Legislative Council,

Wednesday, 13th October, 1915.

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

QUESTION — SEWERAGE CONNECTIONS.

Hon. W. KINGSMILL asked the Colonial Secretary: 1, Do the Government still approve and propose to continue the policy of allowing the Water Supply, Sewerage, and Drainage Department to undertake private work in connection with household sewerage connections on plans and specifications prepared by themselves, and subsequently as contractors to supervise and pass their own work, while at the same time they refuse to give to owners of property a price for such work before the same is put in hand by the department on plans prepared by such department? 2, Will the Minister for Public Works agree, where work is to be carried out for the household sewerage connections of private property, that such work shall be thrown open to public tender and that the Water Supply, Sewerage, and Drainage Department shall, if desirous of undertaking the work, be required to tender for the same at the same time and under the same conditions as ordinary contractors? 3, If not, why not?

The COLONIAL SECRETARY replied: 1, Yes. The department undertakes this work, after expiry of the prescribed notices, only in cases where the householders fail to make the connections; and, in such cases, the quotation of estimates would involve extra expense on the householder. 2, It is open to householders to arrange privately for calling tenders and letting the work by contract. 3, The Water Supply Department is not desirous of undertaking the work, and does so only in cases of default by the householders.

RETURN — LABOUR BUREAU, PARTICULARS.

On motion by Hon. W. KINGSMILL (Metropolitan) ordered: That a return be laid on the Table of the House showing with regard to the Government Labour Bureau:—1, Number of persons employed, with the sex, hours of labour, and salary paid to each. 2, Amount paid for rent of premises during the last twelve months. 3, Cost of advertising, cleaning, stationery, postages, telephone, and incidental expenses during the past twelve months. 4, Approximate amount of railway fares advanced to persons seeking work through the bureau, and not yet repaid. 5, Total amount of fees paid by licensed employment brokers under the Act governing same since it has been in force.

BILL—MINES REGULATION ACT AMENDMENT.

Recommittal.

On motion by Hon. A. G. Jenkins, Bill recommitted for the further consideration of Clause 6.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 6—Classification of inspectors:

Hon. A. G. JENKINS: I move an amendment—

That at the end of paragraph (c) the following words be inserted:—"during the seven years immediately preceding his first appointment under the Act."

When the Bill was introduced, the Colonial Secretary urged its necessity because mining was now conducted on up to date lines and consequently was more dangerous, and everyone connected with

the industry required to be *au fait* with the work as conducted at present rather than as it was when the original Act was passed in 1906. If a workmen's inspector was to have five years practical experience in mining, that term should be of recent date. The Hon. R. D. McKenzie had an amendment that the five years period should have ended within 12 months of the inspector's appointment. That amendment, however, was withdrawn. The effect of my amendment will be that workmen's inspectors must have had five years practical experience within the preceding seven years. This would not apply to reappointments because the duties of the office would keep the men up to date in the work. As there will be no examination or practical test of a candidate's adaptability for the position, except his election by the workers and the confirmation of his election by the Minister, there should be some protection that the men who will be elected will be up to date.

The COLONIAL SECRETARY: The objection to the amendment is that it will unduly restrict the choice of the miners. The paragraph already limits the choice to men who have been engaged in practical underground work for a period of five years. Now it is desired that a candidate must have had that experience during the seven years preceding his appointment. A man might have served five years underground and then kept himself posted in all developments connected with the industry, and he might have been a supervisor of men underground but, under the amendment, he would be disqualified as a workmen's inspector unless his five years' experience had been gained within the previous seven years. In some cases this would prevent the appointment of men who would be desirable as workmen's inspectors.

Hon. H. MILLINGTON: I take exception to the amendment on the ground stated by the Colonial Secretary. Is the hon. member prepared to include that stipulation in paragraph (a) relating to district inspectors?

Hon. A. G. Jenkins: They have to pass an examination.

Hon. H. MILLINGTON: But it is necessary that they should be practical mining men. The amendment would preclude the appointment of men who have kept closely in touch with mining, although they had not engaged in it during the previous three years. Perhaps, owing to failing health, a man has obtained work on the surface, and yet it could not be said that he was not qualified to perform the duties of workmen's inspector. I know of men eminently fitted, who under the amendment would be prevented from becoming candidates for these positions. As in the case of the district inspector it is not insisted that there should be practical mining experience during the last seven years, it is rather remarkable that this should be insisted upon in the case of an inspector of a lower grade. To be consistent, the same thing should certainly be required in both cases.

Hon. F. CONNOR: As to this particular amendment I entirely agree with the Colonial Secretary. If we are to have workmen's inspectors at all, let us get the best we can; and I think the effect of the amendment might be to bar the best.

Hon. Sir E. H. WITTENOOM: In my opinion Mr. Jenkins's amendment would be useful. A man might be appointed a workmen's inspector either from his personal popularity or on account of his being a union official, and without having the necessary qualifications. Whilst there is a good deal in the contentions of the Colonial Secretary and of Mr. Millington, I think the balance of argument is in favour of the amendment.

Hon. J. CORNELL: I trust Mr. Jenkins will not press his amendment. The difficulties which he sees are more imaginary than real. The amendment will restrict both choice and quality of applicants. While perhaps the first consideration may be dismissed, as being merely numerical, we must give heed to the question of quality. In metalliferous mining generally, the actual nature of

the work has not varied during the last five or seven years. A man with a thorough knowledge of underground work, who had for the past two years been employed on the surface, would be barred under the amendment, although during that period he might have qualified himself technically so as to be on a level with any district inspector. The point raised by Sir Edward Wittenoom as to a man securing appointment on the ground of personal popularity has no force. Mine workers have shown great discrimination in selecting their officials, and I do not think there is any need for the proposed restriction. One argument against the amendment is that, unfortunately for the mining industry of Western Australia, few workers remain in it very long.

Hon. W. PATRICK: In view of the continual changes in mining methods, I think there ought to be some time limit. I move as an amendment on the amendment—

That the word "seven" be struck out and "nine" inserted in lieu.

Hon. R. G. ARDAGH: The amendment on the amendment would make the position a little better, but I fail to see the necessity for any time limit at all. On the point raised by Sir Edward Wittenoom as to popularity, it is only necessary to say that the first question the miners will ask themselves in connection with the filling of these appointments is, what are the qualifications of applicants? I have no doubt that those to be appointed workmen's inspectors will have qualifications fitting them to hold even a district inspectorship or a mine managership. A man who had worked as a miner for years but had abandoned the occupation, though remaining in a mining district, and keeping himself thoroughly familiar with the industry, would be debarred under the seven years' limit, which I hope will, at all events, not be adopted.

Hon. J. F. CULLEN: There seems to be a general feeling that having accepted the desire of the workmen to be represented in inspection, we should allow the choice to be as free as possible. Under the Bill there is, I think, ample protection for the management. It would be a graceful act to leave the matter of appointment of workmen's inspectors entirely to the workers and to the Minister. This is my view, although at the first blush I was inclined to support the amendment.

Hon. A. G. JENKINS: Everyone is willing to have workmen's inspectors, but we should insist that the inspectors must be men of recent practical experience. Mr. Millington asked why the same restriction should not apply to district inspectors; but district inspectors have to pass an examination, presumably not only in practical mining but in theoretical work as well. On the other hand, workmen's inspectors will not have to pass an examination. I desire the appointment of men of recent experience—not the appointment of has-beens. No doubt, as a rule, the best men will be appointed, but in the absence of the proposed limitation unsuitable appointments might occur. I have no desire to unduly restrict the choice. I am willing to accept Mr. Patrick's amendment. I cannot withdraw my amendment, because the principle at stake is a very large one.

Hon. A. J. H. SAW: I think it would be a mistake to unnecessarily restrict the choice of candidates. The men are trusted to elect their legislators; surely then we can trust them to look after their own safety in the mines.

Amendment (that "seven" be struck out) put and passed.

Hon. J. CORNELL: Hon. members should carefully consider the position. Mr. Patrick's amendment extends the term by just half. The Bill requires not less than five years' practical experience underground. No Minister would be foolish enough to neglect drafting a regulation governing the qualifications of these inspectors. It is a very knotty question, as a commission of eminently qualified men who inquired into it frankly confessed. Mr. W. D. Barnett, the president of the Barrier Federation of Miners, expressed the opinion that the candidates should be selected by a committee consisting of seven miners, and that no one

not so selected should be eligible for the position. Some method of the kind will have to be adopted if the clause stands as printed.

Amendment (that "nine" be inserted) put and passed.

The COLONIAL SECRETARY: I hope the Committee will not accept the amendment. For some years past the Legislative Council have refused to accept the principle of the appointment of workmen's inspectors. Now they have decided to approve of the principle, and I hope they will not hedge it around with unnecessary restrictions which would indicate that they have granted the concession grudgingly. I hope members will trust the workers to appoint good men. The question of popularity will not come into the consideration of the miners; their first consideration will be the competency of the candidate. The men themselves regard it as of the utmost importance that only good men should be appointed.

Hon. A. G. JENKINS: It appears that a majority of the Committee are not in favour of the amendment. I do not propose to go to a division, I have voiced my protest and, if occasion does arise, hon. members will know on whose shoulders to lay the blame. I propose to withdraw the amendment.

Amendment by leave withdrawn.

[*The President resumed the Chair.*]

Bill again reported without further amendment; the report adopted.

BILL — LICENSING ACT AMENDMENT CONTINUANCE.

As to Recommittal.

Order of the Day read for the consideration of report of Committee.

Hon. W. KINGSMILL (Metropolitan) [5.8]: I wish to point out a drafting mistake in the Bill. Amendments were made which necessitated an amendment of the Title. The original Title was "A Bill for an Act to continue the operation of the Licensing Act Amendment Act of 1914." Certain amendments were introduced dealing with the closing hour of hotels. The Act of 1914 does not deal with the closing hour of hotels. It gives the Government power to summarily close hotels at any hour. The Act in which the closing time of hotels is laid down is the Licensing Act of 1911, and therefore the amendment which was made in the Bill providing that hotels should be open only between the hours of 9 a.m. and 9 p.m. was an amendment, not of the Licensing Act Amendment Act of 1914, but of the Licensing Act of 1911. The Title was amended by the insertion, after the word "Act," of the words "to amend and continue." Even that does not put in the Title a true description of the amendments which were made in the body of the Bill. The proper thing to do would be to make the Title read "A Bill for an Act to continue the operations of the Licensing Act Amendment Act of 1914, and to amend the Licensing Act of 1911." That, I think, would put the Bill in drafting order, which at present it is not. It is not part of my duties as Chairman to interfere with matters of drafting. The amendment was quite in order, was not repugnant to the sense of the Bill, so I had to accept it. At the same time I do not think the Title expresses what has taken place.

Hon. H. P. COLEBATCH (East) [5.10]: I move—

That the Bill be recommitted for the purpose of further considering the Title.

Question passed.

Recommittal.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Title:

Hon. H. P. COLEBATCH: I move—

That the words "amend and" be struck out, and after the figures "1914" the words "to amend same and to amend the Licensing Act, 1911" be inserted.

Amendment passed; the Title as amended agreed to.

[*The President resumed the Chair.*]

Bill again reported with a further amendment to the Title.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

Debate resumed from the 7th October.

Hon. H. MILLINGTON (North-East) [5.16] : I have a certain amount of diffidence in approaching a question such as this. I may say at the outset that I view this question purely in the light of an attempt to enlarge the scope of the present Health Act. I do not know that I should have spoken to the measure were it not for the fact that I have had a considerable amount of advice tendered to me. Together with other hon. members I have been inundated with correspondence and advice as to where I could get information ; so much so that I have found it impossible to reply. I hope those who have tendered this advice will be satisfied with what I have to say on this occasion as an answer to their correspondence and advice. In reference to the present Health Act, it already empowers the authority to deal in a drastic manner with some diseases and stringently to regulate matters in connection with sanitation. No objection worthy of consideration was taken to this. It was recognised to be necessary in the public interest, and for the protection of the health of the community. The present proposal is to take further power in order to deal with a specific malady, namely, venereal disease. The hon. Mr. Sanderson, when speaking on this measure, asked why it was that at a time like this such a measure was introduced. He put himself through a vigorous cross-examination, and asked himself several, to my mind, irrelevant questions, to which he gave what were almost, if not equally, irrelevant answers. From what I have heard in the way of evidence tendered in this Chamber, I have come to the conclusion that the obvious reply would be by asking why such a measure was not introduced years ago. The time has gone by when we have to justify a measure of this description. Exception has also been taken to the manner in which the Bill has been prepared. Members have inquired as to whether Dr. Hope was consulted, and why those particular authorities which they favour have not been consulted, and why their advice and recommendations have not been embodied in this measure. It appears that not only was Dr. Hope consulted, although the Honorary Minister says he is responsible for the Bill, but many other recognised authorities have also been consulted. I presume that the Honorary Minister, in saying that he is responsible for the introduction of this measure does not claim special knowledge in regard to the medical aspect of the disease, and of course he relies on such evidence as was available. And the same advice applies in the case of the legislative aspect. The present Bill is the outcome of a close study and careful analysis of various measures in the form of legal enactments, the record of their results, the findings of commissions of experts who have dealt with this question and also with due regard for the opinion of medical authorities and sociological students. The point is, whoever framed the Bill, the Honorary Minister who introduced it is responsible for its provisions; and in common with other hon. members I recognise that a certain amount of moral courage was required to introduce such a measure. Sir Edward Wittenoom and the hon. Mr. Holmes gave the Honorary Minister credit for courage in tackling a measure of this description. It would have been far easier for one occupying his position to have avoided dealing with this question. Many others have occupied the same position in times past and the fact remains that they did not grapple with the question. When we consider that he tackled a duty, and an unpleasant one, I think a good deal of credit is due to him. I take exception to the sneering manner in which some hon. members have referred to the Honorary Minister. For instance, the hon. Mr. Kingsmill, by interjection, referred to a work by Homer Lea, and endeavoured to sneer at the courage and cast a slur on the capacity of the Honorary Minister. I would remind the hon. member, when it comes to the casting of such aspersions on other people that Thackeray also

wrote a book with a very short title, and probably had in mind the supercilious person whose mission in life is to patronise those who are attempting to do their duty. I leave it to hon. members to decide to which particular work of Thackeray I refer. It shows that, when making such comparisons, hon. members need to be careful. In reference to criticism of this description, I do not know that the supercilious critic improves his case when he attempts to introduce current literature and history. The simile they seek to institute is often on a par with their own tawdry lampoon, which they mistake for satire. The Honorary Minister, as an advocate of necessary reform—and this much is admitted—is in better company than those who adopt the questionable role of criticising, not the measure, but the originator. In a subsequent speech, Dr. Saw also referred to Homer Lea's phrase. This rather surprised me. I did not expect that a man of such attainments would adopt such a practice. I may be wrong, but I have been under the impression that it is considered objectionable to adopt undue ostentation of scholastic attainments or intellectual superiority. I shall be disappointed and surprised if Dr. Saw does not show that consideration which is due to those who have not had the advantage of an academic training. He must also recognise that in the rough school of experience much knowledge may be attainable, and all available knowledge, no matter what its source, in the matter of framing legislation is required, especially when, as in the present instance, it is directed to social reform. Again, he says, "The Bill is now the property of the Chamber and if it emerges with imperfections it will be our fault." Personally, although supporting the Bill, I recognise that it deals with a problem, and one of which we are not likely to find readily the correct solution. I always think that in matters of this kind legislation must be largely experimental. It is a great mistake to promise too much. We are dealing with a problem and it seems to me too much to say that we have found the exact and correct decision of that problem. No matter in what form this measure eventually finds its way on the statute-book, there will be numerous people in this State who will take exception to it. That happens in every case, but it is no excuse for us to attempt to dodge our responsibilities. There is another question, before I get on to the measure itself, with which I wish to deal, and that is what has been referred to as the liberty of the subject, the rights of the individual, and such rights always demand consideration. They have always been a matter of considerable argument as to how far we are justified in controlling individual freedom. It is impossible to get down to the original social contract, and it would not assist us if we could, because the freedom to work out the individual will is a question of degree. We as a nation and a State decide how far it is advisable to restrict the individual, though in Western Australia we are free and easy in regard to health matters. In those matters we have individual freedom, but at the same time it is not so in regard to Government freedom. Freedom to break the laws of sanitation is taken away from us. Some persons evade the laws; individually we obey them. The same principle applies in this case. In the first place we request people to follow a certain course. Some will, of course, do so; but those who, through carelessness or other cause, neglect to comply with instructions we put the compulsory clauses into operation against. If this measure is passed it will take away certain liberties from the individual which will be a menace to the community—the liberty to refuse to be cured of a disease, and the liberty to infect others such as may with impunity be done to-day. Personally I will always vote to deprive a man of the liberty to injure his fellowman in any way. We are fortunate in having in this Chamber two authorities on this question. In the first place we are favoured with having the opinion and the evidence of Dr. Saw. His remarks were undoubtedly of great assistance to those of us who have to take the responsibility of speaking and voting upon this measure. There was one particular statement which he made which I

think, in itself would justify even such a drastic measure as this. I refer to the statement that a certain phase of venereal disease is difficult to correctly diagnose, and that even when apparently cured and believing themselves to be cured the patients may continue to infect others. The other authority we have is Mr. Baxter, who in dealing with this matter, says that it is a simple question, that any ordinary chemist can prescribe the necessary treatment and can guarantee a cure, as well as absolutely and definitely state when the cure takes place. On the evidence given by that hon. gentleman the matter certainly is a simple one. I will leave it to the House to determine which of these authorities is to influence us when voting upon this measure. Personally I think we all wish that Mr. Baxter's view was correct, but the evidence shows him to be ill-informed, despite the assurance he has given us that he has given much study to the question.

Hon. C. F. Baxter: I said in simple cases.

Hon. H. MILLINGTON: There has been evidence which is so impressive that it justifies the principle of the Bill to a great extent and there has been no evidence so impressive, and which justified so much the principle of the Bill, as that afforded in the statement made to the House by Dr. Saw. He showed that not only is it difficult to diagnose certain phases of the disease, and that bacteriological tests are required, but that an infected person who believes himself to be cured may continue to infect others. This shows the absolute necessity of having experts, with the assistance of the analyst, to exercise sole control over the treatment of this plague. It appears to me that the finding of all medical men is that only the most drastic proposals can cope with this dread disease. That being so, the remedy, though admittedly of a drastic nature, is justified. In connection with a reference to the compulsory clauses, it is claimed that they are more drastic than those obtaining in any other part of the world. It is pointed out by Mr. Jenkins that this is obviously a misapprehension, because for a great number of years the regulation and registration of a certain class have been practised, and though this has not had the desired effect, and has been superseded, it may be admitted that such a measure is far more drastic than that proposed in this present amendment; in other words, that the compulsion referred to as having failed is certainly not the compulsion that is proposed by this measure. In connection with authorities upon this question, I will read a short extract from a book by Abraham Flexner in reference to compulsory notification. He says—

> In the Scandanavian law, notification answers in general a statistical purpose, but in Denmark a patient who interrupts treatment may be reported by name, and find himself forced to continue treatment. It is impossible to discover that notification itself has had any ill effects whatsoever. It appears rather to have assisted in making the sufferer realise his danger to others precisely as the notification of other diseases has resulted in increased conscientiousness. The fear on the part of one observer among English abolitionists that notification may prove an indirect method of reinstating regulation of one sex, is baseless, in so far as Norway and Sweden are concerned.

So much for the authority on the question of compulsory clauses or compulsory notification. The Bill, if passed, will embody certain instructions to an infected person. The compulsory treatment clauses only operate when such persons refuse to conform to the law. Therefore, the anxiety on account of the compulsory clauses is expended on persons who, by breaking the law, become a menace to the community. When we consider the awful consequences which result from such criminal neglect, it must be admitted that the extreme anxiety and consideration on the part of opponents to the compulsory clauses should be transferred to other criminals, whose crime is

sometimes of a trifling nature in comparison with the punishment they are called upon to bear. In regard to those who say that nature provides a just punishment for those who break nature's laws, I would point out that nature has rather a rough and ready method of retribution in regard to such matters. It is said that the sins of the father are visited upon the children. The sins of a member of the community may cause incalculable harm to innocent members of that community, and in my opinion to attempt to shuffle out of our responsibilities by blaming nature for something which can be avoided, would be unjustifiable on our part. In connection with the question which has been raised in regard to the freedom of the subject and natural law, I would like to quote one eminent author. He says—

> The law of nature is not a command to do or refrain from doing anything. It contains in reality nothing but a statement of that which a given being tends to do under circumstances of its existence, which, in the case of a living and sensitive being, it is necessitated to so escape certain tends of disability, pain and ultimate dissolution. The laws of nature are statements of tendencies. The results are consequences of two modes of action, both of which are in accordance with natural law (or they could not occur), and not rewards or penalties.

So that the laws of nature concern us in so far as we note their tendencies and consequences. It has been continually pointed out that we have also had occasion to note one tendency, and that is the tendency to promiscuous sexual intercourse, and leaving out the question of morality we note that one of the natural consequences is venereal disease. There are those who consider themselves on a sufficiently high moral plane to say to their fellow beings, "You have sinned, and you deserve to suffer the consequences." Be that as it may, the evidence goes to prove conclusively that, in addition to those who are responsible for being diseased, there is a great number of innocent persons infected. I think members will agree that by no stretch of the imagination can it be said of those that the punishment fits the crime. There has been no crime in their case, but the punishment, on account of their innocence, is inconceivably greater than that of those who have actually been guilty. This Bill has been introduced for the purpose of protecting such as I have referred to. We now have the opportunity of dealing with this matter, whether we like it or not. It is before us. After hearing the evidence which has been submitted to us, it would amount to criminal neglect on our part if we refused at such a time to deal favourably with a measure which has for its object the betterment of these conditions. As I said at the outset, I view this entirely as a health measure. As Mr. Sanderson said, there is certainly a moral aspect, but primarily it is, in my opinion, a question of health. I will just give one short quotation from Dr. Helen Wilson in regard to this matter. She says—

> That the problem of disease is being separated from that of prostitution—venereal diseases are to be attacked as other diseases are attacked, by methods which take into account the special characteristics of the disease.

I referred earlier to the fact that, in my opinion, the Honorary Minister, although being accused of framing and introducing this Bill, entirely off his own bat, had consulted authorities and had made a special study of it from at least the sociological standpoint, and I also intimated that I was satisfied that a man in his responsible position would not dream of tackling such a question, which is of such a technical nature, without informing himself to the utmost possible extent, and without getting the very best expert evidence and advice procurable. I have here a report of the special committee on syphilis of the tenth session of the Australasian Medical Congress held in Auckland in February, 1914. This report has been used, the Honorary Minister tells me, in framing this measure. I think it

is sufficiently authoritative to satisfy even members of this Chamber, that he did endeavour to get the best and the latest expert advice. I will read the addendum to their report, and members will see from this that some of the provisions, in fact many of them, contained therein, have been embodied in this Health Act Amendment Bill. It reads—

> Memorandum and resolutions to be submitted to Congress by Dr. J. W. Barrett, Mr. G. A. Syme, Dr. Worrall, and Dr. P. Fiaschi. After consultation with members of the New Zealand Special Committee on syphilis. This Congress desires to submit to the various Governments of Australasia the following summarised observations and recommendations. Venereal diseases are proved to be responsible for a vast amount of damage to mankind. The damage is expressed by loss of life (frequently at its prime), insanity, sterility, destruction of family life, inefficiency and economic waste. The monetary loss to the nation is enormous. The exact distribution of these diseases is unknown, but it is estimated by excellent authority that one twenty-fifth of the population of Berlin, Paris, and New York are annually infected. It is fairly certain that 12 to 15 per cent. of the population of London, Paris, and Berlin are syphilitic, and in addition a much larger number are gonorrhœic. There is good reason for thinking that Australian cities are affected to much the same extent. There are no other diseases which cause so much loss to the community. By the adoption of suitable measures these diseases can be greatly reduced in frequency, and may be wholly suppressed. The steps which should be taken are:—1. The provision for education, after consultation with Educational Experts as to the lines to be followed, of adults and adolescents in the nature, causes, consequences, and mode of prevention of venereal diseases. 2. Provision of free scientific facilities for effecting the early and accurate diagnosis of venereal diseases, and for testing the results of treatment. 3. The provision of free treatment both in and out-door at times convenient to the patients for all those who are unable to make their own arrangements. 4 The passage of legislation providing for—

This I wish members to take special notice of—

> (a) The detention of any person suffering from venereal disease until by treatment he or she is rendered innocuous. The Prisoners' Detention Act of New South Wales already makes such provision. (b) The severe punishment of anyone who wilfully or negligently communicates venereal diseases to other people. (c) The severe punishment of anyone not being a qualified medical practitioner who undertakes to treat sufferers from venereal diseases.

These are the recommendations they make to the various Governments of Australia. It goes on to say—

> This provision is very necessary because of the danger to innocent persons consequent on the unsuitable treatment of the infected. The monetary cost of effecting the eradication of venereal diseases would not be very great; in fact, the expenditure would be very small by comparison with the expenditure resulting from the present wholesale infection of the populace. There is no form of public expenditure which so truly might be described as national and reproductive. If the steps indicated are taken with wisdom, the results will be:—Diminution of mortality. Diminution of insanity. Diminution in the expenditure in hospitals and asylums. Increased human efficiency, and better and healthier enjoyment of life.

That is from the report of the Medical Congress 1914, and as members can see by what is included in the report, it guided the Honorary Minister in the preparation of this measure. And, in addition, I am confident that for a considerable period the Honorary Minister has made a special study of this particular matter. I have read this and I have also stated my opinion in regard to the ministerial responsibility for this

Bill on account of the manner in which many members have referred to this measure. It is not a question as to whether the Honorary Minister is himself an expert, it is a question whether he is capable, after considering such evidence as is available, of framing a measure that would have the desired object. I presume that even now the Honorary Minister does not take up the attitude that this measure as we find it is perfect. But his contention is that it will have put into operation certain conditions as we find them, and even many who take strong exception to the compulsory clauses of the Bill cannot but admit that the only way of effectively dealing with venereal disease is by such a measure. Dr. Seed, whose report has been quoted, makes a statement to that effect. Therefore, to those who take such strong exception to the compulsory clauses and who have said that whatever they have been tried they have failed, and that even the compulsory notification is out of date, I think the evidence of those who have made a special study of the subject and who are justified in giving consideration to it agree that something should be done to treat with this plague. They are also unanimous in regard to a drastic measure to effectively deal with it. I am not going to attempt to say that the measure has not many drastic proposals included in its pages. All I have to say in regard to it is that the evil has been proved sufficiently serious to justify the drastic proposals contained in the Bill. I support the second reading and I am not one of those who hold the opinion that it is absolutely perfect, and I am willing when the amendments are moved to give consideration to any proposal which, in the opinion of the mover, will effect an improvement. As I stated, I look on this Bill as an attempt to deal with the problem, and we must recognise that it is extremely unlikely that in an attempt like this we shall solve the problem. Because it is difficult and the duty is unpleasant we are certainly not justified in the State of Western Australia in continuing as we are, and now that we have an opportunity to deal with the matter by legislation, and we hope to deal with it effectively, we would not be justified if we did not take this opportunity of doing our best to ameliorate the present conditions.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central—in reply) [5.55]: The main principles of this Bill to which so much criticism has been offered are those dealing with compulsory notification and examination and those are the provisions which the Government regard as of vital importance. The object of the Bill is to cure and stamp out a fearful disease which is ravaging the community. It could scarcely be expected that that end would be achieved by ordinary means. As a matter of fact ordinary means have been tried and have failed. The wealthy are in a position to secure the most skilful treatment. The indigents have free access to our hospitals. They may go there and be cured. No one can say that owing to his or her condition in life he or she is debarred from securing the treatment necessary for restoration to health. But the statistics of medical men prove that although the means are at hand for everyone to seek relief the spread of the malady is in no way checked. The voluntary system has been tried. It has been tried over a long period of time. It has had its opportunity in Western Australia ever since the State was populated by white people, it has had its opportunity since the State was founded, and it has failed. What reasonable guarantee have we that it will succeed in the future even if new methods be introduced? None whatever. There may be the greatest possible precautions to secure privacy, but there will be the same unwillingness to seek medical treatment as prevents men suffering from cancer—and who know they are suffering from cancer—consulting the surgeon until it is too late. Only, in this particular case the unwillingness will be intensified by a sense of shame. Dread of the law and the unrelenting determination with which it will pursue defaulters under this Bill seem to provide the only means of inducing the victims to do

their duty to themselves and to society. Sir Edward Wittenoom gave a splendid illustration of the failure of the voluntary system, and the success of the compulsory system in dealing with another evil which at one time afflicted the State; the only difference being that Sir Edward Wittenoom's illustration had reference to animals while this has reference to human beings. I will admit that the comparison is not an ornate one, but it is a very useful one and one very much to the point. Many years ago in Western Australia there was a malignant disease amongst sheep. It was highly contagious and it threatened the pastoralists with ruin. For a long time the voluntary system was tried. The newspapers endeavoured to impress upon pastoralists, in their own interests, and in the interests of the State the necessity for eradicating the disease. The bulk of th squatters endeavoured by every means in their power to rid the country of the pest, but a few were careless and, without any regard for their own interest, made only spasmodic attempts to clean their flocks Eventually the Parliament of the day rose in its wrath and passed legislation of the most drastic character. There was a compulsory notification section placed in the Act. Any owner of sheep who discovered the disease was bound to forthwith report it; and if he failed to do so, he became liable to a penalty of £100, and, in addition, to a fine of £5 for every head of sheep found to be infected. And then, under certain conditions, the sheep could be destroyed. Imprisonment was also provided for. I do not wish to insinuate by that that it would be desirable to introduce similar provisions in this Bill; but I am pointing out how it was discovered necessary to introduce very drastic provisions in that particular Act. That Act was rigorously administered by the magistracy, and I know of some pastoralists who were ruined and some who were imprisoned; but the disease was exterminated. It could never have been exterminated, I think that will be generally admitted, if the voluntary system had continued, and a great source of wealth to the State would have been choked up.

The clauses of the Bill which the Government consider essential have been described as an interference with the liberty of the subject. It is not denied that they are. In fact, it is intended that they should be so. And interference with the liberty of the subject can always be justified when the interests of society demand it. Almost every Bill which comes before Parliament is an interference with the liberty of the subject in some degree. Then we are told that abuses may arise and that innocent persons may be subjected to humiliation. That is possible under any law, but it is no argument against the Bill. It is indisputable that under the fairest system of trial innocent men have been sent to prison for burglary, but that is no argument, I maintain, for the repeal of the law which punishes the housebreaker. But is there any grave danger of the powers given in this Bill being abused? The Commissioner has to be satisfied, and, unless he were a lunatic, there would not be the smallest possibility of his subjecting to indignity a person who had led a blameless life. Before he would be likely to order action, he would have to be convinced that there was a necessity. Even admitting the possibility of the powers being at some time or other abused, does that afford sufficient justification for a refusal of the granting of those powers? Because it may happen that some person at some period may have to compulsorily undergo before doctors an examination which is undergone every day of the week in our City by even the most sensitive. Because that may happen are we to refrain from taking action to overcome a disease which is eating into the vitals of the nation? My argument could be extended, but I think I have said enough to place the case for the main principle of this Bill before hon. members. I said, when introducing the Bill, that without the compulsory clauses this measure would be so much waste paper. I repeat that statement, and, whether this Bill be defeated or not, it is gratifying to note that it has very many supporters in this Chamber. The measure will be useless from the Government point of view unless the

compulsory clauses are retained, and I do hope that when we reach the Committee stage we shall have a sufficient majority to enable these clauses to become law.

Question put and passed.

Bill read a second time.

BILL — INDUSTRIES ASSISTANCE ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 9:

Hon. J. F. CULLEN: I move an amendment—

That in line 2 after the word "and" the words "municipal and road board rates and licenses" be inserted.

The COLONIAL SECRETARY: I do not see the necessity for the amendment, but do not propose to offer any objections.

Amendment passed.

Hon. A. G JENKINS: By this clause it is proposed to re-enact the principal Act until March 31st, 1917. This provision is clearly in the wrong place in the Bill. It should be at the end of the measure. For this purpose I move an amendment—

That all the words after "expenses" be struck out.

Sitting suspended from 6.15 to 7.30 p.m.

Amendment passed.

Hon. H. P. COLEBATCH: I move an amendment—

That the followig words be inserted at the end of the clause—"and by striking out the proviso."

Amendment passed; the clause as amended agreed to.

Clause 3—Amendment of Section 12:

Hon. J. F. CULLEN: A consequential amendment is necessary in this clause. I move an amendment—

That in line 2 after "or" the following words be inserted—"municipal and roads board rates and licenses."

Amendment passed; the clause as amended agreed to.

Clause 4—agreed to.

Clause 5—Amendment of Section 21:

The COLONIAL SECRETARY: When this Bill came to me, I discovered that the latter part of Clause 5 did not express the intention of the Government. It had been said that the merchant would have to pay the 1¼ per cent. commission, but, according to my reading of the Bill, it would be the farmer who would have to pay. I referred the matter to the Parliamentary draftsman and he agreed that he had misunderstood the intention of the Government. To rectify this I move an amendment—

That "he may charge a commission of one and one-quarter per centum, and may retain such commission from the surplus" be struck out and the words "creditors who participate in such distribution shall allow a discount of one and one-quarter per centum off their claims so far as the same are satisfied, and such discount may be applied by the Colonial Treasurer towards the cost of administering this Act" inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clause 6—agreed to.

Clause 7—Caveat to have effect of registered acknowledgment and contract:

Hon. A. G. JENKINS: This is an entirely new departure and a very serious amendment of the Transfer of Land Act and the Industries Assistance Act. The clause is intended to deal with persons who have made application for money, and where the Government have advanced money practically without entering into the necessary formalities in regard to an acknowledgment and contract which we stipulated under the original Act should be signed before the money was advanced. This clause will give the Government power to lodge a caveat and make the original letter have the full effect of a mortgage. The writing of a letter requesting an advance is to have the effect of a mortgage. How can this be so? Is the caveat lodged with the Titles Office to be the mortgage,

or is the letter containing the request to be the mortgage? Undoubtedly there has been remissness somewhere, and the Government have advanced money to people without getting them to sign the acknowledgment as required by the principal Act. If mistakes have been made, I presume the Government will rectify them by getting these acknowledgments signed and registering them as provided by the Act. If the Government have advanced money without any security at all, they will have the usual remedy in the courts of law. This clause seeks to establish an entirely new principle and one which will be very hard to work. The clause is not worded as it should be. It begins—"Where commodities have been supplied or are deemed to have been supplied." What is the meaning of the words "or are deemed to have been supplied"? Deemed by whom, or by what? The goods are either supplied or not supplied. The words convey to me no legal meaning. If the leader of the House can give any good reason for placing on the statute-book such a departure from the existing law, I am willing to assist the Government to secure their advances; but at present it appears to me too great a departure from the Transfer of Land Act. Though I do not wish in any way to impede the Government, I am not at present prepared to vote for the clause.

The COLONIAL SECRETARY: The necessity for this clause was pointed out to the Minister for Lands by the Solicitor General, Mr. Sayer, who under date of the 3rd September writes as follows:—

> You are aware that advances have been made by the board on written applications by farmers, approved by the board, prior to the recognition of the form of acknowledgment and contract for registration purposes. This is a matter I have already discussed with you. In all these very numerous cases where I have found advances made, without any acknowledgment and contract, I have entered a caveat against the holdings affected. The caveat serves all the purposes of an acknowledgment and contract, as all that is necessary is to record on the title the fact that assistance is being rendered under the Act to the holder. To put the board and the Titles Office to the trouble of registering an acknowledgment and contract in addition to the caveat is to incur a vast amount of trouble and expense to no practical purpose. It is therefore proposed that the caveat shall have the effect of a registered acknowledgment and contract. The amendment cannot affect the applicant. He has applied in writing for assistance, and has received it. It cannot affect the public, because the caveat conveys as much information to the public as the acknowledgment and contract. Compare the form of acknowledgment and contract in the First Schedule to the Act and the form of caveat in the schedule to this Bill. All particulars relating to the advances are kept in the register, which is open to public inspection. (See Section 22 of the Act.)

Hon. J. F. CULLEN: The wording of the clause may not be perfect, but it seems to me that the word "deemed" has the effect of "deemed to have been supplied at the request of the farmer." I see no other way of overcoming the difficulty which arose from the necessities of the case, when the farmers were threatened with ruin. Under those circumstances the Government made advances without waiting for security, and the mistake could hardly have been helped at the time.

Hon. A. G. JENKINS: Acknowledgments and contracts were very easy to obtain in the first instance. All that was necessary under the original Act was to require a settler applying for assistance to sign a letter of acknowledgment. Here, however, we are asked to make a caveat a mortgage—an entirely new principle. I am sure difficulties will arise under this clause. I still do not think the words "or are deemed to have been supplied" are applicable in the way Mr. Cullen thinks. Personally, I believe the clause should have read to this effect, "where goods have been supplied or are

hereafter supplied." I do not know how the Titles Office can administer such a clause as this. In my opinion the legal difficulties are insurmountable.

The COLONIAL SECRETARY: It seems to me that whether the instrument is called a mortgage or a caveat matters little, so long as the instrument conveys the necessary information. For all the purposes of business men the caveat, according to Mr. Sayer, is just as good as a mortgage. I have a further opinion on the subject from Mr. Sayer, dated the 9th September last—

> Clause 5.—I have already explained the objects of this clause in a previous minute, and it was also discussed before the members of the Chamber of Commerce yesterday. As you are aware, advances have been made for commodities on approved applications, without delaying the assistance by requiring the forms of acknowledgment and contract to come to hand. As an alternative means of protecting the Treasury, caveats were entered, and this has been done in some thousands of cases. Obviously, to now proceed to register a form of acknowledgment and contract on the top of these caveats would be to incur a great deal of trouble and expense, and would serve no practical purpose. The caveat conveys to anyone searching the title quite as much information as the form of acknowledgment and contract, as the particulars of the account between the Industries Assistance Board and the applicant for assistance do not appear on the acknowledgment and contract, but on the register kept at the office of the board pursuant to Section 22 of the Act; such register, with an index, being open to public inspection.

Clause put and passed.

Clause 8—Amendment of Third Schedule:

Hon. H. P. COLEBATCH: I move an amendment—

> *That the following be added to the clause:—"And by adding to paragraph 7 the words 'Without limiting the meaning of the words "debts incurred in the working expenses of the planting and harvesting of crops in the 1914-15 season" such working expenses shall include seed, fertilisers, wages, jutes, twines, oils, horsefeed, and stores.'".*

It was undoubtedly the intention of Parliament that all expenses for planting and harvesting the crops should be included, and in December of last year a deputation waited upon the Minister for Lands, particularly in regard to the question whether stores should be included. The deputation did not receive an immediate reply, but the Minister wrote to the secretary of the deputation in February of this year, I think, a letter which contained a paragraph stating that stores would be included. Then the Industries Assistance Board announced that stores would not be included because the board thought it was difficult to find out the amount of stores advanced for the purpose of putting in and taking off crops. The board issued a regulation to the effect of my amendment, with the exception of the last word of that amendment, "stores." It has never been disputed that it was the intention of Parliament that stores should be included. The only point raised by the board is that it is difficult to ascertain the amount of such stores; but that is not a sufficient reason. I propose that the board's regulation should be included in the principal Act with the addition of the word "stores."

The COLONIAL SECRETARY: I am not sure whether the Minister for Lands wrote the letter referred to by Mr. Colebatch, but I know that he would agree to an amendment of the nature of that moved by Mr. Colebatch if it were practicable. For months past the Minister has urged on the board the necessity for making provision in that direction, but the board say it is impracticable. I have seen the chairman of the board on the matter, and he has prepared a minute giving the objections of the board. The minute reads—

> Under the direction of the Hon. the Colonial Treasurer, I beg to put up information in respect to the non-inclusion of stores under "Expenses of planting and harvesting the crop of

1914-15 season" under Item 7 of the Third Schedule of the Industries Assistance Act, which "expenses" have been defined recently by a Regulation. As already pointed out, stores are a necessity for all farm work. Many settlers who have received assistance to put in seed this season had no crop in during 1914-15 season. Mr. Colebatch states that this latter objection does not apply, as obviously such stores could not come under this section and the storekeeper would not expect to be given any preference; but the duty of the Board would be to discriminate between stores supplied when no cropping and harvesting was done. This would necesitate research through three thousand odd settlers' files to ascertain those who had a crop in during 1914-15 season. This is one point which must be borne in mind, because it would entail a tremendous lot of work for the Board. Dealing generally with the definition of stores, it must be remembered that the country storekeepers supply not only food but furniture, fencing wire, barb wire, galvanised iron, clothing, implements, harness and various other commodities, which are part of the ordinary equipment and furniture, so to speak, of a farm, but not necessarily a direct requirement in connection with the cropping and harvesting. A settler's account often runs for an indefinite period; the amount owing to a storekeeper may extend over two or three seasons and be reduced from time to time. The items supplied may have included many of the above commodities, and when an account is reduced, it is only reduced *pro rata* in respect to all the items supplied; therefore, the difficulties of saying whether the balance owing is for goods supplied or portion of the expenditure for the purchase of various extraneous items are to the mind of the Board insuperable. Even a certificate from the farmer, setting forth that the account embraced stores for the expenses of planting and harvesting could not in the very nature of things be conclusive. The Board is unable to trace any letter written by you in December last stating that stores would be included under these expenses, although it has been informed that such a letter is in existence. Nevertheless the Board feels that you will appreciate the position as now explained and recognise that the difficulties pointed out are considerable. As a set-off against the non-inclusion of stores in the definition of these expenses, it must be remembered that since October last the Government has distributed through the medium of the Industries Assistance Board an average of about £10,000 per month to storekeepers to enable, not only farmers to carry on, but to enable the storekeepers themselves to carry on, for had this not been done, it is beyond question that many of the storekeepers would have been through the Bankruptcy Court. These payments will continue until harvest, and in many cases will have to continue next year. Surely this is some little compensation for what is termed an injustice.

Hon. H. P. COLEBATCH: I fail to see any real difficulty in getting at the amount of stores. Stores are required in farming operations just as much as wages and horse feed, and I cannot see how the Board can arrive at either of these two items without knowing the area cropped and harvested.

Amendment put and passed; the clause as amended agreed to.

Clause 9—Power to insure:

Hon. A. SANDERSON: I should like to ask the leader of the House why this provision is not included in Clause 2. That, it iseems to me, would simplify the procedure very much. Secondly, I wish to ask whether the Government proposes to carry this insurance on its own shoulders, whether they propose to establish amongst their other enterprises a State insurance department; and, if so, if they have an approximate figure of the amount involved by this insurance. Members will notice that it is not only a question of fire insurance, but also insurance against accident and insurance under the Workmen's Compensation Act and the Employers' Liability Act.

The COLONIAL SECRETARY: Clause 9 could not very well be inserted in conjunction with Clause 2, which deals with the amendment of Section 9 of the Principal Act, setting forth the purposes for which advances may be made.

Hon. A. Sanderson: Clause 2 mentions insurance premiums.

The COLONIAL SECRETARY: Clause 9 stipulates that the farmer must insure his crop and that if he does not do so the Government may insure on his account. I am not in a position at the moment to reply to the second question as to whether the Government proposes to insure those crops themselves. The Government have insured some of their own properties, and they could do so in this case if desired, because they are interested. The Government could not insure any property in which they were not interested.

Clause put and passed.

Clause 10—agreed to.

Clause 11—Interest on arrears:

Hon. J. F. CULLEN: I should like to know exactly what this clause means. Is it an attempt to bring pressure on the farmers to borrow money for the purpose of paying arrears of rent?

The COLONIAL SECRETARY: On the 1st April the Lands Department sent out circulars calling upon those lessees in arrear to either pay up or to sign an order form. Some signed at once, others did not. The man who signed is paying interest at six per cent. from the 1st April, but the man who delayed signing would pay interest only from the date on which he actually signed. In some cases those people escaped payment of interest for two months. The desire is to place all on the same plane. If a man applies for a loan from the Board and he does not get it, he is not required to pay six per cent. interest.

Hon. J. F. Cullen: Why make fish of one and flesh of another?

The COLONIAL SECRETARY: He would be fined under the Land Act. But if he made an attempt to secure a loan from the Industries Assistance Board and failed, he would not be charged interest.

Hon. J. F. CULLEN: I cannot imagine any explanation of the proviso. If a lessee takes a loan he will be expected to pay up all arrears and to pay 6 per cent. interest. If he applies for a loan and does not get it, he will be liable for interest on his arrears. Was the proviso intended to mean that?

The COLONIAL SECRETARY: Certainly. If he does not pay his arrears, his land will be forfeited; but if he does not receive money from the board, he cannot be charged interest.

Hon. J. F. Cullen: And so you will punish him by forfeiture.

The COLONIAL SECRETARY: If the circumstances justify it. An amendment of the Land Act would be necessary to impose interest on land arrears in the case of a man who has received no assistance from the board.

Hon. A. Sanderson: This does amend the Land Act.

The COLONIAL SECRETARY: It does not.

Hon. J. F. CULLEN: I feel certain the Minister has not explained the intention of the framer of the Bill because it does not agree with the first part of the clause. I move an amendment—

That in line 3 "six" be struck out and "five" inserted in lieu.

The rate of interest charged for arrears under the Land Act is 5 per cent. The only reason for charging 6 per cent. is to place pressure on every lessee in arrears to go to the Government to borrow, whereas the lessee might prefer a slight extension of leniency and pay for it at the rate of 5 per cent. I see no reason why this pressure should be put on lessees.

Hon. J. J. HOLMES: Apparently when the Government can make advances and the security is good enough, they will do so, but when a settler is in arrears and cannot pay them, and there is no possibility of him succeeding, where would be the advantage of penalising him by adding interest to the arrears he cannot pay? If a lessee has fallen into arrears and does not pay he will be subject, under the Land Act, to a penalty

for arrears. An unfortunate man who is not good enough to receive an advance will be penalised under the Land Act for arrears of rent and the board will penalise him to the extent of 6 per cent. for an advance which was never made to him. Mr. Cullen asked why the Government should press for the payment of arrears. That is an ordinary business procedure. The sooner some people are taken from the land on which they were settled by the previous Government, the better it will be.

[*The President resumed the Chair.*]

Progress reported.

BILL—VERMIN BOARDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th September.

Hon. Sir E. H. WITTENOOM (North) [8.24]: I listened with considerable interest to the words which fell from the Colonial Secretary in moving the second reading of this measure, and I must say he laid the matter before us in a very fair and candid manner. This Bill, as members will recognise, is an old friend in a little different clothing. We had it before us last session and it now comes before us in a slightly different form. It is, as the leader of the House said, practically a validation Bill. In regard to the Gascoyne Vermin Board, a lot of errors have been made until at last the Government find themselves in such a position that they are not able to take any legal proceedings in connection with those who have interests under this board. I intend to support the second reading but when in Committee I shall move an amendment which in its object will be the same as that which I moved last year. To justify my action, it will be necessary for me to make a few remarks explanatory of the position. It will be remembered that some years ago a rabbit invasion was feared all over Western Australia. The rabbits had got past Eucla and Esperance and were coming along so quickly that, judging by the experience of the other States, it was almost a certainty that Western Australia must in time be over-run in the same way. So much was this state of affairs realised that the Government erected fences in various portions of the State to try to cope with the difficulty but not altogether successfully. The settlers of the Gascoyne, who at that time were in a thriving condition and whose prospects were very bright, thought they would anticipate this trouble. They approached the Minister for Lands and asked him to run a fence from the sea coast to the Murchison in such a way as would keep this vermin from devastating their pastures. The Minister for Lands at that time, no doubt for good reasons of his own, refused to do this and the consequence was a number of these settlers agreed that they would take it upon themselves to try to fence their own country. Instead of the insinuations which have been made against these settlers, insinuations rather derogatory to them, one would think it very much to their credit that they should have taken in hand the work of preserving their pastures which work the Government had declined to do. As I said, they approached the Government and, the Government declining to do it, they were public spirited enough to say—"We will do it ourselves." At that time the idea of the invasion of these rabbits was generally shared. At all events, up to the present time they have not been very destructive. I think everyone will agree that the erection of this fence was rushed into by a small number of settlers without sufficient reflection, but no one can say a word against the motives that inspired them to do it, and that was to try to help themselves when the Government would not, and to preserve for the State a very large part of the pastoral country of Western Australia. Indeed, I have the greatest sympathy for them for I had the same feelings myself. I was actuated by the same motives because I and other pastoralists put up, at our own expense,

some 50 miles of rabbit-proof fence at a cost of £60 a mile. It was not only these people in the Gascoyne who felt that the rabbits were approaching and that they were in danger of an invasion, but many others besides. They erected this fence and borrowed the money from the Government and it cost £66,000 to erect it. This was to be repaid by a rate not exceeding 2s. per 100 acres which was to be charged them. When it was originally proposed to fence in the Gascoyne district against rabbits, the idea was to fence in the whole of the roads board district. The board found they had not enough money, and so they fenced in a portion only; and that portion included no more than from 36 to 38 settlers. The consequence is that the expense of the fence has devolved upon a minimum number of settlers instead of the whole number, with the further consequence that the smaller number found it a very expensive matter. Had the fence been placed on the boundaries of the roads board district, it would have embraced a very much larger area and there would have been a great many more contributors to the cost. However, £66,000 was spent, and I understand that rates have accumulated to the extent of some £11,000. The difficulty is a most serious one for the pastoral lessees, especially as after the debt had accumulated they were visited by four of the most disastrous seasons of drought that have been known there. The consequence was that many of the settlers were unable to pay at all, and I understand that only 11 of them contributed. Eventually these 11 got tired of paying, and ceased doing so until the others could be made to pay. The board who were elected to carry out the conditions of the Vermin Boards Act have broken up, and the Minister has himself taken up the position of the board. He finds, however, that owing to the fence having been illegally constructed and not being on the proper boundaries he is unable to sue for rates due. The difficulty now is that if the Minister presses the settlers and endeavours to make them pay rates at 2s. per hundred acres, it will mean their ruin. They are willing to pay the cost of the fence and they are willing to pay the arrears, but they cannot do it at any higher rate than 1s. per hundred acres for an extended term of 30 years. Under the original arrangement the amount was to be repaid within 20 years, but Mr. Bath, the late Minister for Lands, agreed to extend that period from 20 years to 30. In 30 years the settlers are prepared to pay back the amount owing, or as much of it as possible, at the rate of 1s. per hundred acres. With regard to the upkeep of the fence, they say that it is impossible for them to contribute anything more towards that object. The fence can go, as far as they are concerned. I cannot help thinking, however that it would be very unwise on the part of the Government to allow the fence to go to utter destruction, because they could keep it up out of the vote which they have for other fences. It would be desirable for them to do that, because in 40 years' time the pastoral leases revert to the Government, and the fence would then also become the property of the Government. In any case, the settlers on whose behalf £66,000 has been expended on the fence, practically say to the Government, "We make you a present of the fence, and if you only give us time we will pay everything we owe." Can there be anything fairer than that? And yet insinuations are made that the pastoral lessees are trying to get out of their liability and evade payment. I am assured by all of them that nothing is further from their thoughts. They are prepared to sacrifice the fence, and they will pay back the cost provided they are not called upon to pay more than 1s. per hundred acres per annum. That is the object of my amendment. This Bill will validate everything that the Government wish to have validated. When in Committee, however, I propose to move the insertion of a new clause which will limit the rate to 1s. per hundred acres. I hope I have made myself quite clear.

Hon. J. F. Cullen: How long would it take to repay the amount at the 1s. per hundred acres rate?

Hon. Sir E. H. WITTENOOM: That rate brings in £4,400 per year, and I think within about the time allowed to the pastoral lessees by Mr. Bath, 30 years, would pay off very nearly everything. Even if it did not quite pay off everything, surely these unfortunate men are entitled to some little sympathy. Why, if every other section of the community is assisted, should these unfortunate men who have tried to assist themselves be debarred from any assistance by the State? The Minister in charge of this particular business seems to think that he must wring every penny out of these men because they tried to help themselves. Do we begrudge the £60,000 or £70,000 advanced to the Eucla settlers? Do we grudge the money advanced to mining interests? No. Then I ask, if these pastoral lessees are a few thousand pounds short at the end of the 30 years, why should not a little of the amount be lost in the interests of men who have done a very great deal for the district they are in and also for the State? I do not wish to say more on the subject. The matter will be fully within the recollection of hon. members, and I have said this much only to recall it to their minds. The new clause which I propose to move in Committee is as follows:—

> Sections 47 and 49 of the principal Act are hereby amended by striking out in the said sections the words "two shillings" and by inserting in lieu thereof the words "one shilling."

Subject to that reservation I support the second reading.

Hon. J. J. HOLMES (North) [8.36]: I am sorry to detain the House on a subject which was fully discussed last session, but really the matter is so much misunderstood and such wild statements have been made in connection with it, that I think it is the duty of those members who know the position to endeavour to the best of their ability to explain to the House what the facts really are. At the outset I have to express regret that the Minister for Lands appears to have taken this matter in hand with the express intention of inflicting hardship upon a very deserving section of the community. The Minister must know that the proposal he has submitted to another place cannot and will not be accepted by any reasonable body of men such as compose this Chamber. What object the Minister can have remains to be discovered. Personally, I cannot see why the Minister does not approach the subject in a spirit of compromise, in a spirit of dealing fairly between man and man. The matter could very easily be settled at a round table discussion between the Minister and those who understand the subject. Under such conditions the difficulty could be solved and the interests of the State protected and the settlers who have passed through a long period of drought tided over their difficulties. Instead of that, what do we find? We find the Minister for Lands asserting that there is an endeavour on the part of those deserving people to repudiate their just liabilities to the State. We find the Premier saying in effect that those men are robbers, and no less an authority than Mr. B. J. Stubbs, the member for Subiaco—whatever he may know of the subject—asserting that the settlers have been guilty of obtaining money under false pretences. Utterances of that kind should not come from responsible members of the legislature of this State, reflecting upon men who have battled for years in the face of difficulties. Such utterances are unreasonable, unfair, and wicked. The Gascoyne pastoral lessees have never suggested repudiation. Their one desire is to pay back to the State all they have borrowed, plus interest. They want fair treatment and nothing else, and I am perfectly satisfied that this House will see they get fair treatment. The sooner the Minister for Lands realises this, the sooner will this very difficult problem be solved. The Minister could compromise the matter if he chose. It only needs that he should discuss it with those who understand it. Then a couple of clauses inserted in the existing Vermin Boards Act would overcome the difficulty, and the result would be satisfactory to the State and satisfactory to the individuals concerned. I think I may

say that the Minister for Lands has got to make up his mind to adopt such an attitude, and that the sooner he does make up his mind in that way the sooner will the trouble be solved. I regret to have to travel over old ground, but it is necessary to explain the position. The Gascoyne pastoral lessees originally asked the State to erect a barrier fence in the same way as has been done in other parts of the State. The Minister for Lands of the day refused to do so. The pastoralists were so alarmed at the position that they took upon themselves the responsibility of forming a board under the Vermin Boards Act and applying to the Government for a loan of £66,000 to enable them to erect the fence. Unfortunately the whole of the area originally intended to be fenced was not fenced. As the area fenced was reduced, so was the number of Crown lessees within the fence reduced. The result was that 36 people were saddled with a responsibility of £66,000; and out of those 36 only 11 have been in a position to pay. Those 11, however, have paid. The other 25 paid while they were able to, but for the last four or five years they have been absolutely unable to do it. Those Crown lessees outside the fence who were using the fence as a boundary fence have paid nothing at all. They have never been asked to pay, and they cannot be asked to pay. The Government are in this position: They had no right to provide £66,000 to enclose the smaller area. The Act clearly sets out that the whole of the roads board area should have been enclosed. The Government, however, have advanced £66,000 for the purpose of enclosing the smaller area, and they now find that they are not in a position to collect any rates at all. That is something I did not know when we were discussing the matter last year, but I have since discovered that the facts are as I now state. The smaller area having been enclosed, the Government advance of £66,000 has been made illegally. The purpose of this Bill is to get the Government out of their difficulty. What will be the effect if we give the Minister for Lands, who has no intention whatever of dealing generously or even fairly with these people, the power to start out now and collect the £11,000 of arrears from the 25 pastoral lessees who have just passed through a period of drought and cannot meet their present liabilities? It means ruination to them. It means that they will be driven off their holdings. That, again, means that the Government will get nothing at all, because it is the Crown lessee that is held as security for the money spent on the fence, and not the fence itself. The fence is not a security. You will drive out the Crown lessee who was paying a tax of 2s. in the pound. A man who holds 400,000 acres is liable for £400. His Crown rental is £200 and his vermin tax is £400. If you drive him off his area by trying to impose £600, rent and tax, where you should only, in ordinary circumstances, have a Crown rental of £200; if that rental, plus £400 vermin tax is insisted on, the land will revert to the Crown and there will be no one from whom to collect the tax. Before I sit down I shall show the absurdity of the course taken by the Minister for Lands in starting out on the mad career he has. The trouble will be, if the Act is amended as desired, that the Minister for Lands will be given authority to ruin these people. Here is an instance. I have here a letter addressed to Mr. F. Mottram, who has a station up there, setting out what the Minister for Lands proposed to do if he does not pay up £315 of arrears. The letter reads—

> You are required to remit the total amount due to the Minister for Lands and Agriculture, at the Department of Agriculture, Perth, forthwith, otherwise payment must be forced by distress.

Hon. W. Kingsmill: What date is that?

Hon. J. J. HOLMES: The 16th June this year. That is what the Under Secretary for Agriculture has done at the dictation of the Minister, well knowing that it is not worth the paper it is written on, that there is no power to collect the money. Still, they threaten those unfortunate people who are battling outback and who do not know what a legal docu-

ment is. They fire in a batch of papers threatening all sorts of things and demanding payment of £315, and add that it must be paid forthwith otherwise payment will be enforced by distress. Take a man who has gone through a drought, his stock are dead, and he wants money to put down wells and for other purposes; but the bank will not assist him owing to this awful liability hanging over him all the time. They want that liability removed first, but it will not be removed if the Minister for Lands gets the power he asks for in this Bill. Somewhere between £4,000 and £5,000 a year has been spent on repairs to the fence. The 11 persons have paid for it; they have provided the funds which have been spent on the repairs, and, in addition, some £14,000 has been paid back to repay the original loan. That is a pretty good contribution and in addition to £4,500 a year to keep the fence in repair. The wealthier people among them find, owing to the drought, that the burden is heavy and they urge it is unreasonable they should be compelled to pay the full tax of 2s. in the pound. The other 25, through no fault of their own, are not able to pay anything at all. So far as the rate is concerned those 11 men have paid, and although they have paid the full amount I understand they are quite prepared to have the rest added to the principal—not their arrears, but the arrears of the other unfortunate 25—that the arrears be added to the principal and a rate struck which will cover interest and sinking fund sufficient to cover the liability. Compare the action of those 11 persons who have been able to pay with the action of the Minister who is in a position to be generous to those 11 men, who have paid their own share and who will ultimately have to pay their quota of the arrears added to the principal. I understand they do not object to that, though they will in time have to help to pay the liabilities of others. The principal Act provides that the maximum rate shall be 2s. in the pound. To show the scant attention given to this matter in another place, I understand that originally no maximum was fixed and that but for the action of the Legislative Council in fixing a maximum of 2s. per 100—if the Act had been proved valid—these people's property would have been liable to confiscation. Sir Edward Wittenoom's amendment proposes to fix the maximum at 1s. per 100 acres, or 10s. per 1,000, thus making the rate equal to the Crown rental. The rate of 1s. would be sufficient to practically wipe out the principal and interest by the time the present Crown leases expire in 13 years, namely 1928. A meeting of the board was held some few months ago when it was decided that they could not carry on any longer. It was found that the repairs to the fence absorbed funds which should be going to pay interest and sinking fund. The board decided that could not pay interest and sinking fund and also between £4,000 and £5,000 a year to keep the fence in repair. What did they do? They decided to shut down on repairs and that the rates collected should go towards payment of interest and sinking fund. It was their fence in the first instance; they put it up, and they were responsible for the payment. It was their fence, not the fence of the Crown. They decided they could not keep on with the repairs but would pay interest and sinking fund. One would have thought that they would be allowed to do as they thought fit with their own fence, but what do we find? The Minister for Lands wrote to the board and said, "I am going to put this fence in repair and I am going to make you pay the cost." Let me claim the attention of the House while I read a letter which reads as follows:—

> I expect you know Mr. Arnold has been sent up by the Government to take things over in Carnarvon.

Mr. Arnold was the Government officer sent up to take charge of the pastoral lessees' concerns.

> He has also started men out to repair the fence, which I think is an absolute waste of money as it is impossible to keep the fence rabbit proof, as the fence runs north and south, crosses all gullies and watercourses, which run

east and west. We have had about 11 inches of rain through the district which has damaged the fence considerably. On the portion running through this run it will take a very large amount of money to put it in proper repair. In places the kangaroos have burrowed under the wire netting and going in and out where they like.

That is the fence the Minister for Lands started out to repair, knowing well that he had no authority to collect any rate at all.

In other places the emus have got such deep pads that the bottom attachments are out of the ground. Should these places I speak of be made rabbit proof the next heavy rains will undo all the work again. My men have had to repair the fence three times this year to make it stock proof. Out on Loeffler's country, cattle are going through it when and where they like. I understand we ratepayers are going to be charged with the cost of repairing this fence as well as cost of erection. All I can say is it will be impossible for the Government to collect from the majority because we have not got it. I explained the position as to the so-called rabbit-proof fence to the Huttons, who are men that have teams on the road and have put every penny they have earned into trying to develop a piece of country they have inside the rabbit-proof fence; and he has told his brother, who was fencing on the country, to stop work and give it up, as it is impossible for them to pay their way. They cannot raise money to buy stock, no one will finance them; the fence being the main objection, as the vermin tax is twice the amount of the Crown rent. We are all of opinion that if we have to pay for the maintenance of the fence it is more than we are able to do and will only be paying for work that is practically useless. As you know, we do not wish to back out of paying for the cost of the fence but are only asking for a reasonable time to pay it back. The same as any honourable business man would do who finds he has made a mistake. Why the Minister for Lands will not look at it in this light I don't know: My opinion is that money spent in destroying rabbits where there are colonies would be money far better spent than troubling with the fence. If it is any good you can show this letter to the Minister for Lands. That letter explains the position. It says "We cannot pay for repairs, the fence is falling to pieces; but we can pay and will pay interest and sinking fund." Hon. members will see from that letter the large amount of money necessary to put this fence in repair. With every storm the fence, which runs north and south, and the watercourses east and west, is carried away. Consequently they cannot keep the fence in proper repair. That letter is written by one of those men who have been referred to by the Minister for Lands and by the member for Subiaco as men who have obtained money by means of false pretences, as robbers.

Hon. R. G: Ardagh interjected.

Hon. J. J. HOLMES: The Minister for Lands says he will discuss nothing until he gets this Bill. But I know the Minister for Lands too well. If this Bill is passed, the Minister for Lands will be in a position to carry out his threat which will mean ruination to these people. If I can carry sufficient influence he will not get that power, and I believe members will assist me to this end.

Hon. W. Kingsmill: Did not those settlers ask for a fence from the coast to the existing fence which would have cost less and been effective?

Hon. J. J. HOLMES: Yes, but that request was refused by a previous Government. There is blame attachable for that refusal, but not to the present Government. I would like to make this point clear. If the fence was the security for the payment of this money, the Government would have every right to keep it in repair. That would be an ordinary business transaction. If I borrow money from any person and give him land, houses etc. as security, one of the conditions is that I must keep them in re-

pair. If I do not, the lender of the money can step in and repair them, and by so doing he keeps his security intact. But that is not the position in regard to this fence. The fence is not any security at all. The security lies in keeping these 36 pastoralists on the Crown leases. If the Government drive them off by imposing a vermin tax which is equal to twice the amount of their rental, how, in the name of goodness, can the Government get the interest and sinking fund on the £66,000? Men have been driven off these leases. I was under the impression that all this land had been taken up and was held. In fact, I had been told there was not a square foot of land inside the fence that had not been taken up, but I find that there is vacant land inside the fence. All my correspondence goes to show that immediately the Minister for Lands gets power to make these people bankrupt, these people who have been battling along for some years will go off their leases, and I question whether any other Crown tenant will be available to take up these leases under conditions which these settlers have found impossible. If the Minister for Lands carries out his threat and ruins these people and drives them off their holdings, he will have no hope of getting the £66,000 returned to the State. It is the Crown lessee who pays the rate and he is the security; the fence which the Minister proposes to put in repair is no security at all. The amount of tax these settlers consider they can pay is 10s. per thousand acres. That is equal to their rental and it will provide interest and sinking fund, but it will not provide maintenance. I do not know that £10,000 a year, which would represent another half-crown in the pound, would pay maintenance.

The Colonial Secretary: What is the area of land inside the fence?

Hon. J. J. HOLMES: About nine million acres, which at 1s. would bring in about £4,500 a year. If the Minister for Lands does put the fence in repair and does keep it in repair, these lessees at the termination of the period will have paid for 350 miles of fence, which cost £66,000, and the Government will have the fence, for which they will have paid nothing except the expenditure necessary for maintenance, to call their own. The position at the expiration of the present leases in 1928 will be that the Government will then be able to say to incoming tenants—"This particular area has been enclosed with a rabbit-proof fence. The original lessees have paid for the fence and we have kept it in repair. We propose that your rental in future within this area shall be sufficient to pay for the maintenance of the fence." That can be added to the rental and thus the difficulty can be overcome. But if the Government cease to keep the fence in repair, as the pastoralists think they should do, and the fence is left as it is, the Government at the expiration of the present leases will have the fence, such as it is, and it will have cost them nothing. In the meantime the pastoralists will have liquidated the liability for the fence. If the Government now think it necessary, but the settlers do not think it necessary, to put it in repair and keep it in repair, they will have 350 miles of fence for which their own Crown lessees will have paid. During the life of the present leases, these 36 pastoralists will have paid back to the State interest and sinking fund covering the amount of £66,000. The fence will be the property of the State though it be in disrepair, but if the Government keep it in repair and make the cost of maintenance a charge on general revenue they will, at the expiration of the present leases, have an area of about nine million acres fenced with a rabbit-proof fence. Then they will be perfectly justified in pointing out that they have gone to the cost of keeping it in repair, and propose to add the cost of maintenance to the rental so that the people inside the fence will pay more rental than those outside the fence. This would be a just and reasonable proposition.

Hon. A. Sanderson: Are you opposing the second reading?

Hon. J. J. HOLMES: I am explaining the difficulties of these unfortunate

people in order that the House might fully appreciate the position. These people who saddled themselves with this responsibility have, in addition, paid their quota towards other barrier fences in the State. They have contributed their quota towards the protection of every pastoralist who enjoys the benefit from the erection of these barrier fences. The fences have been erected out of loan money and the interest has become a charge on revenue, and these Gascoyne settlers, in addition to paying this £66,000, will have paid their quota towards the protection of these other pastoralists. Viewed in the light in which I have placed the question, I urge the Colonial Secretary to confer with his colleague. I suggest that three or four of us, who know something about the matter, should confer and draw up a few clauses to meet the emergency so that these settlers will be tided over their difficulties and the State will receive back every penny which has been advanced. There is no question of repudiation or dodging their liabilities. Like any other body of honest men in difficulties, their one desire is to meet their liabilities in such a way as will be a credit to themselves and will establish them as an honest section of the community.

Hon. J. F. CULLEN (South-East) [9.10]: I do not see that the proposals of Sir Edward Wittenoom and Mr. Holmes will protect the pastoralists who will be affected by this Bill. To limit the rate in future will not protect them in those cases such as Mr. Holmes has referred to with regard to arrears. All that Sir Edward Wittenoom and Mr. Holmes have hinted at so far is that the rate should be reduced from 2s. to 1s. per hundred acres.

Hon. J. J. Holmes: I suggested adding the arrears to the principal.

Hon. J. F. CULLEN: That is not in the amendment.

Hon. J. J. Holmes: No, but it will come in.

Hon. J. F. CULLEN: So long as the members who are the special guardians in this House of that portion of the State are properly seized of what should be done to protect the interests of these lessees, all well and good, and I hope that some such conference as Mr. Holmes has suggested will be held before the Bill is dealt with in Committee so that an effective settlement may be reached.

On motion by Hon. W. Kingsmill debate adjourned.

MOTION—COMMONWEALTH CONSTITUTION REFERENDUMS.

Debate resumed from the 5th October on the motion by the Hon. J. F. Cullen: "That, as it is now practically certain that war conditions will continue beyond the date intended for the referendums on alterations to the Commonwealth Constitution, and that a large proportion of the manhood of the Commonwealth who are fulfilling the highest patriotic duty in defence of the Empire will be disfranchised in consequence, this House is of opinion that the Government of this State should urge the Commonwealth Government to postpone the referendums."

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [9.12]: Even if a majority of the members of this House are opposed to the Federal referendum proposals or think that the Federal referendums should be postponed, I trust they will not support the motion. That motion makes an unfair request to the Government. If the Federal Ministry were to interfere in matters which solely concerned this State, the intrusion would be warmly resented by the Legislative Council, and rightly so. The referendum proposals or the date when the referendums shall be taken has nothing whatever to do with this State or with this Chamber. This is a Commonwealth concern which was debated at length in the Federal Parliament. Those who were opposed to it and who hold similar views to Mr. Cullen had a full opportunity to express their opinions and they did express their opinions not only on the merits of the proposals, but also in regard to the particular time at which the poll was to be taken, that is, while the war is raging. They

had the opportunity to express their opinions and they did so, but without avail, and I certainly think if the Government were to take any action in the direction suggested by the mover of the motion, that action would be very strongly resented by the Commonwealth Government. Indeed, I think that our action would be regarded as impertinent, and that we would very soon be told to mind our own business. A far better course than that suggested by the mover would be for the House to send the motion direct to the Commonwealth Government; though I, for my part, certainly would not recommend such a step, my view being that no advantageous results would accrue. No doubt the motion is well-intentioned; but, for one thing, it is too late. Even if this action had been taken earlier, however, I do not think it would have the slightest effect. In fact, I think the result of carrying the motion would be to get ourselves snubbed by the Commonwealth Ministry.

Hon. A. SANDERSON (Metropolitan-Suburban) [9.16]: I hope Mr. Cullen will withdraw this motion. In fact, I have no doubt he will. It is a Commonwealth affair. Let us assume for a moment that we passed the motion. Will it have any effect on the position of affairs? Will it have any effect on public opinion? I ask my friend to answer those questions when replying. Every Legislative Council in Australia is opposed to this referendum. I myself believe that if the mover, with others who, like myself, are strongly opposed to the submission of referendum proposals at the present time, would take the trouble to go about the country supporting a campaign to ask the electors to reject the proposals, it might have some effect on public opinion. But, for this Chamber to pass such a motion as this will not affect the Federal Government one iota and will probably cause us to be snubbed. Moreover, I do not believe the passing of the motion would change one single vote. Assume for a moment again that we passed this motion, and also assume for a moment, which is rather ludicrous, that the Federal Government are desirous to help us in the matter; will the hon. member tell us how they can give effect to that desire? I would be the last person to speak with any dogmatism on the Federal Constitution and the interpretation of that Constitution, but I believe that the position is as was pointed out by one hon. member, that the Federal Government cannot now withhold this question from the electors. I speak subject to correction, and I make the assumption—which, as I say, is almost ludicrous—that the Federal Government were anxious to meet our wishes. I say they could not do so. The only party who can really help us—assuming for the moment again that we are serious, and that the Federal Government are serious—to carry out this proposal is the Imperial Government. No doubt, if the Imperial Government thought fit to pass an Act of Parliament overriding this proposal of the Commonwealth Government, that would be effective. I am sure my friend Mr. Cullen will be the first to see the impossibility or almost absurdity of that. I do not myself believe that he is more strongly opposed than I am to the submission of the referendum proposals to the electors at the present juncture. I give him that assurance. But that is a very different matter from supporting this motion. I will ask Mr. Cullen to make a note of those points and to deal with them when replying. I sincerely hope that now he has ventilated the matter he will withdraw the motion.

On motion by Hon. W. Kingsmill debate adjourned.

House adjourned at 9.20 p.m.