning Highway and Westbury Crescent, Bicton, in order to provide a site for an infant health clinic. This reserve is about two acres in extent and is set apart for recreation purposes under the control of the Melville Road Board. A petition has been signed by a large number of ratepayers resident in the district, asking that the land be set aside for the purpose I have mentioned. The road board supports the petition, and points out the obvious advantage of having an infant health clinic on a reserve where children can play.

Clause 11 relates to Kalgoorlie Lot 2810. In 1907 this land was granted on a 999 years' lease to three trustees of the Eastern Goldfields Brewery Employees' Union of Workers for a hall site. To-day none of the trustees to whom the lease was granted is a trustee of the union. The existing lease makes no provision for carrying on the succession of the title to the new trustees. The necessity therefore arises for parliamentary approval to be obtained for the cancellation of the present lease in order that a new lease may be issued to the present trustees. To avoid further trouble due to changes in the personnel of the trustees, the Crown Law authorities will draw up a suitable form of lease, after a discussion with the Commissioner of Titles. Clause 12 is a new proposal. It relates to lots 525, 526 and 527 which are part of Class "A" Reserve 12076 at Katanning, the Crown grant of which is held by the Educational Endowment Trustees for educational endowment purposes. On Plan No. 8 an area is shown coloured in blue which has already been acquired by the Katanning Road Board from the trustees for stockyards. The Commissioner of Railways has entered into an agreement with the road board to construct new trucking yards and a siding on the Lots coloured red, viz. Lots, 525 to 529 inclusive. The trustees have agreed to surrender the lots concerned under their control on payment of a sum of £100. The proposal is acceptable to the Katanning Road Board, and we are therefore providing for the exclusion of the three lots from the reserve and their surrender to the Crown. They will thus be set aside for railway purposes under the control of the Commissioner of Railways. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (2)—FIRST READING.

1, Rights in Water and Irrigation Act Amendment.

2, Inspection of Machinery Act Amendment.

Received from the Assembly.

BILL—LIFE ASSURANCE COMPANIES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.15] in moving the second reading said: This Bill has been brought forward for the purpose of affording holders of industrial life assurance policies some measure of protection when their policies lapse or are surrendered to the companies. Members will recall that a Bill of a similar kind was introduced by the Government last session. I may well emphasise, however, that whereas the provisions of that measure covered all types of life assurance policies, the scope of the Bill now before the House is confined to industrial assurance business. While the Government still believes that the safeguards proposed in the Bill for industrial policies should apply to the forfeiture of policies for ordinary life assurance, it is considered expedient at this juncture to confine the proposals to the field covered by the Bill.

Hon. J. Nicholson: The measure of last session extended to all classes of life assurance?

The CHIEF SECRETARY: Yes.

Hon. J. Nicholson: That Bill was rejected.

The CHIEF SECRETARY: Yes, but very little complaint was made about the provisions dealing with industrial policies. The Bill defines an industrial assurance policy thus—

> A policy upon human life the premiums in respect of which are, by the terms of the policy, made payable at intervals of less than two months, and are contracted to be received, or are received by means of collectors of the company which issued the policy.

The business of industrial life assurance, as we know it, originated in England during the latter part of last century. I understand that it was a development of a far older system of providing for the burial expenses of persons of limited means through co-operatives. During recent decades, there has been a marked expansion of industrial assurance business throughout the Commonwealth and Great Britain, but unfortunately, the activities of some of the companies and some of their agents have been characterised by a number of very unsatisfactory features. For some years a considerable amount of dissatisfaction has existed both as to the conditions under which policies are issued and as to the practices adopted by some companies in connection with the surrender and forfeiture of policies.

Within the last two years or so, two important inquiries have been made into the conduct of industrial assurance business generally. One of these was carried out by a Royal Commission in Victoria, and the other, which was concerned with industrial assurance and was made in Great Britain, was conducted by two private investigators of established reputation—Professor Levy and Sir Arnold Wilson, a Conservative member of the House of Commons. Both these inquiries revealed that the business of industrial assurance is extremely expensive to maintain and manage, largely because of the practice of collecting premiums weekly from house to house, and the methods adopted by some companies in regard to the remuneration and organisation of canvassers. Perhaps the most unsatisfactory feature of the whole business is the large number of policies that is allowed to lapse. On several occasions when dealing with the subject of industrial assurance I have made statements that were very hard to believe, more particularly on the forfeiture or lapsing of industrial policies. To-day I am presenting a table setting out the details of industrial life policies discontinued in Australia during the last three years for which figures are available. The table indicates the considerable volume of business that, for various reasons, becomes void each year. I should like those members who are inclined to be critical of the Bill to give close consideration to the table, because it affords a fair indication of the need for passing the Bill.

Hon. J. Nicholson: Does the table apply to Western Australia only.

The CHIEF SECRETARY. No, to the whole of Australia.

Hon. H. V. Piesse: Does it apply to purely industrial business?

The CHIEF SECRETARY: Yes.

Hon. J. Nicholson: You have not particulars applying to Western Australia only?

The CHIEF SECRETARY: No, but we can take it that the proportion for Western Australia is relatively the same as for other States. The following is the Table:—

INDUSTRIAL LIFE ASSURANCE—POLICIES DISCONTINUED IN AUSTRALIA.

Mode.	1935.		1936.		1937.	
	No. of Policies.	Amount.	No. of Policies.	Amount.	No. of Policies.	Amount.
		£		£		£
Death or maturity (*a*) ...	47,813	1,554,791	57,257	1,945,131	63,299	2,243,021
Surrender	13,175	620,065	12,852	601,487	13,124	604,244
Forfeiture	173,507	7,713,112	174,596	7,983,903	181,817	8,560,354
Transfer	(*b*) 70	(*b*) 4,581	(*b*) 3	(*b*) 721	134	6,989
Total	234,425	9,883,387	244,702	10,529,800	258,374	11,414,608

(*a*) Includes Annuities. (*b*) Transfers to Australian registers exceed transfers from Australia.

Hon. L. Craig: The amounts you quoted represent the amounts insured for?

The CHIEF SECRETARY: Yes.

Hon. A. Thomson: The amount of £9,800,000 odd does not represent the value of policies forfeited.

The CHIEF SECRETARY: No. The total insurances covered by the whole of the policies issued in that year—1935—represented a value of £9,883,387, and the total amount involved in forfeitures was £7,713,112.

Hon. A. Thomson: How much of the £7,713,112 had been paid?

The CHIEF SECRETARY: I cannot say.

Hon. J. Nicholson: What amount of premiums had been paid?

The CHIEF SECRETARY: I cannot say.

Hon. H. V. Piesse: That is a most important point.

The CHIEF SECRETARY: That is not the point. The point is that over 75 per cent. of the industrial policies taken out in Australia in 1935 were surrendered or forfeited during the year.

Hon. H. V. Piesse: The forfeitures include a big proportion of the shilling assurance for £40.

Hon. J. J. Holmes: It would appear that many of the householders paid a shilling only.

The CHIEF SECRETARY: That might apply in a few instances. The figures are illuminating, and my later remarks will show why the totals are so large.

Hon. G. Fraser: Those figures would not represent the value of the assurance?

The CHIEF SECRETARY: Yes. The most unsatisfactory feature is the large number of policies that lapse.

Hon. H. V. Piesse: That is not the fault of the companies.

The CHIEF SECRETARY: In some cases I think it is. I have already pointed out that the methods adopted by some of the companies are open to criticism, and that the methods adopted by some agents are open to criticism even more severe. I know from many years' experience that the conditions under which numerous agents have been engaged were such that they felt compelled to adopt all sorts of schemes and subterfuges to secure business from people who perhaps were not able to gauge the value of the insurance they were undertaking. The table discloses that over 75 per cent. of the total amount of discontinuances was due to forfeiture. We can say quite definitely that in the great majority of cases people have forfeited their policies either because of financial distress occasioned by unemployment, sickness or some other cause beyond their control, or because they have been induced by a type of high pressure salesmanship adopted by canvassers to take out policies that they could not afford.

The Royal Commission in Victoria commented strongly on what it termed, "the mischief resulting from the unsatisfactory conduct of agents in soliciting business." The Commissioners suggested, however, that the practices they so roundly condemned, which included misrepresentation and over-persuasion, were due largely to the pressure put upon agents by the companies and to the method whereby the agents are remunerated. That is the opinion of the Victorian Royal Commission which inquired into the business. The Commissioners did suggest that the practices which they so roundly condemned, including misrepresentation and over-persuasion, were due largely to pressure put on the agents by the companies, and the system upon which the agents were remunerated—thus bearing out what I have frequently stated in this Chamber. The Victorian Commission points out that if canvassers' earnings are to depend upon their capacity to acquire new business, then it follows that they will exercise every device possible to obtain that business. The Government has had this aspect in mind when it has attempted from time to time to bring canvassers under the provisions of the Industrial Arbitration Act. I am only sorry that this House some years ago, when it went half way, did not go all the way and thus provide that industrial agents should have access to the Arbitration Court. So far our attempts to achieve that end have been unsuccessful.

Hon. J. J. Holmes: Do you think that access to the Arbitration Court would alter the methods of the canvassers?

The CHIEF SECRETARY: I am sure of it.

Hon. J. J. Holmes: Has it done so previously?

The CHIEF SECRETARY: Yes, to an extent, in Queensland and other States of the Commonwealth. There is no comparison between the conditions enjoyed by some agents and the methods adopted by some agents. I do not say that all companies and all agents come within the category to which I have referred.

Hon. J. Nicholson: There are good and bad in all trades.

The CHIEF SECRETARY: Yes. I have the greatest respect for some companies and especially for some agents; but for

years there has been a need for regulating the conditions under which agents are employed, not only in the interests of the agents themselves but also in the interests of that great body of people who cannot afford to take out any form of life assurance other than industrial life assurance. By the latter they are able to pay for the assurance week by week, and they would find extreme difficulty in paying for ordinary life assurance, where they would be called upon to meet premiums once a fortnight or once a quarter. To date, I repeat, the Government's attempts in this regard have been unsuccessful, and as a result canvassers are, and will continue to be, employed under conditions that force them to engage in various undesirable selling practices. While it is not possible to deal with that particular aspect of industrial assurance in a measure such as this, we have included in the Bill a number of proposals designed to afford policy-holders a measure of protection in regard to forfeiture of policies.

The main provisions of the Bill relate to the issue of paid-up policies and the granting of surrender value. Many instances could be cited of the hardships experienced by people who, after paying their premiums for years, have had to forfeit their policies. And of course, while some companies are sympathetic in their treatment of people in such a position, other companies unfortunately have acted in a highly arbitrary manner. Although paid-up policies are sometimes issued as a matter of contract and some policies may even provide for surrender values, nevertheless numerous policy-holders lose the whole of the money paid by them in premiums when their policies lapse. To remedy this position the Bill provides that where a policy has been in force for three years and there are no arrears of premium due, the holder shall be entitled to receive a paid-up policy. Such a policy is to be issued either where a policy-holder makes written application for it to the company, or where he fails to pay a premium within 12 weeks after its becoming due and payable. Where a paid-up policy is issued, all bonuses declared upon the original policy between a date five years after the issue of the original policy and the grant of the paid-up policy shall be included in the amount of the latter. In that case, it will be seen, the policy must have been in force for at least five years before this particular provision could operate. If moneys are owing to the company on the security of the original policy, they may be taken into account in arriving at the amount of the paid-up policy, or alternatively the company may elect to treat the paid-up policy as security for those moneys. The amount of any paid-up policy is to be arrived at in accordance with the rules contained in the proposed new Tenth Schedule. Some of the larger companies include in their policies conditions more favourable to policy-holders than the conditions contained in the Bill. Therefore the measure contains an express provision saving the rights of such policy-holders. Accordingly there should be very little opposition to the Bill. It is proposed that where a policy has been in force for six years, the holder shall be entitled to receive a surrender value. The Bill also provides that where a person has received a paid-up policy at any time after the expiration of six years from the date of the original policy, he may surrender his policy and claim a cash surrender value. This surrender value is to be ascertained by regulations made under the measure, and will be decided by the Government Actuary. The Bill also stipulates that no policy shall be avoided on account of non-payment of any premium unless such premium has been overdue for a certain length of time and the company has given the policy-holder notice of its intention to forfeit in default of payment. The provision in regard to notice being given prior to forfeiture will apply to all classes of life assurance policies.

If the Bill becomes law, it will be an offence for any company to demand from any employee a bond, guarantee, or other security executed by such employee and some other person or persons to secure the payment of moneys coming into the hands of the employee concerned. The present system has operated in a most unsatisfactory manner. Cases have been known where companies have obtained a bond or guarantee from some private person in relation to the service of an employee and have taken practically no steps to safeguard the rights of the person giving the bond. That, of course, is not right. It is considered that if the assurance companies desire to insure against losses, they should arrange for fidelity guarantees through a company transacting this class of assurance business. I

have now outlined the main provisions of the Bill. In view of the reception accorded to last year's measure, I feel sure—at any rate, I strongly hope—that this Bill will commend itself to hon. members. I move—

That the Bill be now read a second time.

On motion by Hon. H. V. Piesse, debate adjourned.

BILL—CONTRACEPTIVES.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.40] in moving the second reading said: The Bill seeks to prevent the hawking and advertising of contraceptives. A measure on much the same lines was passed in Victoria four years ago, for reasons similar to those prompting the introduction of this legislation. In recent years, the methods adopted by people interested in the distribution of contraceptives have assumed a particularly offensive character. Numerous complaints have been made to the Government concerning the manner in which these articles are hawked about and advertised. Recently two deputations waited on the Minister for Health to urge that the Government take action in the matter. In view of their highly representative character, the Government had no hesitation in acceding to this request, being entirely convinced that the present state of affairs should not be allowed to continue. Admittedly, the situation in this State has not deteriorated to the same extent as in Victoria prior to the enactment of controlling legislation. In Victoria hawkers even went so far as to frequent the gates of colleges, and there not only distributed advertising matter but actually sold the contraceptives themselves. The methods adopted in Western Australia are nevertheless such as to warrant immediate action by Parliament.

One practice of local distributors has, in particular, aroused strong complaint. After the appearance of a birth notice in the newspaper, and while the mother is probably still in the maternity hospital, the parents are inundated with packages of printed matter advertising various articles. I know that members of this Chamber have had complaints from constituents regarding this highly obnoxious practice. Then again, distributors employ lads to place literature addressed "To the Householder" in the letter boxes of private homes throughout the metropolitan area. Nobody desires this state of affairs to continue, and therefore the Government believes that the advertising of contraceptives should not only be restricted but that we should make efforts to prevent any form of undue publicity being given to these materials.

While the Bill is closely similar to the Victorian legislation, it embodies certain provisions which do not appear in that Act. For example, while we have followed the Victorian definition of "contraceptive," our definition of "public place" is based on that appearing in proposed English legislation. The Bill provides that the publication of advertisements relating to contraceptives shall be an offence. This provision will apply to all statements inserted in any newspaper, magazine, periodical, or circular, etc., printed or prepared in this State, which is intended to promote the sale or disposal of contraceptives. It will also be an offence for any person publicly to exhibit any statement of this kind in a public place, or gratuitously to deliver any document dealing with the same matter.

As regards liability of the printer, publisher or proprietor of any newspaper contravening this portion of the proposed statute, we provide that no proceedings shall be taken against offending parties until they have been notified of the offence. A similar provision to this appears in the Health Act. While no reputable newspaper would knowingly assist people to contravene the law, there is always a possibility that an advertisement of the type with which we are dealing might appear in a publication without the proprietor's knowledge. The distribution or sale of magazines, newspapers, periodicals, circulars, programmes or other documents printed outside the State and containing advertisements of contraceptives will also be an offence against the measure. In any proceedings taken under this provision, it will be a sufficient defence if the party charged proves that he had no reason to believe that such an advertisement appeared in the document concerned. Bona-fide medical or pharmaceutical magazines are exempt from the restrictions imposed on other publications. These magazines

are as a rule consulted only by members of the medical and pharmaceutical professions. We are also providing that it shall be lawful for any qualified medical practitioner or registered chemist to furnish to an adult person at his request any bona-fide advertising matter. In my opinion this proviso would cover any birth control clinic, and the measure would not hamper the operations of any such bona-fide institution.

The Bill sets out that the proposed Act shall be administered by the Commissioner of Police, subject to the direction of the Minister. Under the Victorian Act, administration is vested in the Minister. Had we followed the Victorian measure, it would have been necessary to incorporate this legislation in the Police Act.

As that Act is due for consolidation, the Government was advised by the Crown Law authorities that in the circumstances it would be advisable to introduce this legislation as a separate measure, and provide for proceedings to be taken by the Commissioner, subject to the Minister.

A provision similar to a section appearing in the Illicit Sale of Liquor Act has been inserted in the Bill, under which the police are to be empowered to seize contraceptives exhibited or sold in contravention of another provision prohibiting the exhibition or hawking of contraceptives in public places. Where any person is convicted of an offence against proposed Section 5, the Court may order that the contraceptives be destroyed or otherwise dealt with as the Court may decide. The Bill lays down the procedure for prosecutions for offences against the proposed Act. Prosecutions may be commenced upon complaint by any person and may be conducted in Court by a police officer or constable on behalf of the complainant and any person convicted shall be dealt with summarily by justices. This provision should ensure the satisfactory policing of the Act. There is an urgent necessity for the enactment of this legislation, and I think all members will agree that every effort should be made to stamp out the many undesirable practices that the Bill is designed to stop. I move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [5.48]: I desire to offer a few remarks on the second reading of this Bill. I am in accord with the provisions of the measure, although the practice referred to is as old as the Pharaohs and will continue. The object of the Bill is to prohibit the sale of contraceptives on the sole ground of their preventing conception.

Hon. L. Craig: The Bill does not prohibit the sale of contraceptives, but the advertising of them.

Hon. J. CORNELL: Contraceptives are used for the prevention of venereal disease. Now that we are at war, I wish to speak plainly on the question of the prevention of such disease. I commend the Bill to all the medical men in the State who served in the A.I.F. One thing they should insist upon is that all those methods of prevention that were in use at the dissolution of the A.I.F. should immediately be reintroduced. Before the last war, the cry was, "Save the civil population from the soldier." During the Great War, the cry was, "Save the soldier from the civil population." Standing in his place in this Chamber—as members can confirm by reference to "Hansard"—the late Dr. Saw said that one of the greatest calamities that followed the demobilisation of the troops was that all the excellent work done by the medical men in the field of venereal disease prevention, not only in the A.I.F., but in the Allied forces, including America, had simply gone by the board. He said it was all wasted; it should have been carried into civilian life. Having served for 18 months in the A.I.F., I make this plea. My suggestion should be accepted at once and put into operation. There are doctors in this State—Dr. McWhae and Dr. George Barber—and in other States—Sir Earle Page, as well as others—who I hope will assert themselves and take immediate steps to re-introduce the desirable practices followed during the Great War.

On motion by Hon. H. S. W. Parker, debate adjourned.

BILL—PLANT DISEASES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.52] in moving the second reading said: This short measure seeks to add a new provision to Section 18 of the Act. Under that section the Minister is empowered to order the destruction of trees

in orchards if in the opinion of an inspector they are likely to spread disease. The provision is a necessary one, because abandoned orchards sometimes become breeding grounds for insect pests and fungus diseases, which soon spread to trees of commercial orchardists in the vicinity. As originally enacted, Section 18 defined an abandoned orchard as one "which is habitually, or has been for a long period, left uncultivated." Until the Section was amended in 1933, it was possible for owners to circumvent the intention of the Act by making a pretence of occupying orchards which, for all practical purposes, they had actually abandoned. To overcome this difficulty the Act was amended, and the Superintendent of Horticulture was given power to certify in writing that such orchards had not been bona fide cultivated or tended for a period of twelve months preceding the date of his certificate; and if an owner were unable to show good cause why the decision of the Superintendent should be set aside, his orchard was deemed to be abandoned. It is now desired to clarify a doubt existing as to the person who should pay the costs incurred in destroying trees growing in abandoned orchards, and the Bill provides that the responsibility shall rest on the owner. The aim of the measure is to ensure that upon the department being forced to take action through the neglect of an owner, it may recover the expenditure so incurred. I move—

That the Bill be now read a second time.

HON. W. J. MANN (South-West) [5.54]: I support the Bill. In some localities there are fruit trees which were planted many years ago by early settlers and which are still struggling to live, although the homesteads have disappeared. I can also quote instances of orchards that were planted by enthusiastic persons who thought they could make a living in the fruit-growing industry, but who, for various reasons, subsequently abandoned their orchards. Those places are a harbour for most of the pests that attack orchards, and so are a definite menace to persons making a living in the fruit industry.

Hon. J. Cornell: There are many such places in the Great Southern district.

Hon. W. J. MANN: Yes. Most of the owners, upon having the position explained to them, have realised the necessity for destroying the trees in such abandoned orchards. Other owners, however, refuse to take such action, and the Bill will act as a spur to them. At all events, it will give the department power to clean up abandoned orchards and to recover the cost of so doing from the negligent owner. Such a provision is desirable, and will no doubt be received with a great deal of satisfaction by the persons engaged in the fruit-growing industry.

HON. L. CRAIG (South-West) [5.56]: I support the second reading. The Bill is another line of attack against the fruit-fly pest. Orchardists are becoming concerned about the ravages of the fruit-fly. The pest is travelling further and further south, and has now reached the apple-growing districts of Bridgetown. It is useless for the Government to insist upon the registration of all orchards—and one vine constitutes an orchard; every person who has a fruit tree of any kind must pay a fee of 1s. for registration—while at the same time throughout the country there are small abandoned orchards, or trees around old homesteads, which are left untended. Such trees become infested with fruit-fly; the fruit drops to the ground, and so the pest spreads throughout the district. I know of several small abandoned orchards in fruit-growing districts, perhaps of half-an-acre, or one or two acres.

Hon. W. J. Mann: And there are some old gardens.

Hon. L. CRAIG: Yes, some with trees 30, 40 or 50 years old, still bearing fruit. The fruit is not picked and becomes infested with fruit-fly. In some cases it is useless to try to get the owner to destroy the trees. He may be an absentee; in many cases he is. This Bill, however, provides that in such cases the department shall have power to destroy the trees and the owner must bear the cost. It is essential that power should be given to the department to destroy uncared for trees. Only by such a method will the fruit-fly scourge be combated. The fruit-fly pest is as serious to the fruitgrower as is the rabbit to the grazier and the farmer.

Hon. J. J. Holmes: Hear, hear!

Hon. L. CRAIG: It is a hopeless business trying to grow fruit when the fly is in the district.

Hon. J. J. Holmes: We had better pass the Bill now.

Hon. L. CRAIG: I hope members will strongly support the Bill.

HON. H. V. PIESSE (South-East) [5.59]: I was pleased that Mr. Craig referred to the fruit-fly. A few weeks ago I attended a conference of fruitgrowers in Albany at which a resolution was passed that the growers should be taxed to a greater degree in order to provide funds to combat the pest. Until last year I had never heard of the presence of the fruit-fly in Katanning, but a man brought some pears to me which I sent to the department for inspection, and they were found to be infested with the fruit-fly. The pest is spreading all over Western Australia. We are prohibited, by regulation, from taking oranges from the metropolitan area to a point south, I think, of Narrogin.

Hon. W. J. Mann: A very wise precaution, too.

Hon. H. V. PIESSE: Nevertheless fruit in the south has been contaminated by oranges taken to the district in motor cars or in the train by private individuals. It is essential, therefore, that the department should have the power sought by the Bill. I am sure all members will support the measure.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TESTATOR'S FAMILY MAINTENANCE.

Second Reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [6.1] in moving the second reading said: Although containing 13 clauses, the Bill is not as formidable as it appears. The law at present is set out in one clause of the Guardianship of Infants Act. The position is that the court may at any time make an order, on application, that a testator's estate or portion of it be handed over to his widow or children. In other words, a man is not permitted to leave his family penniless.

The Honorary Minister: Quite right.

Hon. H. S. W. PARKER: The Bill merely clarifies the law, concerning which various doubts have arisen.

Hon. J. J. Holmes: Are 13 clauses required to explain one section of an Act?

Hon. H. S. W. PARKER: Yes, I will explain why. The amplification of the law is necessary because at present the court has not certain power that it requires. We can readily understand that a man may leave £1,000 or £10,000 but by allotting legacies to various people may dispose of the whole of his estate and leave his widow and children with nothing. In such circumstances the law provides that the court may make an order that the widow and children are to receive so much per week or per annum. The law does not, however, provide from what funds the money is to come. The Bill gives the court the power to order that the money may be taken from a certain specified legacy. In other words the court is given more power than it at present exercises.

The Bill is not a figment of my imagination, but is almost a word-for-word copy of the South Australian and New Zealand Acts. I have here a volume, which is a recognised law text book containing all the statutes of the various Australian States. It indicates that in the New Zealand Act dealing with this matter there are 33 sections, and in the New South Wales Act, 12. The Bill has been carefully considered by other members of the legal profession and has been approved by them. There is one material point in which this measure differs from similar legislation in the other States. The alteration, however, is one that I consider very necessary. The definition of "widow" includes any woman who has been divorced from her husband and who at the date of his death was receiving or entitled to receive permanent maintenance by virtue of an order of the court. When a woman divorces her husband she can apply to the court and obtain an order for permanent maintenance, but the order the court makes is that she shall receive so much during the joint lives of herself and her husband. At the present time a wealthy man may have an order against him issued at the instance of his first wife, under which he has to pay £5 or £10 per week. Immediately he dies, however, that payment ceases and as the law stands at present, the woman cannot apply

for anything at all out of his estate because she was not his wife at the date of his death.

Hon. J. J. Holmes: What happens if he obtains a divorce from her?

Hon. H. S. W. PARKER: If the husband secures the divorce, everything depends on the circumstances as to whether or not the court will grant the wife permanent maintenance. The Bill merely provides for a woman who at the date of the death of her husband actually has an order from the court. If a divorced woman has never thought fit to apply to the court for maintenance, she will not come under the provisions of the Bill. A woman will benefit under the Bill only if she has previously asserted her right and has been entitled to receive something. I do not think there is anything in the Bill that members can cavil at, but there is one matter that might exercise the minds of members and that is that the application by the widow or someone on behalf of the children must be made within six months of probate being granted. The granting of probate can be taken roughly as being from within a fortnight to—

Member: Up to a year.

Hon. H. S. W. PARKER: Any time Generally it may be taken that probate is granted within a month of death. Under the Bill application must be made within six or seven months of the date of death. In New South Wales and New Zealand the period is 12 months; in Queensland, South Australia and Victoria six months; in Tasmania three months; and in Western Australia, any time. Members will appreciate the fact that there must be a time limit because an estate cannot be held up indefinitely in order to allow the widow or children to make application. It may happen that a wealthy man will leave his widow £5 a week when he should have left her £20. She has a right to apply for an increase, but she must make application within a limited time.

Hon. C. F. Baxter: It will be retrospective, will it not?

Hon. H. S. W. PARKER: No.

Hon. C. F. Baxter: But look at the proviso to Clause 4.

Hon. H. S. W. PARKER: The proviso reads—

> Provided that, in any case where the testator has died within three months immediately prior to the date of the passing of this Act, such application may be heard, if made within six months from the date of the passing of this Act or of the grant in this State of such probate or letters of administration as aforesaid, whichever of such dates is the later.

The measure is retrospective only as regards people dying within three months of the passing of the Act. I do not think we need cavil at that; but members may see fit to increase the period within which an application must be made from six to 12 months.

Hon. G. Fraser: From any time to six months seems a big drop.

Hon. L. Craig: The distribution of an estate will be held up.

Hon. H. S. W. PARKER: Members might consider that aspect; but after taking all the pros and cons into consideration it will be agreed that six months is ample time, because a widow will know within a month of the death of her husband whether she has been properly provided for. The argument may be advanced that a will has been hidden, but the measure specifies that application must be made within six months of probate of the will being granted. A widow will very soon find out whether there is a will and what its effect is likely to be. I commend the Bill to members. If it is passed, the repeal of the section of the Guardianship of Infants Act to which I have referred will be necessary. I move—

That the Bill be now read a second time.

On motion by Chief Secretary, debate adjourned.

House adjourned at 6.12 *p.m.*