

to wear brass buttons and swank around and be in the possession of a good motorear, plenty of money and probably plenty of petrol. There is no shortage of petrol in the Fighting Forces; they have it to burn. I have known cases where this type of man has deliberately set out to seduce the young wife of a soldier who has been torn from his home and sent to defend his country in Australia, or who has gone of his own volition to fight overseas. In these cases it is frequently a girl of 18 or 19 years of age. By the aids of a big motorear, plenty of money, and the fact that her young husband is away, he has succeeded in seducing her so that when the man returns from military service he finds his home broken up.

I do not propose to set myself up as a moralist, but I do think on some of these questions on the yin yan problem, probably the sinners on the extremities of this bench are better informed than are the saints in the centre. We ought to say, in effect, to these men, "There are plenty of women for you to go after, but you must leave alone the wife of a man who is away fighting." If the husband is here to protect his interests, well and good, but when a man has been torn from his home to go away and fight, individuals of the type I have mentioned should not be permitted to act as they have done. I would make it a serious offence because, if the punishment is severe enough, it will prove a deterrent. Section 325 of the Criminal Code reads—

Any person who has carnal knowledge of a woman or girl, not his wife, without her consent, or with her consent if the consent is obtained by force, or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false and fraudulent representations as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of a crime which is called rape.

I propose to amend the section by inserting at the commencement the following words:—

Any person who commits adultery with the wife of any person absent from his home on military service, or.

The penalty might be considered to be very severe because of the woman being a consenting party, but these young bucks have the allure, and protection should be provided against them. The crime of rape is always associated with violence but, if we get down to basic principles, what is the difference between the act of a man who, under the in-

fluence of drink and biological emotions, uses force, and the act of the playboy who over a period, because of his money and allurements, sets out deliberately to achieve by cunning what the other man achieved by force in the stress of the moment? I think we should afford this modicum of protection, and say to these playboys, "Philander as much as you like, but there is a preserve on which you must not trespass. If you do, you act at your peril." I move—

That the Bill be now read a second time.

On motion by the Minister for the North-West, debate adjourned.

House adjourned at 6.1 p.m.

Legislative Council.

Thursday, 17th September, 1912.

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

BILLS (2)—THIRD READING.

1. Feeding Stuffs Act Amendment.
2. Dried Fruits Act Amendment.

Passed.

BILL—MINING TENEMENTS (WAR-TIME EXEMPTIONS).

Second Reading.

THE CHIEF SECRETARY [2.22] in moving the second reading said: This is another Bill rendered necessary by wartime conditions, and I feel sure that the need for it will be apparent to all members, more especially, perhaps, to those closely associated with the mining industry. Under the Mining Act certain conditions are prescribed to be carried out by persons who are granted what are called mining tenements. Those conditions apply very well in peace-time, but in the present circumstances are highly onerous, and in some cases cannot be carried out at all. The present situation in the industry is indeed difficult and serious. The man-

power problem has become acute, so much so that many of our mines are unable to carry out their obligations under the Act. In addition, many mines have closed down altogether; others are working very short-handed, and of these a number may find it compulsory to close down.

The position as to manpower needs no elaboration on my part. Members are well aware of the circumstances existing in the industry. It becomes incumbent upon us, therefore, to make some provision by which suitable protection can be granted. In view of these considerations the Government decided to introduce this Bill. It proposes that during a time of war the Governor, on the recommendation of the Minister, may at any time direct, in relation to any particular mining tenement for any period to be stated by proclamation, that—

(a) the payment of the rent prescribed and payable under the principal Act shall be waived or postponed, either wholly or in part;

(b) the holder of any mining tenement shall be exempt from his obligation under the principal Act to observe, comply with, or perform any conditions specified in the proclamation.

"Mining tenement" is defined to include every kind of lease, claim, prospecting area, and every other kind of tenement or holding granted or held under the provisions of the principal Act; in fact, any holding governed by the provisions of the Act.

The Bill sets out that the Governor may at any time, on the recommendation of the Minister, by a subsequent proclamation revoke any proclamation previously issued. It will be noted that rentals may be waived or postponed. In a case where rental is waived, further rental will be required only from the date of expiration of the period of waiver that is granted. When rental is postponed, however, the holder will be liable to pay the rent for the period of postponement on terms required by the Minister. It is considered that the measure will provide adequate protection against the forfeiture of any mining tenement where war has interfered in any way with its operation or development.

The application of the Bill will not be confined to the present war only. It is provided that action may be taken when the Commonwealth is at war in any conflict in which His Majesty is engaged, and for six months thereafter. The Bill will thus become a permanent piece of legislation and on any future occasion when similar cir-

cumstances arise there will be no need for a special Bill of this kind.

Hon. L. B. Bolton: Surely you do not expect another war after this one?

The CHIEF SECRETARY: I hope there will not be another war, but one can never tell.

Hon. J. Cornell: You are assuming that we are going to win this war, too.

The CHIEF SECRETARY: I feel confident that we will. The fact remains that we are at war at the present time and the conditions required under the Mining Act cannot be carried out. It is therefore necessary for us to give the protection that this Bill provides. 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.

BILL—WATER BOARDS ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—JUSTICES ACT AMEND- MENT.

Second Reading.

HON. J. CORNELL (South) [2.31] in moving the second reading said: This is a Bill of one clause. The subject matter of this measure was included in a Bill that was introduced last session to amend the Criminal Code to provide that only magistrates should adjudicate on offences against the betting laws. It was argued here by the Chief Secretary and also in another place that the Bill ought to be defeated because it cast a slur on our justices of the peace. It was contended that the better procedure would be to amend the Justices Act. That is the purpose of this Bill, which seeks to strike out the following proviso to Section 30 of the Act:—

Provided that when two Justices only are present and acting at the hearing of any matter and do not agree, if one of such Justices is a Police or Resident Magistrate, the decision of the Police or Resident Magistrate shall prevail.

That means that under the Justices Act where a magistrate and a justice of the

peace sit together and disagree, the decision of the magistrate shall prevail. But where more than one justice sits with the magistrate the decision of the latter becomes abortive. The Bill provides that notwithstanding the number of justices of the peace sitting with a magistrate and whatever may be their viewpoint, the magistrate's decision shall prevail. Even if four justices of the peace sat with him and their opinions were opposed to his, the magistrate's decision would still prevail.

I ask members in all seriousness: Is it logical that two justices not versed in law, who act in an honorary capacity, should outvote a magistrate, who has had either to pass a very stiff examination in law or else has to be qualified as a legal practitioner before he can be appointed to his office? Moreover, a magistrate receives a high salary in return for his services and he is not required to retire until he is 70 years of age. On the other hand, we have Tom Brown and Jim Smith who are justices of the peace. They may be well-meaning fellows, but under the present law they are able to over-ride the decisions of a man well versed in the law. That is a position that ought to be righted. I cannot see any logic in having magistrates at all if we are to allow justices of the peace, who are not legally trained men, to sit with them and set aside their decisions.

On the statute-book there are two Acts that prohibit respectively the hearing by other than magistrates, of gold-stealing and sly-grogging cases. Last session despite the outcry against my attempt to provide that only magistrates should adjudicate on betting offences, a Bill was introduced by the Government in another place embodying a clause setting out that offences arising from increases in rentals should be heard only by a magistrate. We have reached the stage at which we should put the Justices Act right to the extent of enabling magistrates' decisions to prevail against those of justices of the peace. Without introducing the controversial subject of justices of the peace in certain offences over-riding the decisions of a magistrate, the Bill deals with the whole question on the broadest possible basis. I recommend the measure to the House and move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. TUCKEY (South-West) [2.38]: The Bill is short but exceedingly important because when its provisions become law they will be taken advantage of by 128 road boards throughout Western Australia. While the measure does not include all the amendments sought by the Road Board Association, it embodies three of the most important and their enactment will make for more efficient working on the part of road boards. Generally speaking, when the Road Board Association makes requests for amendments to the Act, such proposals emanate from men of wide practical experience in local government matters. I sometimes wonder at the long delay that frequently occurs before any attempt is made to introduce the amending legislation requested by that body. If its requests were conceded more promptly, the road boards themselves would have a more up-to-date Act under which to work. I know there will be no opposition to the Bill, and I endorse the remarks of the Chief Secretary when he moved the second reading. I feel sure the local authorities concerned appreciate the action of the Government in introducing the legislation, and I hope that some of the other amendments sought will be taken into consideration at a later date. There is ample room for the further amending of the principal Act, and it would be of great advantage to the road boards if they had improved legislative machinery under which to operate.

Question put and passed.

Bill read a second time.

In Committee.

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

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY [2.42]: I move—

That the House at its rising adjourn till Wednesday, the 7th October, 1942.

Question put and passed.

House adjourned at 2.43 p.m.