effect, "As soon as the advances we are receiving are stopped, we do not propose to stay here." They regarded the money that was being lent to them under the group settlement scheme as being in the nature of wages.

Hon. W. J. Mann: Not all of them, only some of them. You must not blame all on account of a few.

Hon. V. HAMERSLEY: I was astounded when business men in one of those centres openly said, "This is going to be a great failure, and the sooner we get out the better." And the people said, "For God's sake, do not say anything about it! We have never done so well in our lives before!"

Hon. W. J. Mann: Yet today it is the richest part of the State. Say that!

Hon. V. HAMERSLEY: It is just as well for us to realise, when we start out with the idea of spending a lot of money to establish people on the land—

Hon. W. J. Mann: It is the most prosperous part of the State!

The PRESIDENT: Order!

Hon. V. HAMERSLEY: —that we should go carefully. We get all sorts and conditions of men going on the land, and there are all kinds of pitfalls. I cannot understand the attitude of a Government—whether it be Federal or State—in keeping control over land. If anybody wants to sell a piece of land, he cannot do so; he is under the control of some bureaucrat. Somebody comes along and says, "You cannot sell that land for £2 or £4 or £15 an acre." He knows nothing about it; he simply fixes a scale of prices. Lord knows on what he bases it! One man sold land for £15 an acre, and the bureaucrat came along and said, "You cannot do that; the purchaser is not to pay more than £7 10s." So the vendor said, "Very well, I will keep it." The purchaser said, "I could get all the money back out of it from one crop of potatoes." Another man had land for sale at £4 an acre, and the bureaucrat said, "That is too much."

The PRESIDENT: I must ask the hon. member to connect his remarks with the Bill, which deals with closer settlement.

Hon. V. HAMERSLEY: Sir, I should say that those remarks were connected with closer settlement, with more production from the soil. It depends to an extent upon what people pay for their land, whether they make a success or a failure. We are being asked to make a fresh lot of appointments of people who happen to want billets. What do they know about the matter? I think that more money is likely to be squandered. It would be a very good idea if we could secure closer settlement; but I have seen a lot of unsuccessful attempts made. I know of many areas of land that would be available to the Government. The owners cannot approach anyone with a view to selling them, because they would be blocked. That means that the Government is likely to be the only buyer. Everything is held up, I understand, until this Bill is passed and until these experts decide what moves are to be made. Take my own circumstances. What am I to do? Am I to go on cropping my land or stop?

Hon. E. H. H. Hall: It is time to stop.

Hon. V. HAMERSLEY: I will take the hint. I support the second reading.

On motion by Hon. E. H. H. Hall, debate adjourned.

House adjourned at 9.4 p.m.

Legislative Assembly.

Wednesday, 17th October, 1945.

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

QUESTIONS.

ALLIED VICTORY.

As to Medal for State School Children.

Mr. HOLMAN asked the Minister for Education:

Is it the intention of the Government to present to State School children a medal to commemorate the Allied Victory?

The PREMIER (for the Minister for Education) replied:

After the war of 1914-1918, the Commonwealth Government presented Victory medals to all children throughout the Commonwealth. The matter of a similar presentation being made to commemorate the Allied Victory was raised at the recent Premiers' Conference and is now receiving consideration by the Commonwealth Government.

PETROL.

As to Increasing Allowance to Employers.

Mr. NORTH asked the Minister for Works:

In so far as the re-employment of returned Servicemen is dependent upon increased petrol allowances to their employers, will he take up this matter with the State Liquid Fuel Board?

The MINISTER replied:

The Chairman of the State Liquid Fuel Board advises the Liquid Fuel Board regulations provide that all applications for an increased ration of motor spirit for rehabilitation purposes, made either by the discharged serviceman or his employer, are to be given favourable consideration.

LEAVE OF ABSENCE.

On motion by Mr. Kelly, leave of absence for two weeks granted to Mr. Berry (Irwin-Moore) on the ground of ill-health.

MOTION—WOOL.

As to Transport to Appraisement Centres.

Debate resumed from the 3rd October on the following by Mr. Mann:—

That in the opinion of this House there is pressing need for the Government to take immediate steps for the transport of wool to appraisement centres, and that if the Railways cannot immediately cope with the work approval should be given for carriage of wool by road where recommended by the local authority.

THE MINISTER FOR RAILWAYS (Hon. W. M. Marshall—Murchison) [4.35]: I have no doubt whatever that the member for Beverley, when introducing his motion, had some justification for being anxious about the transportation of wool to the centres of appraisement. It would appear, however, that he did not obtain all the facts to enable him accurately to assess the position that prevails. No doubt the hon. member did discover that in some areas in close proximity to his own electorate some farmers failed to secure trucks immediately they made application for them, and this no doubt gave rise to the belief that the Railway Department was in such an impossible condition as not to be able to succeed in hauling the total production of wool in time to meet the various appraisements which were to take place between now and Christmas. I also believe that the hon. member was under the impression that probably there would be a cessation of railway operations on account of the coal position. That would have further aggravated the position.

It is true that to a degree the coal position had some effect upon the transportation of wool, but it had an effect upon the transportation of all commodities, because quite obviously the Railway Department could not perform its functions fully if it had no coal with which to generate its tractive power. However, I assure the hon. member that the picture is not so glum and despairing as he drew it when introducing his motion. I have gone fully into the matter to ascertain what the actual position is and what the prospects are of hauling this season's clip, and I can give him an assurance that he will have no reason to be further anxious about the transportation of wool to the centres of appraisement, unless, of course, something unforeseen happens over which the human hand has no control.

In some cases—no doubt the cases that agitated the mind of the hon. member—farmers made applications for railway trucks for the transportation of their wool, and having failed to secure the trucks they felt they were in the invidious position of being compelled to get their wool hauled at a later date, and thus would probably miss the first, second or third appraisement. I remind the hon. member, however, that, with one exception, in all the appraisements that have taken place up to date the number of bales allocated and the number offered have been in close proximity to each other. In other words, the quantities allocated to the different districts have been transported practically in full. The one exception is——

Mr. Mann: At the last appraisement.

The MINISTER FOR RAILWAYS: It would be the third appraisement which took place at Fremantle on the 24th September.

The member for Beverley can say that this is wrong or right, but these are the authentic figures from the records.

Mr. Mann: I am not doubting you.

The MINISTER FOR RAILWAYS: These are from the authentic sales up to date. I do not know where the hon. member got his figures, but these show the true position.

Mr. Mann: I did not give any figures of appraisement, but of the wool outstanding at sidings waiting to be transported.

The MINISTER FOR RAILWAYS: The sale on the 24th September was down by about 4,000 bales because of the coal strike. Some of the clips were a little delayed due to the wet season; shearing could not take place. That aggravated the position to a small extent. Apart from the one outstanding exception the haulage for the first three sales was practically sufficient. While some districts did not get trucks immediately on application, others secured the necessary trucks, as shown by these figures, to handle the number of bales allocated. In other words, as these appraisements took place under very normal circumstances, with one exception, the number of bales allocated and the number offered were close to each other, and the wool must have come from some districts, even those that the hon. member knows so well, to get to the appraisements.

I assume that the woolbrokers would be particularly concerned in the matter, as they handle all the wool that comes up for appraisement and sale. Yet they are not at all concerned. When I say that they are not concerned, they are not agitated about the position as we find it. I have it fairly authentically that they consider that, on the present rate of haulage, there is no doubt that all the wool for this season will be transported in sufficient time to meet the respective demands in connection with the allocations made to the various districts. The woolbrokers would be very concerned if they thought that the hauling of wool up to date was falling short of the requirements to supply the appraisements. I feel that there is no real cause for anxiety about the matter. When I quote the authentic figures of the haulage that has taken place up to the present, the member for Beverley, himself, will be satisfied. As I say, the delays of deliveries that have occurred have been due mainly to the coal strikes and clips not being available because of the wet season. Apart from these things there has been no real trouble in connection with the haulage of wool.

There are 11 appraisements, with a total allocation of 140,000 bales, to be held before Christmas. Of this allocation 90,000 bales have been received at all centres up to the 15th October. Already 90,000 bales of the total wool for the season have been hauled. That was done by the 5th of this month. The average daily intake of the stores for the past 22 days has been 2,000 bales. On that basis the balance of the wool for the appraisements to be held will be received, and there will be no occasion for an extension of time or any interference with the normal transactions of appraising and selling the wool concerned. On the basis of 2,000 bales of wool per day for the rest of the period the member for Beverley can readily work out that the balance of the total quantity will be easily transported. Some 20,000 bales have been allocated for appraisement No. 114 to be held at Fremantle on the 29th October. Before the 15th October 16,000 bales for this appraisement were received, so that only 4,000 bales have to be brought in with a fortnight to go.

The position is not acute. At any rate, it is not quite so acute as the hon. member made out. But I can see the point that agitated his mind, namely, he was afraid that there would be further delays or something else happening that would interfere with the average hauling capacity of the railway system. That is not so. There are some things in regard to this matter that we want to straighten out, but they are not due to tractive power or to the incapacity of the railways to do this job, but to some other factor. The wool production for last year was 270,000 bales. The estimate for the present year is 245,000 bales. In other words, we will be down 25,000 bales on this year's clip, which means that the haulage position will be relieved to that extent. I am sorry to say that, because we would rather have the wool. I think the railways would be able to haul it if it were produced, but unfortunately it has not been produced.

I wish to deal with another matter in connection with this system of hauling wool, namely, that the brokers themselves evidently find it very difficult to handle the quantity of wool that is received. They have to work

overtime and do a great deal more than the ordinary eight hours in order to handle wool when it reaches the terminals. I will give members some figures that will indicate exactly how inconvenient it is to the railways when many of their trucks are held up at the terminals waiting for the wool to be discharged. It is easy to appreciate the severe tax on the railway system when that happens. Members know that the rolling-stock is not in 100 per cent. good condition and if the trucks that can be used for the haulage of wool are held up for any appreciable period, the haulage capacity of the system is reduced correspondingly.

Then again I do not suppose primary producers like the idea of paying demurrage. If they are required to do so it is not because of the lack of haulage capacity on the part of railways but because of failure to handle wool expeditiously when delivered. Obviously the greater the mileage that can be run, the greater the haulage capacity of the railway system, particularly having regard to its limitations at the moment. It is the custom of the department to endeavour to regulate the haulage of wool so as to avoid the payment of demurrage on the part of primary producers and to give the brokers the quantity of wool required without the rollingstock being held up for undue periods. I repeat that the rollingstock suitable for hauling wool is so limited just now that every possible means have to be taken to ensure that every unit copes with the greatest mileage possible.

If members prosecute the necessary inquiries they will find that the methods adopted have proved suitable to the primary producers and at the same time beneficial to the Railway Department. The fact remains that, with one exception, irrespective of what may be said, up to date the haulage of wool by the railways has met the requirements of the brokers, who have stated that they have no reason whatever to be alarmed regarding the transportation of this year's clip. The only other matter I intend to deal with concerns the position of the trucks used in the haulage of wool. I want members, and particularly those representing agricultural districts, to take note of the figures because they emphasise the point I make regarding the vital importance of obviating delays at terminals. I made inquiries about the position and found that from the 1st to the 15th October, 1,646 trucks loaded with wool arrived at Fremantle, whereas during the same period only 1,246 trucks were discharged.

Mr. Watts: How many trucks were despatched to Albany?

The MINISTER FOR RAILWAYS: I have not got those figures. Members will thus see that it is not altogether a matter of railway haulage but rather a desire to so regulate the haulage of wool as to avoid the hold-up of rollingstock at terminals. I give the House my assurance that I will watch the position very closely indeed and will have reports submitted to me so that I will be conversant with what is going on. I shall see that the daily delivery of 2,000 bales is continued and on that basis there need be no fear that appraisement dates will have to be altered. On that basis all the wool required will be delivered in due time at no inconvenience to the primary producer. At the moment members need have no concern about the situation. I shall be watchful and ensure that no extra expense will be imposed upon the primary producers.

MR. McLARTY (Murray-Wellington) [4.56]: The member for Beverley is to be commended for bringing this matter before the House. There is no doubt that it is causing inconvenience to a large number of farmers. I have here a letter that was received from a farmer who is operating in a well-known wool-growing district. He says—

> A grave position has arisen in the country due to the inability of the Railway Department to provide trucks for wool to be transported for appraisement.
>
> In this district, some farmers ordered trucks a month ago and have not yet got them, nor can the department give any indication of how soon trucks will be available. Railways, we understand, are concentrating on shifting wheat. They will soon be overtaken and overwhelmed by the new harvest.
>
> In the meanwhile, not only is wool lying on the farm, hence money lying idle, but in many cases where insufficient shed space is available, it is lying in the weather deteriorating.
>
> If the W.A. Government is unable to supply transport, and in view of the fact that many farmers have their own motor trucks, it is requested that steps be taken to permit farmers to cart their own wool to appraisement centres forthwith.

That letter was written on the 8th October. The writer points out that farmers have had to order trucks a month beforehand and even then have had no promise of when they would get them. The Minister must regard that as a highly unsatisfactory state of affairs.

The Minister for Railways: If you cannot get them released at the terminals what is the good of hauling the wool?

Mr. McLARTY: That is an argument showing why the farmers should be allowed to cart their own wool and thereby save congestion. If the Minister will agree to that practice, it will help both the department and the farmers.

Hon. J. C. Willcock: But the trucks have to be unloaded.

Mr. McLARTY: That is so.

Hon. J. C. Willcock: And that would apply to their own trucks.

Mr. McLARTY: That is different. The man who comes in with his own truck has the advantage of unloading the wool. Another question arises regarding the sheds in which the wool is stored. The farmers also store their superphosphate in the sheds and the Railway Department is urging them to get their superphosphate orders in early.

Hon. W. D. Johnson: Surely not at this time of the year! That is rather far-fetched.

Mr. McLARTY: They cannot do what the department suggests unless they have shed room. Many farmers are shearing at present and there is quite a lot of wool to be brought down yet. I support the motion. I was hoping that the Minister would agree to it as it would obviate a considerable amount of the congestion that is now taking place.

MR. PERKINS (York) [5.1]: The Minister told us that the brokers are not particularly concerned about the existing position. I do not know whether they are concerned or not. If the appraisements finished some time next year, the brokers would still get their remuneration. But the people concerned are the growers of the wool. As the member for Murray-Wellington has pointed out, this delay in providing transport for wool is complicating the whole of the growers' economy. He referred to the super position. We have been told by the Department of Agriculture that a large tonnage of the super for the coming season must be got out in November if the super quota for this State is to be carried by the railways. How are the growers going to take their super in November and December if they cannot clear their sheds of wool in the meantime? That is one question. The growers are standing out of the whole of the money for their clip; they cannot get paid for it until it is appraised.

I know of many cases in my electorate where the clips have been completed at least a month and the whole of the clip is still in the sheds on the farms, purely through lack of provision of trucks by the Railway Department. The number of trucks being loaded from stations in my electorate inspires very little hope that the congestion now existing will be alleviated at all in the near future. If the figures the Minister gave are correct, it would appear that some of the districts have been treated a great deal better than have others. If there is only the time lag which he has mentioned, obviously some of the districts must have got their wool away promptly while, on the other hand, some have been held up for railway trucks for a month—some I know of have been held up for six weeks—and the growers of the wool are standing out of the whole of their money. The Minister seems to work on the assumption that the wool has to be carried at the convenience of the Railway Department, not when it suits the sender of the wool. If that is so, we are getting down to a very dangerous doctrine.

The Minister for Railways: I did not say that, and I did not suggest that the producer should use a railway truck for storage accommodation.

Mr. PERKINS: The Railway Department is not entitled to compel owners to hold their wool in their sheds till any period of the year that suits the department in order to even up its freight over the whole of the 12 months. The Railway Department is a common carrier and is entitled to haul the freight offered to it. If the railways were a private concern and were doing this, there would be a squeal about the producers' interests being placed second to the convenience of the concern. Further, wool carries one of the highest rates that the department has on its rate-book. It is one of the most profitable sources of revenue to the department, and anyone would think

that it would be showing more consideration to that type of freight than to other freight not quite so profitable to it. The attitude of the department, in my opinion, is not at all satisfactory.

The Minister said he would endeavour to see that the present rate of 2,000 bales per week is carried in order to keep up to the appraisements till Christmas time. If we could be assured of that, there would be rather less cause for worry than I consider there is at present.

The Minister for Railways: Immediately there is a serious breakdown in that, I will let the House know.

Mr. PERKINS: But the fact of letting us know is not going to cure a breakdown. In my opinion, the Minister will have the greatest difficulty in getting the department to live up to that rate. Wool is only one of the items of freight that the department carries, and I understand that at present it is finding the greatest difficulty in catering for many other classes of traffic. Take wheat as an instance: I understand that at present the railways are carrying round about 9,000 or 10,000 tons of wheat per week. That rate is only about one-half of the pre-war rate which, I understand, was round about 18,000 to 20,000 tons per week. The rate of 9,000 to 10,000 tons per week has not been sufficient to cover the requirements of the shipping authorities and meet the shipping programme. In addition to the 9,000 or 10,000 tons per week hauled by the railways, it has been found necessary for the Commonwealth to employ road transport to handle an additional 4,000 or 5,000 tons per week.

I have heard rumours that wheat transport by road is to be cut out at the end of this month. If that is so, what is going to be the position after the end of the month? Is the Railway Department going to live up to its programme of wool haulage which the Minister has outlined and which is considerably better than it has done in the past, as well as provide railway trucks and haul those trucks for 4,000 or 5,000 tons of wheat per week, or does the department intend to let the wheat rate slip? The position boils down to this: If the Railway Department helps on one rate, it will be at the expense of the other, provided the figures I have quoted are correct, which I believe them to be.

I am by no means certain that the estimate of the wool-clip as supplied by the Minister is entirely correct. There could be a variation in those figures. I think the Minister quoted 90,000 bales. My figures show that 93,000 bales have gone into brokers' stores up to date this season as against 123,000 bales to the same date last year. Thus there has been a drop of 30,000 bales, which is a 25 per cent. decrease as compared with last year's figures. Of course, one has to allow for some decrease in the wool-clip and a little later shearing as a set-off, though I believe the shearing position has almost been overtaken and probably is about equal to last year's so far as the actual number of clips now completed is concerned. Consequently, there could easily be a 15 per cent. lag as against last year. That is quite a big quantity to catch up with. If, as the Minister said, the rate he has quoted will cover appraisements up till Christmas, it indicates that there must have been a considerable quantity of additional wool in store last year for appraisement.

The Minister for Railways: We are 25,000 bales down this year on the total clip.

Mr. PERKINS: On the Minister's total of 270,000 bales, a drop of 25,000 bales would represent only 10 per cent. I think there might be rather more wool to come down than the Minister anticipates. However, I am not quite so much concerned about that as I am about the railway position generally. If, as I think, the wheat position has considerably deteriorated and if, as I have heard rumoured, the road transport of wheat is to be cut out at the end of the month, the position of the Railway Department over the remainder of the year and most of next year will be very serious indeed. Unless there is a material improvement in the efficiency of the whole department, it looks as if the department will not be able to handle all the freight that will be offered in the coming year.

I was hoping that the Minister might be able to give us some assurance in that regard. If the department is unable to handle all the freight which is to be offered in the coming season, it is necessary, in my opinion, to press very strongly at the present stage for growers to make use of their own trucks and get their wool away, when-

ever they are agreeable to do so, in order to ease the position for the railways and, incidentally, ease their own position as well. If growers are prepared to do this, it will help rather than hinder the Railway Department in coping with the volume of traffic being offered to it. In too many cases the Railway Department has been adopting a dog-in-the-manger attitude. I understand that when the department was unable to handle the tonnage of wheat necessary to clear the bins before the end of this year, and incidentally keep human beings, as well as stock, in the Eastern States fed, the strongest objections were raised by the department to anyone else being allowed to help in the transport of this commodity. That is absolutely a dog-in-the-manger attitude. The department is unable itself to do the work and is not prepared to let anyone else do it. All said and done, the railways are here to provide service for the producers and the citizens of the State and, by putting their welfare before the welfare of the producers, which, in effect is what is being done by that policy, the department is entirely ignoring the welfare of the community as a whole.

No doubt the department has plenty of difficulties to face, but the proper way to tackle them is not to place restrictions on the rate at which the produce of the country can be shifted and not to place unnecessary difficulties in the way of the producers. The proper course is for the Government to get busy and bring the efficiency of the department to a stage where it can properly cope with all the traffic. Many suggestions have been made on this side of the House for improving the efficiency of the Railway Department. Members on this side have indicated plainly, ever since I have been in this House, that they are extremely dissatisfied with the lines on which the Railway Department is being administered and conducted; and apparently the Government, refusing to agree with the Opposition's point of view, is carrying on with its own policy and has done nothing to rectify the existing state of affairs to which Opposition members have drawn attention. Consequently, we have reached a stage where the Railway Department cannot handle traffic that is being offered and is asking producers to take up the slack by holding their wool or wheat in the country, thus occasioning complications in the marketing of the products. This motion is designed to ease the traffic burdens of the Railway Department and is one way of overcoming the bottle-neck which exists at present in the matter of getting various types of produce to the seaboard. I support the motion.

MR. WATTS (Katanning) [5.16]: The factors associated with the transport of wool, superphosphate and wheat are so tied up together that there is no question that the Minister——

Mr. SPEAKER: Only wool is mentioned in the motion.

Mr. WATTS: I know, but it is not possible to deal with transport for one commodity without dealing with transport for another. I think the Minister will be giving great service to this State if he will take action to co-ordinate the despatch of these products and necessities for the woolgrowing industry. This is no new difficulty. This trouble has been a recurring one in different ways. I remember that as long ago as October, 1943, when I was in Tambellup, I found that wool trucks had been loaded at the railway siding with wool, but had been lying at the siding for 12 or 13 days because there was apparently no locomotive traction to draw them. On that occasion, it was impossible for the contractors who were carrying wool in from the surrounding farms to suggest that any more should be loaded on to trucks because the number of trucks lying there, if I remember rightly, amounted to two full train-loads; and, in consequence, those trucks were held—not by the brokers or the farmers, but by the inability of the Railway Department—out of use. On that occasion, I sent a wire to the Transport Board suggesting that it might communicate with the Railway Department with a view to solving this problem or else enabling wool that was going to Albany for appraisement—and that was the reason I interjected when the Minister was speaking—a very short distance comparatively, to be taken by road.

I received a reply within 24 hours to the effect that the Railway Department undertook that the whole of the trucks would be removed and the additional number of bales to which I have referred as going to Albany would be provided for within ten days from that time; and sure enough they all were! Everything was taken away; but the point

is that, so far as the producers were concerned, and so far as the local authority was concerned, nothing was being done. It appeared to work down to this: that the place where the most fuss was made got the most service. That was the point raised by the member for York. He does not doubt the Minister's word that there are 2,000 bales a day being moved by the department. But is that from specified districts; and in that case, is trade and traffic being held up somewhere else? If that is so, as it is the duty of the Commissioner to accept, as a common carrier, what is offered within a reasonable time, what steps can be taken to ensure that these products are handled within such reasonable time?

Last year we had the unpleasant spectacle —and we are going to have it again this year, unless we are very careful—of superphosphate being delayed for such a tremendously long period that much of it reached the places to which it was delivered, too late for top-dressing purposes. If that happens again, there is going to be chaos in rural industries, particularly if the season breaks early, which it did not do this year. I believe the Minister is fully seized of the position. All I want to do is to show him that we are prepared to encourage him, if that is his point of view, in the belief that there must be stricter supervision and greater co-ordination exercised over the railway gentlemen in order to convince them that they are there to serve the public and not themselves. That seems to me what has been missing to a large extent in the past. It has been substantially a matter of convenience.

The Minister referred to brokers not discharging loads within a reasonable time after the wool freight reached Fremantle. I do not doubt that is so. I am disinclined to believe that it is because of the dilatoriness of the brokers. There may be—and probably is—a shortage of manpower. That is something which has been beyond their control. But if that is a fact—and I should imagine the Minister could ascertain whether it is so or not—in the interests of the Railway Department, the officers of the department and he himself should make the most urgent representations to have that position rectified. In the railways we have a great State undertaking; there is no question about that. I say quite frankly that there is no-one who desires more than myself to see it a successful undertaking. No-one more than I desires to see full and congenial employment given to the persons now employed therein and to as many more as the business of the railways will warrant in the future. No-one desires more than we on this side of the House to see a position wherein there can be a balanced budget, without an increase of charges to people being served by the department.

The Minister for Justice: That would be an absolute impossibility.

Mr. WATTS: I say that nobody wants to see that more than I do. I am not arguing that it is possible; but surely it is a desirable objective! Unless the department is able successfully to handle freights such as wool, from which it obtains higher rates than from other forms of traffic, it has little prospect of achieving that objective or anything like it. I have here a letter very similar to the one that was read by the member for Murray-Wellington. It comes from the Kojonup district and the writer, who is a man I have known for many years—a completely reliable man—said that he has been trying to get trucks but can obtain no indication from the Railway Department when they will be available. His wool had been waiting, on the 6th October, for upwards of one month, and he has been seriously inconvenienced by the delay in making financial provision out of the proceeds. He brings up the point, as the member for Beverley did in introducing his motion, that if the Railway Department is unable to cope with the handling of the wool it had better let somebody else do it. But that is a position I do not want to see arise. I want to see the railways doing all the business and handling it in an efficient manner.

As I said at the beginning, I believe that the Minister, newly appointed to this job, will be doing as great a service to the rural industries as anyone can do, if he will imbue the Railway Department with the idea first, that he is closely watching their activities; secondly, that those activities must be of such a nature that they will promote in every possible way the efficient handling of available trade. If at the same time he finds it necessary to obtain back-loading, for example in super., and makes the position plain to the public that that has got to be done in order that they may obtain super. in a reasonable time, and the public do not respond, then we will cease—or I will cease—to make representations to him on the subject, realis-

ing that he will have done his best. But the attitude of the railways on many occasions in the past, in response to representations, has been to say that everything can and will be done by a certain time; then, when that time has arrived, that it cannot and has not been done. In consequence, there has been difficulty and delay and inconvenience for many people.

I think this motion has earned its bread and butter, if it has done nothing else, because it has produced from the Minister a statement of the position as known to him. It has brought from him also an undertaking that he will closely watch the position and advise us if it deteriorates in any way. If it will also produce from him an assurance that the freight offering from all parts of the railway system within a reasonable time of its being offered will be transported, so that there will be no favouritism of one district as against another, or no unnecessary delay in one district as compared with another, then it will have served a very useful purpose indeed.

MR. MANN (Beverley—in reply) [5.26]: I listened with interest to the remarks of the Minister. I appreciate fully that a new Minister has taken over the department, and the remarks I made were not directed towards him in any personal manner, but were directed to the Government of the day, which is responsible for the actions of the Commissioner of Railways. When I moved the motion I had the following information from Elder Smith & Co. concerning wool awaiting trucks. The figures are as follows:—

Town.	Bales.	Town.	Bales.
Meckering ..	85	Beverley	35
Wyalkatchem ..	30	Pithara	50
Merredin	200	Kellerberrin ..	100
Nungarin	100	Shackleton ..	70
Bruce Rock ..	120	Narembeen ..	200

The Premier: Most of those would not be abnormal for this time of the year, would they?

Mr. MANN: Yes, because transport should be going down. The position is that there was a definite accumulation of bales awaiting transport. That, and the industrial trouble that appeared to be brewing, caused considerable concern. The position today is desperate. The Commissioner of Railways, or the Government, controls the transport of the State. If the Government cannot do the job, private companies should be entrusted with the task. If the Government would realise the position and take some drastic action, it would be the best thing that could happen. We have endured dictation from the Railway Department for far too long. I hope the Minister will have the courage to handle the present head of the department in a drastic manner. We have tolerated dictation from various Government departments with kid-gloves for too long. It cannot go on. If the Minister wants to make a name for himself, he can take action along the lines I have suggested; and he will have the backing of this side of the House. If this House is going to put up with this kind of thing from various departments for much longer, the sooner we close up the better it will be.

Hon. W. D. Johnson: Hear, hear!

Mr. MANN: But I do not mean that we should hand the power over to the Commonwealth as the member for Guildford-Midland would have us do.

Mr. SPEAKER: I must ask the member for Beverley to confine his remarks to his reply to the debate.

Mr. MANN: I introduced this motion in all good faith. I hope the Minister will watch every action of his department and see that the officers carry out their work properly. I am satisfied that the motion has had some effect in forcing the Railway Department to try to transport the wool earlier. I do not know anything about the congestion of the wool stores, but I will watch closely the transport of wool, together with other transport, and see what action the Minister takes in future.

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

Ayes	17
Noes	19
Majority against ..	2

Ayes.	
Mr. Abbott	Mr. Owen
Mrs. Cardell-Oliver	Mr. Perkins
Mr. Hill	Mr. Read
Mr. Keenan	Mr. Shearn
Mr. Leslie	Mr. Thorn
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Doney
Mr. North	*(Teller.)*

Noes.

Mr. Collier	Mr. Nulsen
Mr. Cross	Mr. Rodoreda
Mr. Graham	Mr. Smith
Mr. W. Hegney	Mr. Styants
Mr. Hoar	Mr. Triat
Mr. Johnson	Mr. Wilson
Mr. Leahy	Mr. Wise
Mr. Marshall	Mr. Withers
Mr. Millington	Mr. Holman
Mr. Needham	(*Teller.*)

Question thus negatived; the motion defeated.

BILL—ADMINISTRATION ACT AMENDMENT (No. 2.).

Second Reading.

MR. McDONALD (West Perth) [5.35] in moving the second reading said: The intention of this Bill is that where interest is payable on legacies the rate of interest shall be fixed at 5 per cent. per annum unless otherwise directed by the will under which the legacy was given, or unless otherwise ordered by a court. At present there is no legislation fixing the rate of interest on legacies. It appears to be a matter for determination by the court or prescription by the rules of court in cases where the rate of interest on the legacy has not been fixed by the will. When a testator gives a sum of money as a legacy, he sometimes prescribes that it shall carry a certain rate of interest, and directs the rate of interest, or he may say that the legacy shall not carry any interest at all. Where the testator by his will has given directions on the matter this Bill does not apply, and the rights of the legatee regarding interest are those that have been determined by the testator in the will when giving the legacy. Where a testator makes no direction, or insufficient direction, a legacy in general is payable at the end of one year after the testator's death.

The courts allow the executor a year in which to get in the estate and make provision to pay out the amount of the legacy. During that year, in the absence of any direction by the testator, there is no interest payable on the legacy as a general rule, but there are exceptions to that rule. There are exceptional cases where, although no direction has been given by the testator, the legacy bears interest from the date of the testator's death. The general rule, however, is that in the absence of directions by the testator the legacy commences to bear interest at the expiration of one year from the testator's death. Under the Rules of Court the courts are given a certain power to fix the rate of interest on legacies. It may sometimes happen that the courts might think that the rate of interest should perhaps be more than would usually be a fair thing.

It might conceivably be that the executor has delayed, without excuse, paying out the legacy, to the advantage of the residuary beneficiaries, the people entitled to the estate after the payment of the legacy. The court then would, in a proper case, direct that the legacy should bear a somewhat higher rate of interest, so that the residuary beneficiaries or legatees might not profit unfairly by the delay in paying out a legacy which was entitled to be paid in priority. In England, by Order 55, Rule 64, of the Rules of the Supreme Court of Judicature, it is provided that where a judgment or order is made directing an account of legacies, interest shall be computed on such legacies at the rate of 4 per cent. per annum from the end of one year after the testator's death unless otherwise ordered, or unless any other time of payment or rate of interest is directed by the will, and in that case according to the will.

By the Rules of the Supreme Court of Western Australia, Order 55, Rule 65, a similar provision is made, except that the rate of interest is 8 per cent, unless otherwise ordered by the judge. In some cases, to which I will refer briefly for the information of the Minister for Justice and his advisers, the rate of interest has been the subject of determination by courts. That has been so in many other cases also, but these are cases reported in the Law Reports. In the case of re Vincent, in 1924, reported in 27 Western Australian Law Reports, page 50, the rate of interest on a legacy was fixed at 7¼ per cent. In Victoria, in 1911, in the case of re Black, reported in 1911 Victorian Law Reports, page 280, the rate was fixed at 4 per cent. In Victoria, in the case of the National Trustees Executors and Agency Company of Australia v. McCracken, in 1898, reported in 19, Australian Law Times, page 175, the rate was fixed at 4 per cent. In the case of the Permanent Trustee Company v. Reeves, in 1933, reported in 50, Weekly Notes, New South Wales, at page 111, the rate was fixed also at 4 per cent.

Representations have been made to me that it would be desirable to fix a general rate of interest to apply when there are no directions given in the will, at the same time not

taking away from the courts the power they now have to fix a different rate if the circumstances are such that, in the opinion of the court, a different rate should be fixed. It has been found that there is some uncertainty and difficulty on the part of executors in determining what the rate of interest should be. It is being claimed in certain estates today that on the basis of the Supreme Court Rule of our own courts, which I quoted, the rate should be 8 per cent. I think that rate would be out of step with rates existing today and it would be unfairly high compared with what could be earned by investments that would go to the residuary legatees, the residuary legatees being, in many cases, wives and children. If the executor in a state of uncertainty has to go to the court to get a determination as to the proper rate of interest that legatees are entitled to obtain on their legacies, the estate and the parties are put to a certain amount of expense which I think might well be avoided.

The proposal therefore is that we should by this Bill fix the general rate of interest on legacies at five per cent. unless the testator himself has dealt with the matter, in which cases his directions would be observed by the executor, with the further exception that the present jurisdiction of the court is retained under which if the court goes into the matter and thinks some other rate of interest should be paid the court has the power to direct the payment of interest at another rate. The Bill therefore does not alter the existing law as to when the interest should commence on the legacy. It does not take away any of the privileges of the testator in giving his own directions as to the rate of interest on a legacy, or when it should be paid. It does not seek to take away from the court the discretionary power it now has to determine a particular rate in particular circumstances. Apart from these safeguards it gives a clear guide to executors that in the case of a legacy in connection with which interest would normally be payable they can safely pay at the rate of five per cent. and know that unless one of the other matters mentioned is involved they are paying an amount which would be correct and would represent a proper discharge.

I gave some consideration to the question whether the rate of interest should be five per cent. or lower. I have no great objection to a low rate, say four per cent., but on the whole I thought that five per cent. might be a proper rate to fix because there should be something of an incentive to the executor to pay out the legatees. After all, the legatees are the first people to be paid and the residuary beneficiaries come in last. There should also be an incentive to the residuary legatees to see that the legatees are paid out as soon as they can be paid out. There should be no advantage on the part of the executor or residuary beneficiaries in seeking to delay the payments to the legatees who are entitled to have their legacies paid at an earlier date. I suggest for the consideration of this House that this Bill might fix the rate as a general rule at five per cent.

If at some later stage it should be thought that the rate should be lower or higher it is always in the competence of this House to make any desirable alteration. My main concern and the concern of those who have approached me on the matter is to avoid the possibility now and in the future of legatees being able to claim interest at a rate as high as eight per cent. when in view of current rates the estate would in all probability not be able to earn more than four or five per cent. In the case of many estates, if they are converted into Government securities, say, Commonwealth bonds, the rate would be as low as 2¾ per cent. Any possibility of claims being forced for interest on legacies at a rate as high as eight per cent. would, in view of the current rate of interest, amount possibly to injustice to other beneficiaries who are also entitled to participate in the estate. This is as much as I need say, and I move—

That the Bill be now read a second time.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Kanowna) [5.52]: I listened attentively to what the member for West Perth had to say in moving the second reading of this Bill. The general trend throughout the world is in the direction of a reduction of interest. It seems to me that this measure will not interfere in any way with the testator's intentions, but it will reduce the interest as it is now in most instances from

eight per cent. to five per cent. It does not interfere with any of the other privileges as set out in the Act as it stands. The most important aspect of the measure is the rate of interest. I have looked the matter up.

I find that the Imperial provision sets out a rate of interest at four per cent. in accordance with the case that was put up so ably by the hon. member. It would only be wasting the time of the House to go into any of the details concerning legacies and the conditions that exist. As pointed out by the hon. member the interest does not start for a period of 12 months from the death of the person concerned. That I think is called the executor year. I have had a look at Halsbury, 3rd edition. Many conditions are set out there, and they vary in accordance with the legacies. There is no need for me to go into them. As this is a case of reducing the rate of interest and will impose less burden upon the residuary legatees the Government has no objection to the Bill. I think it is a commendable one.

Question put and passed.

Bill read a second time.

In Committee.

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

MOTION—YAMPI SOUND IRON-ORE.

As to Koolan Leases Control and Local Smelting.

Debate resumed from the 3rd October on the following motion by Mr. Cross—

That in the opinion of this House the Government should take necessary action to—

(1) Acquire for the benefit of the State, the seven iron-ore mineral leases on Koolan Island, now held by Brasserts, Limited; and

(2) After obtaining control of the leases to make certain that the iron-ore is smelted in Western Australia, either by the State or by private enterprise.

THE MINISTER FOR MINES (Hon. W. M. Marshall—Murchison) [5.55]: This motion deals with probably one of the most valuable deposits of iron known in the universe. I compliment the member for Canning on the interest he has displayed in this matter. I suggest there has been somewhat of a change of front in regard to these very important deposits of recent date. I can well remember the time when this State was eagerly desirous that these deposits might be acquired by some particular company in order that they might be fully developed. Strange to relate there is some activity there now. Since that particular activity has been made apparent it would appear that this now is not altogether so acceptable as seemingly it would have been years ago. The member for Canning seemed to imply that these deposits had been kept secret, and that there was no move at any time to give their value publicity. In that direction he is entirely wrong.

I may say that what is contained in the motion has been the objective of the Government. It may be necessary for me to give an outline of the history of these deposits. The hon. member took us for a voyage around the world to indicate the value of the deposits at Yampi Sound and also gave us much valuable information as to the quality and value of other iron-ore deposits in the universe. To that extent we have been well informed and can appreciate the hon. member's efforts in that direction. The history concerning these deposits indicates that in 1907 they were taken up by an individual whose name was V. Percival Keen. As the records show these deposits were granted as a reward claim, this would imply that it is the first occasion upon which they came into the possession of a private individual as against Crown ownership. What Keen did or did not do while in possession of the leases is something I cannot explain.

It could easily have been, as has happened in the case of other individuals when they have become possessed of important deposits such as these, that he had no capital of his own with which to develop this wealth and endeavoured to interest some company or wealthy concern with a view to disposing of the tenure by means of a sale at a profit. However, I can do no more than assume that the person who first took up these leases, whose name was Keen, would do his very best. In doing so, he must inevitably have given much publicity to the very important fact of the accessibility of the deposits from the point of view of transport. I assume he also publicised abroad the high value of the deposits. It was not until 1918 that an ex-member of this Chamber, Mr. Jock Thompson, got possession of these leases. He applied for their forfeiture from the previous lessee, Keen. We well know that Mr. Jock Thompson went to London—I am

not sure that he did not also visit America—and did his best to dispose of the deposits. He would have been in full possession of the tonnages available and would have known the high quality of the iron-ore in the deposits. I am positive that this very able gentleman in no way endeavoured to keep those facts secret at the time he was trying to dispose of the leases at a profit. That was in 1918.

I can well remember Mr. Jock Thompson, while he was a member of this Chamber, advertising very extensively the value of these iron-ore deposits and publishing abroad information of their value and tonnages. There can be no doubt whatever about the great importance of such deposits to companies or people interested in iron and steel works in other countries. As was pointed out by the member for Canning—and rightly so—most of the other iron-ore deposits in the world of high value and great tonnages are geographically situated well inland, and consequently the cost of land transport and shipping would force up the cost of the iron-ore, or of the pure iron obtained from it, as against the easy accessibility of the Yampi Sound deposits, where a ship can almost berth on the wall of the deposit itself. Notwithstanding this, however, no company which might have been interested in such deposits considered it worth while or advisable to get possession of the important Yampi Sound deposits. Mr. Jock Thompson held the leases from 1918 to 1923 and finally disposed of them for £3,500.

The company that bought the leases sold them to Harold Buckley in 1932 for £150. Members will notice there was a big fall in the price. This proves conclusively to me that, although various companies knew of the deposits and were well aware of their richness, they did not desire to acquire possession of them. In 1932, Harold Buckley took possession of the leases. In 1936, Brasserts purchased them for £35,000. The leases then seemed to have risen terrifically in value, from £150 to £35,000. At this juncture, I wish to say that I do not know—nor do the records of the department disclose—anything but the legitimate transactions which took place between the Minister for Mines and the applicants for the leases. Whether any corrupt practices were indulged in so far as the transfer of the leases is concerned, I do not know.

Mr. Triat: On one occasion the Warden recommended forfeiture.

The MINISTER FOR MINES: I would assume that that fact would appear on the records. The leases were forfeited. Mr. Thompson got them on an application for forfeiture. The leases were subject to the provisions of the Mining Act, and if those provisions were not complied with they were liable to forfeiture, in just the same way as a goldmining lease or a mineral lease is liable to forfeiture if the conditions are not complied with. The Warden decides whether the leases should or should not be forfeited and given to the person making the application for forfeiture. All I wanted to point out at this juncture was that I do not know anything about the private transactions which took place between one lessee and another lessee, nor are there any records of such transactions on the files of the department.

Mr. Cross: Is there nothing about the Japanese?

The MINISTER FOR MINES: I will deal with that point now. I say quite definitely, No. How would it be possible for the Government records to show any such transactions? Had the hon. member applied for the leases and succeeded in getting them, either by medium of forfeiture or by straight-out purchase, he would be entitled then to negotiate with any company or person for the purpose either of disposing of the leases or of the ore obtained from them. The Government of the day or the Minister would have no knowledge whatever of those transactions; they would be merely private business transactions, particulars of which would not appear on the department's file, any more than would particulars of the production of gold from a goldmine, whether sold secretly or openly. The department's records show the names of the lessees and disclose whether or not they are complying with the provisions of the Mining Act and of the leases granted under that Act.

The actual disposal of the product is no concern of the department. Provided the lessees perform the covenants contained in the lease and comply with the Act, that is, employ the number of men stipulated and pay the rent, there is no other call made by the department. Members are well aware of the transactions that took place in the goldmining industry during the boom period. Persons formed themselves into small syndi-

cates, took up a lease, probably with a prospector's shaft in it, advertised it as being a proposition well worth while, and then floated it, in some cases for phenomenal sums of money. But such transactions between the lessee and other persons are no concern of the department. The law does not require that particulars of such transactions should be sent in to the Government for recording; consequently, we cannot say—it would be unfair for me to say—that any transactions between lessees and other persons were in any way corrupt, unfair or unjust. When Brasserts purchased these leases, they had run for a period of approximately 11 years and the company applied for the forfeiture in order that it might take out another lease with a term of 21 years to run. Brasserts realised that, immediately it surrendered the lease, it could apply under the Act for a new lease. The department has had many such transactions over a long period.

It sometimes happens that a lessee surrenders a lease which he holds for the purpose of taking it up again and pegging out new boundaries. That right is given to him by the Mining Act. Brasserts also knew that when they got the new lease for 21 years, it would contain a right of renewal for an additional 21 years, making 42 years in all. No-one could blame Brasserts for taking that action. It was a shrewd move on that company's part; it was within the law and there was nothing to prevent the company from doing what it did. True, Brasserts evidently negotiated with the Japanese Government, or with some Japanese, for sale of the iron-ore in Japan. In fact, the Japanese were the only buyers of this ore from Brasserts. We know that because later on the Commonwealth Government placed an embargo upon the export of iron-ore from Yampi Sound to Japan.

I recall a very heated discussion in this Chamber on that matter, by some members at least, who bitterly resented the Commonwealth Government's attitude on that occasion. Our Government would, I assume, at that stage desire to develop the deposits. At that time no-one thought of State ownership or of placing an embargo on the export of the ore, or of compelling the lessees to treat the ore within the State of Western Australia. I do not think such a proposal was ever mentioned. Strange to relate, the reverse position was in evidence only a little time previously, when the workers at the waterfront at Port Kembla refused to load iron-ore for Japan. They were compelled by the same Government on that occasion to carry on with their work and did so. Some time later the embargo was placed upon Brasserts.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR MINES: Before I explain the covenants under which these leases are granted and the conditions under which they are now held, I desire to point out that there was every justification for the Commonwealth Government—just at the moment I do not know which Government it was—placing the embargo on the export of iron. The leases held by Brasserts comprise an area of 304 acres. In order to comply with the covenants of the Mining Act the company would need to employ 52 men. The conditions are the same as those set down in goldmining leases, namely, one man for every six acres to be employed on the leases to comply with the law. They have a total area of 304 acres with an annual rental of £76 which is an infinitesimal amount for such a rich deposit. There again the rents are fixed by the Act. Over and above the rents the lessee has to pay 3d. per ton royalty for the first ten years and 6d. per ton from then on, which amount is also an infinitesimal reward to the State Government when we consider the value of the production enjoyed by the company by virtue of exploiting these deposits. These are the whole of the terms and conditions of the leases. There are several leases in all.

I repeat that the records do not show just what happened in regard to the litigation which took place over these leases, but on one occasion a claim was duly heard by the warden of the district. He gave a decision which was evidently made in the light of a complete knowledge of the evidence and in accordance with his opinion of the rights and wrongs of the case as presented. That, however, has nothing to do with the motion which merely requests the Government to continue, so to speak, with the policy that it is now adopting in connection with the leases. When the embargo was placed on the export of iron my predecessor rightly, I think, gave Brasserts, Ltd., an exemption. After the war commenced the Navy took possession of Yampi Sound and declared all activities there

out of bounds. It held Yampi Sound for a considerable time during which no mining company could operate, because it was out of bounds to everybody and everything bar the Navy. So, for a period of years, even though there was no exemption under these laws, the company could do no work. That is only an incidental matter, but it is, nevertheless, a fact.

My predecessor gave this company exemption, and had every justification for so doing, having regard to all the circumstances, namely, that although the company had paid £35,000 for the leases, and had spent a considerable amount on the operation of the leases while it was exporting the iron, the total would be a fair sum for the number of years it operated. It was not a long period, but it was a costly proposition even though the iron-ore deposit is a phenomenal and unique one permitting mining to be carried out remarkably cheaply compared with other mining methods. Members will see that these people had the right of a 42-year lease, and some portion of that has now expired.

Under the Mining Act there are only a few methods by which the Government can repossess these leases. If the lessee fails in the covenants, terms or conditions under which the lease is granted, the Government, or the Minister for Mines, can forfeit the leases and return them to the Crown. That forfeiture is for failing to comply with the matters of manning, rents, or royalties. The exemption given by my predecessor was justified because of the colossal sum of money the company had spent after which it found itself without a market due to the activities of the Commonwealth Government, which must have had some very grave or good ground for its action. That exemption —I want members to understand clearly— reads as follows:—

> Exempt from labour covenants indefinitely subject to 12 months' notice of cancellation and immediate cancellation should the iron deposits be required for national or Empire purposes, or should the export embargo be lifted by the Commonwealth Government.

After the motion was moved I made inquiries about the embargo and it still exists. There are, therefore, only two ways by which the Minister for Mines could remove this exemption. Firstly he could do it by giving 12 months' notice, and secondly by giving immediate notice if he could prove that the iron-ore was required for national or Empire purposes. I respectfully suggest that it would be somewhat difficult to prove that we require the iron for either national or Empire purposes. I am making inquiries to ascertain if such be the case anywhere. If it is, I will be under an obligation to give this company immediate notice. Until I have ascertained positively and definitely that this iron is so required I shall not give the 12 months' notice as set down.

If I could discover that the iron-ore was required anywhere within the British Empire and I got an assurance that those who required it really needed it, I could give immediate notice which would be much more speedy than giving the protracted notice of 12 months. I point out, however, that even if I gave immediate notice for the removal of the exemption, it does not indicate that these leases would revert to the Crown. It would merely force the company into the position of having to comply with the terms of the Mining Act, that is to say, that the leases must be worked. There is a big change in outlook in connection with this matter, and that is where I can subscribe to the motion. Many years ago when all concerned were eagerly desirous of getting these deposits developed, their enthusiasm was such as to obliterate the great importance of having the iron-ore smelted or manufactured into the required goods within the State. Unfortunately our enthusiasm carried us away and we were only too pleased to get these deposits exploited. A different view is held today, and the member for Canning evidently subscribes to it, and I think many other members do too.

I assure the House that the Government is very wary now of granting any further leases of these deposits. This will indicate to him how eager and sincere the Government is about the matter. The Broken Hill Proprietary Ltd., which owns Cockatoo Island—at least the company does not own it but has leases there—desires to secure two further leases at the respective ends of the ground that it now holds. My predecessor quite wisely refused to grant these leases. He put forward the argument that he thought that, unless the iron was worked or smelted or developed within the State, we

would profit very little by it, and it might be advisable for the time being to hold the leases to see if we could not give effect, in the main, to this motion. I want it to be understood that this is not the only iron-ore deposit in Western Australia—far from it. As a matter of fact we have many rich deposits of that commodity. But, as the member for Canning pointed out, there is nothing, from the point of view of cheapness in producing iron-ore, comparable with Yampi Sound—either at Cockatoo or Koolan Island.

The accessibility of the ore and the fact that it is almost ready for the smelters allow costs of production to be reduced to such an extent as to make the product more valuable than any other deposit of its kind in the world. Members, therefore, can understand its great importance. Some of the other deposits to which I have referred are situated in the Murchison. Some are in the districts represented by the member for Mt. Magnet, and they are very rich deposits. One of the biggest is at Koolyanobbing which is in the Yilgarn field. The member for Yilgarn-Coolgardie would know of it.

Mr. Cross: That is next in importance to Yampi Sound.

The MINISTER FOR MINES: That deposit is estimated to contain 70,000,000 tons of iron-ore, averaging 60 per cent. metallic iron. Some of this ore was, during the war, used by the State Engineering Works in the manufacture of certain war plant. Members, however, will understand that it is more costly to work this deposit than to work those at Yampi Sound. Then we have Wilgie Mia which is about 40 miles north-west of Cue on the Weld Range. Here is another huge deposit of iron-ore of particularly high value. Again it would be necessary to develop the proposition by a systematic method of mining. This ore contains 68 per cent. metallic iron. There are several deposits at Mt. Taylor, Mt. Hale and Mt. Matthews on the west side of the Murchison River. These hills are prolific in iron-bearing schists. An assay of a "grab" sample gave a result of 66.6 per cent. metallic iron.

Mr. SPEAKER: Order! Will the Minister connect this with the motion?

The MINISTER FOR MINES: Yes. I point out that it is obligatory upon me to prove conclusively that we want that iron in order to get the Koolan Island leases working in the near future. I am pointing out that we have other deposits, but it is difficult to work them. Hence the obligation would be to give 12 months' notice. I could mention other deposits, but they are well known. I am of the opinion that in the Pilbara district, in particular, which is a very open volcanic class of country, there should be many rich deposits of iron-ore, manganese, and other deposits of high value. I have given members details of the history of Brassert's connection with the industry, and I cannot add anything more except to say that the Government will be very watchful of the position. It should be understood there is a limit to the means by which the Government can force the company to comply with the Mining Act. If the company works the leases they are theirs for 42 years dating from the time of the inception of those leases.

It is possible that if the exemptions were removed and the company did not comply with the law, forfeiture by the Government could take place and the leases would revert to the Crown. On the other hand, the Minister at that time, whoever he might be, could, if the company endeavoured to transfer its leases to another company, exercise the powers provided under the Mining Act. Members will realise the difficulties of the position. It is easy to move motions and say that we should acquire the iron-ore deposits at Yampi Sound. We cannot do that by violating the law but only by complying with the law. The leases can not be dealt with until the law is broken or until the end of 42 years from the inception of the leases taken up by Brasserts. I cannot give the House any more information. The Government is certainly beginning to appreciate how our generous disposition in the past, always eager and willing to induce the investment of capital here to develop our deposits and for that purpose to make the way for such investments easy and simple under the applicable laws, has now presented another aspect and we are forced to a realisation that unfortunately the blessings we had anticipated have operated slightly differently from what we expected. We certainly still have our wonderful assets.

Once the ban was removed by the Navy the Broken Hill Pty. Company commenced operations again on its leases and I tell the member for Canning and the House as well

that, so far as I can ascertain, the large sums of money allegedly to be expended shortly on Cockatoo Island where the company has its leases, will not be spent on the development of the iron-ore deposits themselves.

Mr. Triat: No, they will not be.

The MINISTER FOR MINES: Here again there will certainly be activity on the leases but, from the information I have been able to gain, it appears that Western Australia will again suffer acutely in consequence of the latest developments. That arises because of the very keen competition that will be experienced with regard to exports to countries north of Australia. I am given to understand that in the development of its iron-ore deposits, the Broken Hill Proprietary Company intends to operate a line of small steamers that will convey produce and other requirements to the islands north of Australia and on their return journey will call at Cockatoo Island, load up with iron-ore, and proceed thence to Newcastle or wherever the company desires the ore to be delivered.

Mr. Triat: Most of the millions will be spent on the construction of steamers.

The MINISTER FOR MINES: That is so.

Mr. Abbott: It is a pity the boats could not be sent round the south of Australia.

The MINISTER FOR MINES: That would be an expensive run for the boats because most of the iron-ore is to be taken to Newcastle. If the ore were to be taken to Melbourne, it would be a different proposition.

Mr. Abbott: There is Whyalla.

The MINISTER FOR MINES: I agree that there is an advantage attached to working the island deposits because of the simplicity of handling and loading there, compared with the difficulties associated with the development of other deposits. If we could repossess Koolan Island in conformity with the law, we should do so. We can retain control of the extreme ends of Cockatoo Island, which are not affected by the Broken Hill Proprietary Company's leases. If the law is not complied with regarding the leases under discussion, the law could operate and something could be done.

MR. TRIAT (Mt. Magnet) [7.50]: I listened with great interest to the historical record of operations at Koolan Island as narrated by the Minister. However, I was dumbfounded to hear him make the statement that if a company which has a lease for 21 years for the working of the iron-ore deposits at Koolan Island, re-pegs the lease, it can secure a further lease for 21 years in addition to the unexpired portion of the 21-year period. That means these people could have the leases for 42 years.

The Minister for Mines: Less the time that has expired.

Mr. TRIAT: I know that a company can secure a lease for 21 years, but I do not think that merely by re-pegging the lease it can increase the period of the lease for a further 21 years.

The Minister for Mines: The Act provides for a period of 21 years with the right of renewal for a further 21 years.

Mr. TRIAT: Exactly. But the periods are for 21 years only and not for 42 years.

The Minister for Mines: No, but it means a period of 42 years.

Mr. TRIAT: At any rate, it is a debateable point and I do not think that the Minister's information is accurate. If Brasserts have a lease for 21 years, portion of which has already expired, unless the company is active in its operations and works the property extensively, there will still be at the end of 21 years and the portion of the first 21-year period that is unexpired, quite a lot of the 90,000,000 odd tons of iron-ore at Koolan Island. If the Government cannot acquire the leases without spending too much money on them, the expiry of the time period will enable the leases to revert to the Government, which can take them over even if it may involve the payment of compensation in one way and another. The story that the Minister told was correct in most instances, but unfortunately in parts the history was hardly in accordance with facts.

I visited Koolan Island in 1937 as the advocate for the miners' union. At that stage the leases were mostly held by Brasserts, but partly by Buckley who was the manager controlling the leases themselves on behalf of Brasserts. Prior to my arrival at Koolan Island there had been disturbances throughout Australia with regard to the importation of Japanese who were to operate the leases. That story was totally incorrect. The only Japanese who would have been on the island were three en-

gineers or metallurgists whose duty it would have been to see that the iron-ore exported to Japan was in accordance with the agreement entered into by Brasserts with the Japanese interests. The Japanese in question were not unknown in Western Australia. As a matter of fact, they were well known in Perth and in the North. They were known because of their activities on behalf of the mining companies concerned in exploiting Koolan Island. They must have been known to the Mines Department because they had conducted various inquiries and had called upon the officials.

The Premier: They did not contact the Government at all.

Mr. TRIAT: Possibly that is so, but they contacted the officials of the Mines Department and the wardens and inspectors of mines. They had a thorough knowledge of the conditions at Koolan Island and knew what to expect regarding the quantity and quality of the iron-ore there. Shortly before that, the agitation had taken place with regard to the leases and the warden had recommended their forfeiture, but the Minister of the day would not see eye to eye with the recommendation.

Mr. Watts: Did not the warden say that the decision could go either way, and he wanted the Government to deal with the matter?

Mr. TRIAT: I only know that the warden's statement was that he had recommended the forfeiture of the leases. The position at that stage regarding exportation of iron-ore by the Japanese was that the Japs had entered into an arrangement with Brasserts for the supply of 1,000,000 tons of selected ore over a period of years. It will be remembered that the company was not one of much substance. There were two Brassert companies, one of which was of substance and the other of little substance. The company concerned with the Koolan Island iron-ore did not have much money and to assist it the Japanese agreed to instal all the necessary machinery on Koolan Island to deal with the iron-ore. The plant included that which was necessary for working the deposit, the breakers and the loading facilities. Against the expenditure on that account the Japanese were to be given credit by Brasserts in connection with the iron-ore for export. Such were the facts presented to us when we were at Koolan Island. They do not represent so much hearsay, but the facts related to us on the spot. The Commonwealth Government came into the picture in the manner mentioned by the Minister and prohibited the exportation of iron-ore from Koolan Island to Japan. It will be remembered there had been considerable trouble in the Eastern States in consequence of the export of pig-iron from Broken Hill.

Hon. J. C. Willcock: And scrap-iron, too.

Mr. TRIAT: That is so. At that time the export of both pig-iron and scrap-iron by the Broken Hill Company was permitted, yet an embargo was placed on the export to Japan of iron-ore from Western Australia. On the other hand there was no embargo on exports to Britain or America. Whether this was a move to prevent the opening up of the iron-ore deposits in Western Australia I do not know, but I do know that no iron-ore was exported from Koolan Island to Japan at all. The Minister made some reference to trading operations later on and it is quite true that Japan will have to trade with other parts of the world in order to secure iron and steel with which to rebuild her cities and towns. If we could supply that country with pre-fabricated materials it would be a valuable industry to Western Australia. We cannot do that because we have not got the necessary plant or the furnaces to deal with the ore. However, there is no embargo on the export of the ore and whether it would be a payable proposition I cannot say.

I trust the Minister will give consideration to the channels ordinarily open to him to secure the development of the iron-ore deposits for Empire purposes. If that can be done notice should be given to Brasserts to resume work on the leases immediately and to employ the number of men required to man them. There is a royalty payable on each ton of ore taken out, but I do not know if that applies only to export ore. I do not know whether it would apply if the ore were treated in Western Australia. I should think that any Government would be prepared to forgo the payment of royalties if it were possible to have works established in the State to deal with the iron-ore. In such an event the payment of royalties could hardly be taken into consideration when there was a possibility of such operations commencing here. The Minister said that heavy expenditure had been incurred already at Koolan Island and mentioned the sum of £35,000. I do not know where that expenditure could

have been applied. I thought the only expenditure incurred had been by the Japanese mining company.

The Minister for Mines: The amount mentioned to me was £35,000, and that is all I know.

Mr. TRIAT: At a later stage when no Japanese money was available, operations on Koolan Island ceased. The fact remains that no iron-ore was ever exported to Japan from Koolan Island. Certainly a small tonnage was exported for assay purposes but the ore was never exported in any great tonnage. The Government prevented any such possibility. Of course, for many years past samples of the iron-ore have been despatched south for examination. I was pleased to hear the Minister remark that the Government had in mind the necessity to hold on as long as possible to the areas at the extreme ends of Cockatoo Island, which sections are not held by the Broken Hill Proprietary Company. That company is a very fine, efficient concern and the only complaint I have to make against it is that it cannot see its way clear to do some of its work in Western Australia. Why the company should convey the iron-ore such a great distance is beyond my comprehension, unless it is that it desires to have the advantage of the ore as back loading for their steamers that will be trading to the islands and countries north of Australia.

The fact that iron and steel will be required for the reconstruction of buildings in the countries north of Australia will enable Australian industries to be expanded especially in connection with pre-fabricated materials, and then the back loading will be iron-ore from Koolan Island to Newcastle to permit of the fabrication of more iron and steel to be sold to other countries at a decent price and a decent profit. I think the Broken Hill Proprietary Company is exceptionally good, extremely capable and well-handled. Australia can thank the B.H.P. for the wonderful activity it displayed during the war. But for its activity, Australia would probably have been in a very sorry position. If that company could treat the ore in Western Australia, I would willingly give it the island.

The Minister told us that there are two leases on Cockatoo Island that are being held. This shows that the Government is acting in the matter. I trust the time is not far distant when Koolan Island will be forced into production and that the company holding the leases will be compelled to man them or that the leases will revert to the Crown. If they do revert to the Crown, the motion submitted by the member for Canning will be sound and suitable. I would not support the whole of the motion, but portions of it, in my opinion, are exceptionally good. The most important part is paragraph (2) which reads—

> After obtaining control of the leases, to make certain that the iron-ore is smelted in Western Australia, either by the State or by private enterprise.

I am not particular whether the work of smelting is done by the State or by private enterprise. If a company with sufficient funds undertook to work the iron-ore on Koolan Island and smelt it in Western Australia, I would be prepared to say, "Let the company have it." On the other hand, if a company said that it could not do the work here I would say, "Do not permit the company to have it." Even if these iron-ore deposits are not worked in our generation, there will be future generations that will require them. There are enormous quantities of iron-ore in Western Australia, as the Minister told us, but they are in most inaccessible places. If they are not so difficult of access, there is long transport to take the ore to the seaboard or to the point of manufacture. It would be necessary either to convey the coal to Koolan Island or to bring the iron-ore to a place where the coal or other means for smelting it is to be found.

Koolan Island has 30 feet of water right alongside the iron-ore deposits, and the ore has only to be broken in pieces small enough to permit of its being shot into the ship's hold without involving man-handling or transport. I was pleased to hear the Minister's statement that the Government is prepared to do all in its power to ensure that the Koolan Island ore is not sent overseas and if possible will be retained for the production of iron in this State. I trust that the Minister will give further consideration to his statement regarding the 42-year period which, I believe, is incorrect. I think I am right in saying that the maximum term for a mining lease is 21 years with right of renewal, but the right of renewal is subject to the approval of the Government. I support the statement that the question of the whole of Koolan Island being retained for the purpose of fabricating iron-ore in

this State should receive the earnest consideration of the Government.

On motion by Mr. Watts, debate adjourned.

MOTION—VERMIN ACT.

As to Adopting Royal Commission's Recommendations.

Debate resumed from the 3rd October on the following motion by Mr. Watts:—

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

MR. HOAR (Nelson) [8.3]: This report, which is available to all members, is so complete that there is no need for me to do other than support it very briefly, and for that reason my observations will not take long. The Minister for Agriculture a fortnight ago told the House that it would be quite impossible for him to consider introducing legislation this session. He referred to the length of the report, to the amount of evidence that had been taken, and said it was quite beyond his capacity as a human being to do anything about it this session. I, in company with other members of the Commission, very much regret that this is so.

The Select Committee, afterwards converted into a Honorary Royal Commission, was appointed on the 19th September of last year, and if nothing can be done about the report this session it will simply mean that two years will have elapsed since the Select Committee was appointed to inquire into the depredations of vermin, insect pests, cattle diseases, noxious weeds and so forth, matters of vital importance to the agricultural interests of the State. Nevertheless, if the Minister says he is unable to prepare legislation this session, I suppose we shall have to accept it with the hope that early attention will be given to the matter next year.

The Select Committee was appointed by the House probably because almost every member of it represents a community that has suffered serious consequences from the depredations of some particular type of vermin, and there is no doubt in anybody's mind that such an inquiry had to be made. Consequently, we set out fully aware of the importance of making a most exhaustive inquiry through all the agricultural and pastoral lands of the State in order that our activities might bring into being a report that could be used by the Government and on which it could base legislation of a very useful character.

Care was taken to ensure that no one was overlooked who could possibly assist the inquiry. No person of any standing, consequence or experience was overlooked. Witnesses were called from various Government departments—the Department of Agriculture and its subsidiary branches which received special attention, the Forests Department, the Railway Department and the Agricultural Bank. So it might well be said that, from an official point of view, nobody was overlooked. In all, 198 witnesses were examined, representing the administrative and practical experience of men who had been associated in some way or other with the effects and the attempted control of vermin.

Reference was made by the Minister for Agriculture to the tremendous amount of evidence taken. As a member of the Commission, I say that the amount of evidence taken and the great care exercised in securing it was necessitated, not because of the wishes of the Commission, but because of the wide scope of the inquiry and the need for dealing with each section exhaustively in order that a firm basis could be presented to the Government on which it could build legislation that once and for all would do away with the necessity for the present ridiculous methods of vermin control.

One thing that was specially noticed by the Commission during its travels was the complete lack of co-ordinated effort. Dealing with individuals, we found that farmers in some instances were making a good job on their holdings; others were not bothering so much. Generally speaking, however, from an individual point of view, there was a feeling of despair about the whole business. Some road boards were doing a reasonably good job; others not so good. We found on inquiry that some road board areas were striking a moderate rate to undertake almost adequately the work in connection with the control of vermin. Other boards, on the other hand, would not dare to strike a rate that would be necessary to undertake similar work in their areas. We found also that there was an unequal distribution of the burden and this was aggravated by the knowledge we gained that practically no attempt was being made to control or eradicate vermin

on Crown lands, forest reserves, unoccupied holdings, and so on. There was a complete lack of co-ordination in the State departments, and as a result such efforts as have been made and are being made to control this menace that causes such loss of real wealth to the State are spasmodic and should not be tolerated any longer than it takes to bring down legislation to provide more satisfactory methods.

In moving about the State—and we travelled over much of it—we found it necessary to recommend that the whole work of vermin destruction should be placed in the hands of one central authority clothed with sufficient power to enable it to enforce its decisions, and, last but not least, that all lands in the State should be taxed and in their own way should endeavour to make whatever contribution they can to the solution of this nation-wide problem. That is really the core of the whole report—the necessity for centralised control with sufficient power and sufficient money to undertake the work of destroying vermin which affects, to such a large extent, the wealth annually produced in this State.

Members may differ in their opinion on minor matters and on details. They may not agree on the question whether the mesh of rabbit-proof netting should be 1½ or 1¼ inches. Matters of that sort are unimportant to the main theme of the report. The Minister has already stated that in his opinion a weakness exists in the report because of the statements regarding the 1¼-inch mesh netting. If my memory serves me aright, he stated that in the report there is evidence that one man made a complete success of rabbit destruction by netting his property and destroying the warrens, and with the help of dogs, etc., and that in another part of the evidence there was reference to properties on which equal success had been achieved without the use of any netting at all. Those, however, are matters that can be dealt with in debate. I am not worried so much as to whether every individual property should be netted. It might be a good idea to band eight or ten properties together and net them as one, but I do say that to attempt to control or eradicate vermin, and particularly rabbits, it will be necessary to use netting and that, this being so, it will pay us, in the light of the knowledge that kittens can pass through the 1½-inch mesh, to spend the additional money and get the right kind of netting that will make it impossible for small rabbits to get through.

We have to consider this matter from a national point of view. If we fail to do that, if we do not bring down legislation that will make every person in the State, so far as possible, responsible for some effort in some way or other, in this attack on vermin, we shall be faced with a situation such as was explained the other day by a farmer who, in referring to the rabbits on his property, said, "They came and they bred and they conquered." That, of course, is an entirely wrong outlook. Taking the experience of farmers throughout the State—men who have had experience of vermin destruction on their own properties—and assessing the work now being done by individuals, road boards, etc., it is, in the opinion of the Commission, possible not only to control vermin in the State but also ultimately to eradicate it. One recommendation by the Commission is that the onus of destroying rabbits and foxes in certain classified areas, exclusive of Crown lands, should be removed from the individual farmers and placed on the local authority. That is one recommendation we made, after a great deal of thought and careful consideration.

If this suggestion is accepted and incorporated in a Bill, the road boards in those cases would be able to recover on that work which they found it necessary to do on a man's property, at a rate not exceeding 12s. 6d. per day. That idea was criticised by the Minister for Agriculture. He considers it to be a weakness, from the point of view that no man with rabbits in any number on his holding will worry about getting rid of them himself so long as he can get the job done for half the price at which it was done previously. I cannot agree with that point of view. I think that the despair that exists in agricultural areas today is due to the fact that people have never had a lead from the right place. When we consider that there are road board areas that have testified that three-fifths of their districts consist of Crown land, and that very little work has been done on that land, we can realise just what psychological effect such conditions must have on the man on the land and on officials of road boards who are attempting to do work on his behalf.

If we could have some co-ordinated effort that would not only encourage the individual to do his part but the road boards to do theirs also, failing which the commissioner could take charge; if we could have that system, coupled with a head authority who had the responsible task of utilising mobile units for further supplementary work; if, I say, we could have co-ordinated effort of that kind, we could solve this problem, probably within five years.

We feel that there is certain work to be done in this State that is quite beyond the capacity of the average individual even to contemplate. If we needed any more proof, or any proof at all, as regards the necessity for mobile units, we would only have to look at the fact that no work, or practically no work, is being done on Crown lands, on forest reserves and on unoccupied holdings. There is sufficient indication of the need for some other force being operated quite apart from that of the individual in order to cope with the problems of vermin that we find on unoccupied land, and on Crown lands in particular. Speaking from memory, I believe it was a Government official who said that rabbits did not breed to any great extent on Crown lands. We received plenty of evidence to prove that that is not true. We know for a certainty that in parts of our country, where tender shoots of various types of bush plant grow, rabbits can acclimatise themselves to that class of country and breed there; and, after a while, they migrate into more cultivated areas.

There is evidence, if members like to take the opportunity some time when they have a few minutes to spare to glance through some of these volumes, to prove that Crown lands are responsible for a great deal of vermin in this State. I very much regret that the Minister has not found it possible to introduce legislation this year. From my own knowledge, I know there is no doubt that rabbits are fewer in number than they were last year; and now is an excellent opportunity to strike. But if we cannot do that, we cannot! All I am concerned about is this: I know we are dealing with a motion that asks the Government to bring down legislation this year, and I suppose that sooner or later we shall have to vote on that motion. In view of the Minister's explanation, however, that he cannot under any circumstances introduce legislation this year for vermin control or destruction, I shall automatically, or necessarily, have to vote against the motion.

Mr. Mann: That is a poor admission.

Mr. HOAR: I shall do so very reluctantly, because I feel that now is the time to enter upon this attack against one of the worst enemies facing us today—now that we have beaten the Japs—and it is a great pity that such work could not at least be started this year.

MR. McLARTY (Murray-Wellington) [8.20]: I am pleased that I played some part in the compilation of this report. I feel that if members would study the report —assuming they have not already done so— they would certainly have a very much wider knowledge of vermin, diseases, and scourges throughout Western Australia than they have today. I know every member realises the damage being done in this regard, but one must travel through the country, as the Commission did, in order to get the real facts. A tremendous amount of interest has been shown in the Commission's activities. Wherever we went, we found great interest; it did not matter in which part we travelled. I think the Leader of the Opposition mentioned that some witnesses travelled long distances to give evidence. What struck me regarding the evidence tendered was that a great deal of thought had been given to it, and that close attention had been paid to the questionnaire sent to the various local authorities. Because of that, we were able to get practical evidence. I agree with the member for Nelson that vermin, diseases, and scourges generally can be controlled, but it is going to be a big fight. It is not an easy task, and the sooner we face it, the better. I am sorry legislation will not be introduced this session, but I realise the magnitude of the task.

If legislation is introduced early next session, after a careful study of the report of the Commission, I suppose that is the best we can expect, seeing that the Minister is quite definite that nothing can be done this session. There are a few very important recommendations in this report. Those recommendations were not made lightly. I feel that if members will give close attention to them, generally speaking they will be viewed favourably. I do not think that any member of the Commission expected to present a report that would not receive criticism; and

probably some criticism will be helpful. But there has been criticism of this report outside the House, and it has been such that I do not think that those who made it have given much consideration to the report; in fact, I doubt whether, in some cases, they have even read it at all. It is proposed to give power to a central body to supersede a local vermin board, if it is considered that board is not carrying out its duty. That may have caused some concern in certain quarters. It may have led to the idea among certain people that power is going to be taken away from the local vermin boards; but that is not the intention at all.

The report clearly indicates that we believe power should be decentralised; but where a vermin board is not doing its duty, and where it can be seen that there is an increase of vermin and, as a result, the productivity of that district is being seriously affected, some central authority should surely have some say in regard to what should be done. Again, even if the local vermin board were superseded for a certain time, that would not interfere with the activities of the local authority generally; and, of course, the local authority is the local vermin board. Another recommendation in this report which I hope will commend itself to the House is that the responsibility in regard to vermin destruction should be upon all land-owners whether urban or rural, and in towns generally. I do not think there can be any objection to that. If the wealth of the country depreciates to a great extent owing to vermin, etc., the whole community suffers. If that is the case, surely it is only logical that the whole community should pay something towards keeping vermin in check. It will also be seen that provision is made that the Forests Department and the Railway Department shall accept some responsibility. I think members will agree with that.

There is an enormous area of country in Western Australia owned by the Forests Department and the Railway Department; and, as pointed out by the three previous speakers on this matter, we have had definite proof that vermin are breeding on those lands. Therefore, it should be the responsibility of those departments to check the spread of vermin as far as possible. There is no doubt that in the southern parts of the State rabbits are the greatest curse. The suggestion in the report that the netting used should be 1¼ inch mesh was made only after the Commission had heard a great deal of evidence. The evidence that compelled us to make that recommendation was almost unanimous. We had definite proof that kittens do get through the 1½ inch mesh and the result is that a property netted with 1½ inch mesh is not effectively netted.

Mr. Perkins: Have you ever seen a rabbit-proof fence that was 100 per cent. efficient?

Mr. McLARTY: I do not think that any fence will remain 100 per cent. efficient. Bushfires affect some fences; kangaroos run into them; trees fall over them, and other things happen.

Mr. Doney: There are washouts underneath them.

Mr. McLARTY: Yes; no doubt the hon. member could give a dozen different reasons.

Mr. Cross: And gates are left open.

Mr. Perkins: Is not the 1½ inch mesh substantially efficient in that case?

Mr. McLARTY: I can only go on the evidence given to us, and I can tell the hon. member again that the evidence in favour of 1¼-inch mesh was overwhelming. Another recommendation is that local vermin boards should strike a rate of not less than ¾d. in the pound. The Commission soon came to the conclusion that there was a need for some uniformity in regard to rating. The rating of some boards was absurd. The amount of money they collected or attempted to collect was so hopelessly small that it was quite impossible to face up to the position.

The member for Nelson mentioned mobile units. The evidence given impressed every member of the Commission that a great deal of useful work could be done by mobile units, particularly on Crown lands, forestry reserves and vacant land generally. The unit would consist of three men, with a truck and all the other equipment necessary, and it could cover a tremendous area in a short time. If there was an outbreak of vermin in a particular area the units could be transferred there to deal with the outbreak. I think the suggestion is a practical one which should receive serious consideration. It was also recommended that certain types of pests should be declared vermin, and I think the House will agree with that. The Commission was told that kangaroos and euros in the northern part of this State were causing damage, as were

also the pigs, goats and donkeys, which were rapidly increasing in numbers and seriously affecting the carrying capacity of that vast country. From what we heard, very little is being done to cope with them and, as some of the landholders in outer areas told us, unless something is done there will be little prospect of their remaining on their holdings.

The Leader of the Opposition gave details of the ravages of dingoes in certain areas and the evidence before the Commission was that it was only a matter of time before hundreds of thousands of acres would have to be abandoned unless the dingo menace was combated. That applies also to the euros and kangaroos in other parts. The Commission has also recommended that certain birds be declared vermin and, if members saw the damage done by the birds, I think there would be no hesitation in declaring them vermin. I was in the hills, recently, out from Byford, where a certain man was growing vegetables and fruit. In a short time, with 800 shots from a .22 calibre rifle, he shot 600 parrots. That shows how quiet the parrots were. In spite of that they are still increasing rapidly. One hears it suggested that certain forestry land should be made available to orchardists, but I pity the man who goes in for an orchard in those areas under present conditions, when the parrots are so thick and do so much damage that it would be difficult to make a living.

Evidence was given that the black cockatoo was also doing a great deal of damage and the Commission was told of one orchard where black cockatoos had destroyed 4,000 cases of apples, and that in ten minutes they can strip a tree of eight or ten cases of apples. That will indicate the extent of the damage they are doing. I was surprised at the lack of interest on the part of local authorities in the spread of noxious weeds. The spreading of many of those weeds could have been prevented had steps been taken in the early stages. That was not done and the weeds covered those districts and spread rapidly to other districts. Members know what happened in the case of the double-gee. There are also such weeds as the cape tulip and others that have been allowed to spread, some to such an extent that they are no longer controllable and, in certain areas, will have to be taken off the "noxious" list. In other areas where they have not got a hold every effort should be made to prevent them doing so.

The Commission heard a great deal of evidence regarding the fruit industry and I strongly commend the adoption of the Commission's suggestion for the community spraying of fruit-fly. I believe that is the only effective remedy. The recommendation is that there should be compulsory spraying or community spraying within 100 miles of the G.P.O. I do not think that would be hard to put into operation, and the department could recompense itself for the cost. I believe it would be so effective that in a few years we could practically eradicate fruit-fly. Stock diseases are causing a great deal of concern throughout the State and various parts of the State are faced with the problem of different diseases. More research is recommended, and I think that is a sound policy. I refer particularly to foot-rot in sheep, and members will see a recommendation that sheep that are put into sale-yards, if they are affected, should be declared as having foot-rot, and should be set aside for immediate sale.

One cause of the spread of foot-rot is that sheep have been put into the yards and have been sold, and when the new owner takes them to his property the germ gets into the soil, and soon the whole of his flock is infected. That applies also to rail and motor-trucks carrying infected sheep. The recommendation is that such trucks should be disinfected, and I think that is overdue. The Commission came to the conclusion that there appears to be little room for veterinary surgeons to make a living in Western Australia by private practice, though there is a strong need for them. I think stock owners would be prepared to pay a reasonable amount for the services of veterinary surgeons, though there are huge areas in this State that are without the service of a veterinary surgeon. It is recommended that ten scholarships each of £200 per year for five years should be provided by the Government, and provision is made whereby the students could pay that money back. There is no doubt about the need for veterinary surgeons, and I think that is a sound proposition. It would pay the State handsomely to adopt that recommendation.

Another recommendation is that more pamphlets should be distributed to local authorities, dealing with the particular diseases with which the local authorities are concerned. That would be a wise move, and not a very expensive one.

Mr. Cross: Who is to pay for all that?

Mr. McLARTY: If the member for Canning has read the report he will see that ways and means have been devised to raise money. The cattle compensation scheme that has been suggested is worthy of consideration. If a man who owns a diseased animal knows that he will be compensated for it I do not think he will hesitate about letting the authorities know, so that it can be slaughtered. I hope that recommendation will be adopted, as I think such a scheme is long overdue.

Mr. Cross: How much extra will these schemes cost the State?

Mr. McLARTY: They will cost something, and I cannot tell the member for Canning how much extra they will cost, but I have no doubt that would repay the State.

Mr. Thorn: Generally speaking, the producer has to pay.

Mr. McLARTY: The producer is to pay his fair share under these recommendations.

The Premier: Revenue will have to pay, also.

Mr. McLARTY: In moving round the country, the Commission found a difference of opinion regarding foxes. Some sheepmen said they would not have a fox poisoned, while others told of heavy losses through foxes. I agree with my colleagues on the Commission that the fox is doing far more harm than good. If allowed to increase, I have no doubt the fox will seriously affect the sheep population of the country.

Mr. Seward: What is the fox to live on when the rabbits are all killed?

Mr. McLARTY: It will take some time before the rabbits are killed; but the fox is sometimes partial to lambs, even when rabbits are plentiful.

The Premier: The fox likes turkeys, also.

Mr. McLARTY: That is so. The report has been fully covered by the three previous speakers. I again commend it to members of this House. I hope they will read it and pay close attention to it, as the questions with which it deals are of great importance to this State, and undoubtedly should be tackled. The sooner they are tackled, the better it will be for all concerned.

MR. OWEN (Swan) [8.43]: There is no doubt that this Commission covered a lot of ground and sifted a great deal of evidence. After reading the report I think everyone will agree that vermin cause a great deal of damage and loss of wealth in this State. It is hard to say how much, but it must be millions of pounds annually. The report mentions that rabbits may do damage to the extent of £2,000,000 per annum. I agree that they do that damage, and possibly more, because the rabbit, as vermin, is widespread throughout the agricultural and pastoral districts of the State. It does much damage; it is not only what it eats, but the damage it does in other ways. It has been estimated that seven or eight rabbits will consume as much grass as a sheep; and therefore rabbits deprive quite a few thousand sheep of their rightful feed. Apart from that, the rabbit is a very selective feeder; it does not take the grass as it comes, but picks out the best of it. Consequently, many varieties or species of grasses are destroyed and the pastures, although they may look all right, are more bulky than nutritive. The best part has been taken by the rabbit. This in turn deprives the sheep of much nutriment, and I think it has a lot to do with the undernourishment of sheep and the diseases which follow in the trail of under-nourishment.

The rabbit can also be blamed for much soil erosion. Over-stocking is one of the biggest causes of soil erosion. Although the farmer or pastoralist is able to control his sheep and cattle—he can reduce the numbers by selling some of them—the rabbit is a different problem. A farmer might sell 1,000 sheep and expect the remainder to live comfortably on the feed then available; but if rabbits are allowed to breed they will deprive those sheep of their rightful feed and cause over-stocking. Thus soil erosion follows in the trail of the rabbit. I think the member for Nelson struck the right note when he said that, although much had been done in this State in attempting to control vermin, the main cause of failure was lack of co-ordination. Some districts did everything possible to control vermin, but other districts did nothing. In one district a farmer might spend a huge sum of money upon the destruction of vermin, while his neigh-

bour does nothing in that direction. Vermin control should therefore aim at a uniform effort throughout the State or throughout those districts affected by vermin.

Much has been said about emus and unquestionably they do much damage during certain seasons. I was at Campion some 13 years ago at the time of the emu war and could clearly see whole areas of wheat that had been stripped by emus. Not only did the emu eat the wheat, but in running through the crop his toes acted as a stripper. He stripped the ears of the corn as he ran along and consequently the corn which fell was wasted. The normal home of the emu is further north, but they do migrate southwards, particularly in dry seasons. The member for Mt. Marshall went to considerable trouble to display an emu chick which had been bred in an area within his district. It is admitted that they will breed there, but they breed much further west and south than that. I have seen an emu with chickens within 20 miles of Perth.

Mr. Thorn: So have I.

Mr. Willmott: We have them in my district.

Mr. OWEN: The point I am making is that the emu is in many parts of the South-West and breeds there; but I maintain they will not become a pest there such as they are in the eastern wheatbelt, where they come down in plague form when food is short in their natural breeding places further north. Reference has been made to parrots and black cockatoos. As a fruitgrower, I heartily endorse the statements made with respect to the powers of destruction of black cockatoos. The Commission's report states that every effort to control them, or at least to keep them from doing damage, should be undertaken as early as possible. Cockatoos and parrots fly quickly; they are here one minute and a couple of miles away a few minutes later. They are difficult to control and are somewhat seasonal in their attacks on fruit. The parrot —particularly the ring-necked parrot—is hardly noticeable in some years throughout the South-West. In other years it comes there in plague form. That remark applies also to the smaller bird known as the silver-eye. It is noticeable that when there is good blossoming of our native eucalypt, which provides the natural food for the silver-eye, that bird does not trouble about fruit. It is in the gum trees getting the honey or nectar from the blossoms. To control them is exceedingly difficult, and I think that rather than destroy them efforts should be made to keep them away from orchards by some form of scarecrow. Some years ago a method was brought to the notice of the Government of scaring birds and animals. It is a mechanical gun which is operated by acetylene and is used in the United States of America.

Mr. Thorn: We have one in the State now; I have just imported it.

Mr. OWEN: It is an ingenious device.

Mr. Thorn: My word!

Mr. OWEN: A description of the machine was sent to the Public Works Department; but because it was not accompanied by blueprints, the officers of that department could not see how it worked and would not attempt to understand it. I feel sure the machine can be made quite easily, and that it is merely a matter of investigation to ascertain whether any patent rights would be infringed. The machine would prove of great use in stopping the depredations of cockatoos, parrots and silver-eyes, if it were made available to fruitgrowers at a cheap price.

Mr. Perkins: How much does it cost?

Mr. OWEN: I think I could make one for £1 or £2.

Mr. Thorn: I demonstrated one last night and it proved to be very effective.

Mr. OWEN: What is often classed as public enemy No. 1 of the fruitgrower is the fruitfly. Much has been attempted to control it. Unfortunately, I think the time is long past when we can look to the total eradication of the fruitfly. Florida demonstrated 10 or 15 years ago that the fruitfly could be eradicated. In that State an area of approximately 1,500 square miles was in places grossly infested with the fruitfly. By much work, and at an expenditure of about 6,000,000 or 7,000,000 dollars on destroying fruit crops and much of the natural vegetation which carried fruit suitable for breeding the fly, it was destroyed. If we had that sum of money available possibly we could destroy the fly here, but I am afraid we cannot spend millions of pounds in one or two years in destroying the fruitfly. We can, however, con-

trol and perhaps eradicate it in parts of our fruitgrowing areas in the South-West. It must be remembered that in our northern areas—at Geraldton—the African box thorn is badly infested with the fly. It has been reported even as far north as Carnarvon. We should direct our efforts, in my opinion, more at control than eradication.

For some years fruitgrowers have voluntarily taxed themselves in order that inspectors may be employed to supervise the work of fruitfly control. That has resulted in much good; but in certain seasons, particularly during the past few years when, owing to war conditions, labour has not been available, the fruitfly has been more prevalent and growers have not been able to control it as they should. The Royal Commission has made a recommendation for community baiting. That I think would need a tremendous amount of control. Some 15 to 20 years ago in small areas the growers organised a voluntary system of community baiting which produced excellent results. Perhaps those results were used a little more than they should have been for propaganda purposes, blut I do know the work done proved very effective in controlling the fly. Unfortunately many growers did not join these voluntary schemes and so those who participated in them are faced with heavier costs.

I understand the Agricultural Department is at present considering the introduction of community baiting schemes; and, as I have said, I think they will prove most effective. I can see one difficulty, however. How are the fees to be collected? As many members are aware, fruitfly baiting is only done prior to and during the fruit season; and in most of our fruitgrowing areas, with the exception of one or two districts, we have all sorts of fruit ripening throughout the year. In community baiting the orchards must be visited at least once a week by the person who is doing the baiting. There might be a 20-acre orchard, in which, say, there are ten loquat trees, yet that orchard must be visited to spray even those ten trees. Some orchards are miles apart, and who will bear the expense involved in travelling just to bait those ten trees? Yet they must be baited in just the same way as is an orchard of 500 or 600 stone-fruit trees. It will be difficult to allocate the expenses to the particular growers concerned. Possibly a way will be found to overcome the difficulty.

Noxious weeds, like vermin, have been allowed to multiply exceedingly. Many weeds, had they been attacked in the early stages, could have been eradicated at very little cost. I can mention one pest which was controlled and finally eradicated in this State—the codlin moth—an insect which has done an immense amount of damage to apples and pears in, I think, practically every apple and pear-growing district throughout the world. I understand that Western Australia is unique in that it has no codlin moth here at present, at least so far as we know, but that is due to vigilance and to the prompt attention which has been given to the outbreaks as they occurred. There have been 3 outbreaks, I think, since 1902. In each instance the moth was eradicated, usually within two seasons of its discovery.

Another disease, this time a fungus trouble, namely, black spot in apples, has been treated likewise and the four or five outbreaks that have occurred here have been eradicated within a few years. If our other imported pests and noxious weeds had been treated in the same manner the few pounds spent at the inception would have saved many thousands or hundreds of thousands of pounds now. The report mentions scourges and includes vermin and insect pests. It has very little to say about fungal diseases. Here we are likely to strike trouble because, although some insects and many animals are seasonal in their incidence, fungus diseases are much more so. Wheatgrowers can recall the years when rust has been bad. There is no easy means to control rust. A crop may look in the best of health one week and the next week be practically ruined by the incidence of rust. But it is not so much the big farmer—the wheatgrower and others—that I refer to, but the small grower of vegetables and fruit. The fungal diseases, in their case, are of great economic importance.

If landholders are to be taxed to provide a fund for the control of vermin I maintain that the people who are subject to losses by fungal diseases should be able to participate in any advantages gained by contributing to a vermin fund. Many growers would be willing to pay a few

pounds into the fund and have that money spent on dealing with rabbits although they had no rabbits on their properties, but they would benefit from the wealth of the State. Growers, where properties are affected by fungus troubles, would not get any direct advantage by contributing to the fund. At the same time they have to spend many hundreds of pounds annually to control fungal troubles. It would take too long to enumerate even a part of the fungus diseases that are rampant, in favourable seasons, in our South-West fruit and vegetable growing areas. I hope that some consideration will be given so that those people will receive some of the benefits of the money that they contribute to the general fund.

The Minister has told us, quite plainly, that this report cannot be adopted during this session. With the added time, as a result, between now and next session there will be a better chance for the findings of the Vermin Commission to be followed up. In some cases further research may be applied to the problem. If action is taken next session the State, in general, will benefit by the adoption of much of the knowledge included in this report.

On motion by the Premier, debate adjourned.

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

Second Reading.

Debate resumed from the 3rd October.

MR. NEEDHAM (Perth) [9.5]: For at least the fourth time in the past few years we have a Bill before us that has for its purpose the amending of our divorce laws. On this occasion I am going to take the same attitude that I adopted on the previous occasions, and speak and vote against the second reading of the Bill. If this measure becomes an Act it will have the effect of making easier the path and opening wider the doors of the divorce court. The member for West Perth, on a previous occasion, sponsored a Bill with a similar objective. The difference in the measure introduced now is, particularly, in regard to the length of time that must elapse before a judge may use his discretion and grant a divorce. Under the Bill a divorce can be granted at the discretion of a judge. There are two objections to the measure that I will now mention. I shall also submit others in the course of my speech. The first objection deals with the question of maintenance.

The Bill states that provision must be made for maintenance for the aggrieved party. That might be all right for a petitioner who is well supplied with this world's goods. It would not be of much use to a petitioner who has to eke out an existence on the basic wage. This Bill, therefore, might, in a sesnse, be called a rich man's divorce measure and not a poor man's Bill. The other objectionable feature that I see in the measure is its retrospective nature. If it becomes an Act the couples who have been separated for ten years can secure a divorce after going through the procedure outlined in the measure. During my time in this Chamber I have noticed that if any Bill dealing with industrial matters has for its objective the improvement of the conditions of life, and has a retrospective feature in it, it meets with serious opposition because of its retrospective nature. For that reason, if for no other, I shall object to this measure.

In the course of his address the member for West Perth instanced the Divorce Bill introduced into the House of Commons by Mr. Herbert and suggested that because the measure introduced by Mr. Herbert in 1937 is now law this Bill should also become law. He said there has been a change in the public attitude towards divorce. I would remind him that since that measure was passed by the House of Commons, a Bill of this nature was defeated in this House, and I hope this measure meets the same fate. It is true there has been a change of attitude on the part of the public towards divorce, a deplorable change, in my opinion. If any evidence of that is needed, one has only to look at the newspapers to see reports of cases of divorce, particularly during the past few years. Not only was there a record number of divorce cases in this State last year but, unfortunately, those cases had another deplorable feature, that the majority of the petitioners were husbands, not wives. The wife usually seeks release from the marriage bond because of the infidelity of the male partner, but it is infinitely worse if the male partner has to avail himself of the machinery of the Divorce Court to end the partnership. There has been a deplorable change in the public attitude towards divorce. I want that fact to be re-

membered by members when they come to vote on this question. This Bill reached us from another place, where it was introduced by Hon. H. S. W. Parker. When speaking to the second reading of that Bill, Mr. Parker used these words—

> Before a person can come before a court on any petition for a divorce, that person has to make an affidavit that there is no collusion or connivance, but to prove collusion or connivance is a very difficult matter.

Admittedly that is so. It is undoubtedly difficult to prove collusion or connivance, or both, but I wonder whether Mr. Parker, or his colleague in this Chamber, contends that the alteration in the divorce law that would be caused by this Bill, if agreed to, would prevent collusion or connivance.

Mr. Rodoreda: One could never prevent that.

Mr. NEEDHAM: Would this measure, if passed, help even the parties or the court to get the matter proved? I do not think it would. I think there would be just as much opportunity for collusion and connivance when seeking release from the marriage bond, because of the ten years' separation that this Bill provides for, as there is at present. Mr. Parker went on to point out that the Bill is designed to benefit those people who have effected a mutual separation, where there is no question of desertion. This introduces a new element into divorce legislation, since there is no aggrieved party seeking to remedy an injustice done by the other party.

Mr. Rodoreda: What is the new element; that they both want the divorce?

Mr. NEEDHAM: The new element of trying to get a divorce for separation and not for desertion! In the case of desertion, the granting of the decree is to be subject to the absolute discretion of the judge, but this Bill advocates the principle of divorce by mutual consent, and that is an element that should not be introduced into our divorce legislation. My interpretation of this measure is that that feature would be introduced by such legislation.

The Minister for Works: The Bill was passed without debate in the House of Review.

Mr. NEEDHAM: The Bill provides that ten years' separation is necessary as the ground for divorce. If that is established, I would not be surprised if another Bill is brought in, within a short time, to reduce the period, in order to bring about divorce on the point of mutual separation.

Mr. Cross: It should be five years, and not ten years, in any case.

Mr. NEEDHAM: In his speech, Mr. Parker went on to say that one can meet that objection by seeking to prove that a desertion virtually becomes a mutual separation after three years if the aggrieved party, by seeking a divorce, shows that a reconciliation is no longer desired. That argument does not alter the fact that the basis of the separation was an injury done by one party, desertion, and not mutual separation, and the law presumes that after three years there is no longer any hope of reconciliation. On that occasion Mr. Parker said it is a strange thing that the ecclesiastical authorities have always considered the physical side of marriage more important than the spiritual or moral side, and that it is those people who are opposed to divorce, except on the ground of adultery. I challenge that statement.

Mr. SPEAKER: The member for Perth is not in order in quoting from the debate in the other House.

Mr. NEEDHAM: I am not quoting from "Hansard."

Mr. SPEAKER: The member for Perth is referring to a debate in the other House and under Standing Order No. 130 he is not allowed to do that.

Mr. NEEDHAM: At all events, that statement was made, and I say it is far from the truth. It is surprising that such a statement was made by that learned gentleman. There are many ecclesiastical authorities, with different religious opinions, who are entirely opposed to divorce for any reason, or on any grounds, so it is not true to say that ecclesiastical authorities are opposed to divorce except on the ground of adultery. The gentleman to whom I have referred should know that many ecclesiastical authorities are opposed to divorce on any grounds. Again the statement is wrong in its implication that the objection to divorce is confined to ecclesiastical authorities. There are many people who are opposed to divorce but who are not ecclesiastics. It could be said, of course, that the churches, using the term in its general sense, are opposed to divorce. There are many ecclesiastical authorities

with different religious convictions who are opposed to divorce on any ground, so it is not truthful to say that ecclesiastical authorities are opposed to divorce except on the ground of adultery.

Mr. SPEAKER: What is the hon. member quoting from?

Mr. NEEDHAM: From a statement in the Press.

Mr. SPEAKER: I draw the hon. member's attention to Standing Order 127 which reads—

> No member shall read from a printed newspaper or book the report of any speech made in Parliament during the same session.

Mr. NEEDHAM: If I have infringed the Standing Order, I shall cease from doing so. I must say, however, it is not the first time in this House that members have quoted from a statement in the Press, and no objection has been raised to the practice. However, Mr. Speaker, I bow to your ruling.

Mr. SPEAKER: The hon. member's statement is not correct. Members have been stopped many times when quoting from newspaper reports of debates during the session.

Mr. NEEDHAM: I was not quoting from the paper; I was remarking on what was in the paper.

Hon. J. C. Willcock: A very nice distinction!

Mr. NEEDHAM: However, I do not dispute your ruling, Mr. Speaker. I have outlined the main features of my objection to the Bill. There is very little difference between this measure and others that have, on four occasions, been placed before the House. I contend that the path to the divorce court today is already too easy and too broad, and the gateway to the path is unduly wide open. If we are to have any respect for the sacred contract of marriage we should not pass legislation of this nature. I have already referred to the changed attitude in the public mind and that changed attitude has resulted in looking upon the marriage contract as merely a business arrangement. I am afraid it will be disastrous for this nation if that view is persisted with.

I disagree entirely with the statement made by the sponsor of this Bill that those of us who are opposed to divorce place more stress on the physical than on the spiritual and moral side of the problem. The physical side is important but by far the most important part of the marriage contract to my mind is the spiritual and moral aspect. Legislation of this nature if enacted will tend to lower, instead of elevate, public opinion on the question of the marriage laws. I oppose the second reading of the Bill.

MR. STYANTS (Kalgoorlie) [9.25]: The introduction of this Bill appeals to me as something in the nature of meeting an old friend. Twice during the nine or ten years I have been a member of this Chamber Bills of this description have been introduced. The first time the period prescribed was three years, then the period was altered to five years, and now the present Bill makes ten years the period necessary during which a husband and wife must live apart before their separation can be regarded as constituting a ground for divorce. The extension of the period to ten years has not made the measure any more acceptable to me although it has rendered it less objectionable—and objectionable it still is, so far as I am concerned. I think it is the duty of all members to uphold the sanctity of home life and the marriage contract. I believe that the marriage institution is the foundation stone of Christianity. It is the sheet-anchor upon which our civilisation depends. I believe that each time we remove one of the struts from the structure of the marriage institution we jeopardise and injure our method of life. It was mentioned that quite a number of people will be desirous of getting out of their marriage contracts and particularly out of unhappy marriages that were made because of the time of war. Unfortunately that is so.

In wartime men have very slight regard for their responsibilities as regards sex matters, and women to a lesser extent have also little regard for their moral standards. Very difficult situations arise. I do not think because of unusual circumstances arising out of the war we should undermine the whole of our divorce laws to meet a peculiar situation. Marriage is a custom that has existed all over the civilised world through all history. The marriage contract is not regarded by thoughtful people as an ordinary type of

contract. There is a sacred and social significance attached to the marriage contract, and I do not think this House should make it easier for people to disregard the sacredness of that contract. It is true, as was remarked during the debate, that in some countries the securing of a divorce is particularly easy. Unfortunately, that is correct, but that is no argument why we should provide an easy means by which our people may secure divorces.

In some countries it has become so easy to secure a divorce that in some instances during a comparatively short life-time it is extremely difficult for some participants to trace their matrimonial histories. It is also true that in those countries the morals of people who indulge in the practice of getting married and then securing divorces, are little above those of the barnyard. I believe that the civil law of divorce is essential if the marriage institution is to continue, but I am not one of those who would say that an unhappy marriage should be indissoluble or that a marriage contract entered into should be irrevocable. If that attitude were adopted, I believe it would prove to be the greatest possible menace to the institution of marriage. In the first place it would deter people from entering into the marriage contract if they knew there were no means of getting out in the event of the union proving an unhappy one. If there were no means of escaping from it and it turned out to be unhappy, I think there would be a greater number of people living in adultery than there is at present. Therefore I am not one of those who believe there should not be some means of escape from a matrimonial union which has not turned out as desired.

Looking through the part of the Supreme Court Act dealing with matrimonial causes and matters, Section 69, I find that there are approximately 14 reasons for which a wife can get a divorce from her husband and there are about 10 grounds on which a husband can get a divorce from his wife. It might be worth while reading just what those grounds are so that members will not be of opinion that, in the event of a marriage turning out to be unhappy, there is no escape for the parties. As a matter of fact I think that the reasons for which one may obtain a divorce are particularly liberal, and I do not know that we should be prepared to pass legislation to provide yet another one. Section 69, under the heading "Divorce and Nullity of Marriage" reads—

(1) It shall be lawful for any husband, domiciled in Western Australia, to present a petition to the Court praying that his marriage may be dissolved on the ground that his wife has since the celebration thereof been guilty of adultery.

(2) It shall be lawful for any wife, domiciled in Western Australia, to present a petition to the Court praying that her marriage may be dissolved on the ground that since the celebration thereof her husband has been guilty of adultery, sodomy, or bestiality.

(3) It shall be lawful for any married person, domiciled in Western Australia, to present a petition to the Court praying that his or her marriage may be dissolved—

(a) on the ground that since the celebration thereof his wife or her husband, as the case may be, has without just cause or excuse wilfully deserted him or her, and without any such cause left him or her continually deserted for three years and upwards, or

(b) on the ground that the respondent, being the petitioner's husband, has during four years and upwards been an habitual drunkard and either habitually left his wife without means of support or habitually been guilty of cruelty towards her, or being the petitioner's wife has for a like period been an habitual drunkard and habitually neglected her domestic duties or rendered herself unfit to discharge them; or

(c) on the ground that at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than three years and is still in prison under a commuted sentence for a capital crime or under sentence of imprisonment for seven years or upwards, or being a husband has within five years undergone frequent convictions for crime or misdemeanour and been sentenced in the aggregate to imprisonment for three years or upwards and left his wife habitually without the means of support; or

(d) on the ground that within one year previously the respondent has been convicted of having attempted to murder the petitioner or having assaulted him or her with intent to inflict grievous bodily harm; or

(e) on the ground that the respondent is a lunatic or person of unsound mind, and is confined as such in an asylum or other institution under the Lunacy Act, 1903-1920, in Western Australia, or in a like institution in any other part of the British Dominions, and has been so confined for a period or periods not less in the aggregate than five years and is unlikely to recover from such lunacy or unsoundness of mind; or

(f) on the ground that the respondent, being the petitioner's husband—

(i) is separated from the petitioner under a decree or order of a competent court or by virtue of a deed or agree-

ment or separation, and has been so separated for a period of three years and upwards; and

(ii) is, and has been during the period aforesaid liable by virtue of a decree or order of the said court or of a covenant in the said deed or of such agreement to make periodical payments to the petitioner, or to some person on her behalf, by way of alimony or for the maintenance and support either of the petitioner alone or of her and any child being offspring of the marriage; and

(iii) has during the period aforesaid failed to make such payments periodically as required by the decree, order, covenant, or agreement, either entirely or repeatedly and habitually;

and every such petition shall state as distinctively as the nature of the case permits the facts on which the claim to have such marriage dissolved is founded.

(4) If the respondent shall fail to comply with a decree for restitution of conjugal rights, such respondent shall thereupon be deemed to have been guilty of wilful desertion without just cause or excuse, and a suit for dissolution of marriage may be instituted, and the petitioner shall, subject to this Act and as hereinafter provided, be entitled to a decree nisi for the dissolution of the marriage:

Provided that no such decree shall be made unless the desertion shall have continued for three years, but wilful desertion without just or reasonable cause or excuse prior to the decree for restitution of conjugal rights if continuous with subsequent desertion shall be included in computing such period of three years:

Provided also that such decree nisi shall not be made absolute until after the expiration of six calendar months from the pronouncement thereof, unless the Court shall for good cause fix a shorter time.

(5) Any married person domiciled in Western Australia may present a petition to the Court praying that his or her marriage may be dissolved, and it shall be competent for the Court to decree a dissolution thereof—

(a) in the case of a wife on the ground that prior to the celebration of the marriage the husband has been guilty of incontinence whereby at the time of such marriage a woman other than the wife of such marriage is pregnant to such husband, and

(b) in the case of a husband on the ground that prior to the celebration of the marriage his wife has been guilty of incontinence and was, at the time of the celebration of the marriage, pregnant to a person other than the husband of the marriage.

Members will see that ample grounds are provided in the present divorce laws.

Mrs. Cardell-Oliver: Is not there another ground?

Mr. STYANTS: I am quoting from the Act, and, as I mentioned before, there are 14 grounds on which a wife can claim divorce and 10 on which a husband can claim divorce. Therefore it cannot be suggested that the Legislature has been indifferent to the cases of unfortunate people who have entered into the marriage contract, only to find that they were unhappy and desired to get out of it. In the whole of the legislation that has been passed dealing with this matter, I think it is a basic principle to protect the innocent or injured party, but the proposal in the Bill intends also to protect a guilty party. Under its provisions, a man could commit all those crimes for which his wife may now claim divorce, and the judge or jury trying the cause would have discretionary power to decide whether the divorce should be granted or not.

I am opposed to any principle of legislation that would have the effect of protecting a guilty party. I have in mind two cases, one of them a wealthy man and another a working man. The working man had a good wife, who bore him two children; but he beat her mercilessly and she obtained a separation for herself and maintenance for her two children. She was independent. She said she did not want maintenance for herself. She had maintained herself before she was married, she said, and would maintain herself after the separation; but, as I said, she got maintenance for her two children. The couple had not been living apart for more than three months when the husband was living in adultery with another woman. Under the provisions of the Bill, that man could approach the court and claim a divorce on the ground of a separation for three years. I do not think members here would agree that he deserved it.

Mr. Watts: Ten years.

Mr. STYANTS: Yes, that is so, although ten years does not make the Bill any more acceptable. The case of the wealthy man is probably known to members. When he was married he was not particularly wealthy, but he inherited much wealth and immediately decided on hitting the high spots. His companions and consorts were ladies of easy virtue. On two occasions, I think, he tried to get a divorce, alleging misconduct on his wife's part. It was alleged by counsel for the wife, who was the respondent, that what our Yankee friends term "framing" was attempted by the husband against the wife. Whether that is correct or not, the court decided on each occasion that the wife was a good, honourable woman and found against

the husband. That man became so infatuated with the picture of a lady that appeared in a magazine that he wrote to her offering her work as a secretary. She came to the State and, because her work was not up to the standard required, or for some other reason, he did not carry out the conditions of the contract, whereupon she sued him and recovered substantial damages. Under the provisions of this Bill, that man, after having lived ten years apart from his wife, could apply to the court and ask for a divorce.

Mr. Watts: He would not necessarily get it!

Mr. STYANTS: No.

Mr. Doney: He would be hardly likely to, in those circumstances.

Mr. STYANTS: But we would be giving the judge discretionary power to grant him a divorce.

The Minister for Justice: Under the Bill it would be competent for him to get a divorce.

Mr. STYANTS: Yes, if he has lived ten years apart from his wife that would be a ground for divorce. The Bill also provides that the court shall refuse a decree unless and until provision is made for maintenance, as in the circumstances the court thinks proper, of the respondent and any children and the custody and care of any such children. Members can easily ascertain for themselves how that will work out. Assume a working man marries at the age of 21 years, and that he lives with his wife for three years and they have a couple of children. They then decide that they are not getting on too well together and separate. After the lapse of a period of ten years, either party would be able to approach the court for a divorce, and such separation shall constitute the ground.

A decree nisi is obtained and in six months is made absolute. The man is then only 31 years of age, but the court has made provision that he must maintain his wife and children. We will assume he is in receipt of the basic wage, £5 per week. The court would probably order him to pay £2 10s. per week for the maintenance of his ex-wife and two children. Twelve months after the divorce he decides to re-marry; and on this occasion he is more fortunate, he has found a woman with whom he can live contentedly, or with whom he can get along, anyway. In three years they have two children. He therefore would have £5 a week to keep two wives and four children! In those circumstances, I say the natural thing for him to do is to provide for the wife with whom he gets on well and her two children, and to neglect to make the payments to the first wife and two children. It may be said that the court will make him pay; but I suggest to members that they consider what happened at the Child Welfare Department before the war. They will find out how difficult it was to make people keep their dependants, and how difficult it was to make men keep their illegitimate children.

Mr. J. Hegney: Suppose he loses his job, what then?

Mr. STYANTS: He is then worse off. I give him the benefit of being in constant employment. The result will be that the cost of the maintenance of the first wife and her two children will have to be borne by the taxpayers of the State.

Mr. Rodoreda: Now tell us what happens when the first wife gets married again.

Mr. STYANTS: The position would then not be so bad, as she would have a husband to keep her.

Mr. Rodoreda: There is a chance of such a happening.

Mr. STYANTS: Assuming she does not get married again, the fact remains that that working man in receipt of £5 a week would have to keep two women and four children. I repeat, he will neglect to make the payments to his first wife and her two children, and the cost of their maintenance will have to be borne by the taxpayers. I am prepared to compromise on the Bill. If it is amended so as to provide that the parties live respectably during the separation of ten years, then that separation should constitute a ground for divorce.

Mr. Rodoreda: What do you mean by "respectable"?

Mr. STYANTS: The man should not live with another woman, nor the woman with another man.

Mr. Rodoreda: Tell us the percentage that does.

Mr. STYANTS: I do not know anything about percentages. Probably the hon. member knows the percentage of immorality and adultery in the community. I have only a smattering of such knowledge.

Several members interjected.

Mr. SPEAKER: Order!

Mr. STYANTS: I do not know. The hon. member need not get panic-stricken. I speak for myself, but I can assure the hon. member that I did not have him in mind when I mentioned the matter of adultery.

Mr. Smith: That is the secret sin.

Mr. STYANTS: But I go further and say that where a couple find they cannot live together contentedly and then separate, I would agree to a period less than ten years provided they both lived respectably; but under this Bill a man could commit every offence mentioned in Section 69 of the Supreme Court Act, yet, provided he lived apart from his wife for ten years, he could use that as a ground for a divorce. It might be possible, on the woman's side, that after being married for a certain time and having decided to part, because they could not get on together, she might become a street harpy; and yet, under this Bill, provided they have lived ten years apart, that constitutes a means of divorce. If this Legislature is going to pass a measure of that kind, it will do something which is detrimental to the community life and to the Christianity and civilisation that we are endeavouring to preserve. If this Bill reaches the Committee stage, I intend to move for the insertion of a new section to be known as Section 69A, to provide, in effect, for what I have outlined. With your permission, Sir, I will read the proposed new section. It is as follows:—

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

In effect, that would mean that if a party to a marriage had not behaved and, on account of effluxion of time, made application to the court for release from the marriage; and the respondent established to the court that that party had been guilty of any of those offences contained in Section 69 of the Supreme Court Act, the court would be under instruction from this Legislature to dismiss the case, except in two instances. Let us assume that a couple are married and, after a period has elapsed—anything from two to five years—they find that their presence is distasteful to each other and decide to live apart; and let us assume that they live apart for a period of years—I would not specify ten years, because I think that is too long, but would reduce it to a lesser period—and during that time they live respectable lives; then it shall be permissible for them to apply for a decree on the ground that they have so lived apart for the time stipulated in the Act.

If the two exceptions I propose to make were not inserted, it would be impossible under this measure for, say, a wife, although she had lived a respectable life after leaving her husband, to get a divorce because the pair would be guilty of the offence of desertion as appearing in Section 69 of the principal Act. My other reference is to Subsection (4) of Section 69, which deals with a decree for the restitution of conjugal rights. I do not think it would be right to enforce the measure in that instance. A couple may have lived together for four or five years, or even ten years, and one may decide to sue for a decree for restitution of conjugal rights. If there is personal antipathy between the two people, it is certain that the order would not be complied with, and they would then come under Section 69 as having committed an offence. If the proviso were not inserted in my proposed new section, they would not be permitted to obtain a divorce under this measure. So I propose to exempt those two cases. But where a person has been guilty of any of those offences, with the exception of the two set out in Section 69 of the Supreme Court Act, this Legislature should not pass legislation which permits a guilty party to apply to dodge obligations entered into under the contract of marriage.

I had intended to put this proposal on the notice paper yesterday, but on the kind advice of the sponsor of the Bill, I inserted the two provisos and so did not have time to have the amendment placed on the notice paper today. If the debate is adjourned this evening, however, I will have that done for the information of members tomorrow. The whole of our legislation in regard to divorce is to make provision for the innocent or injured to get release, but

the provisions of the Bill as printed make it possible to commit every offence against the moral code and against Section 69, and then apply for release. That would be entirely wrong, and therefore I am going to move along the lines I have suggested.

Mr. J. HEGNEY: I move—

That the debate be adjourned.

Motion put and negatived.

MR. J. HEGNEY (Middle Swan) [9.57]: I do not propose to support the Bill. I listened with interest to the speech of the member for Kalgoorlie, and also read the speech delivered in another place by the sponsor of the Bill. I was amazed at the fact that in that House of review, from which this Bill came, only two speeches were made on it. One was by the sponsor and the other was a short one by the Leader of the House. Not one other member spoke.

Mr. McDonald: But they had passed it three times previously.

Mr. J. HEGNEY: Not one member outside those two spoke. Surely this is a matter of fundamental importance to society, to this State, and a more informed discussion should have taken place on a measure of this kind! It affects the very life of this State; it goes to the very roots of the foundation of society and of the State. Marriage and family life constitute the basis of the State. Men and women create the State, but now it is proposed that the State should provide means of dissolving marriage unions. We are supposed to be living in a Christian community. This Parliament itself is opened with the Lord's Prayer. This is a Christian society, and the Speaker reads from his book the passage, "Thy Kingdom come. Thy will be done in earth as it is in Heaven." That is to say, we pray for the Kingdom of Christ to come to earth. We say we are Christians, but we do not subscribe to Christian principles, because Christ said, "Thou shalt not commit adultery," and "Thou shalt not covet thy neighbour's wife." Yet two gentlemen in the Legislative Council have said that this Bill contains sufficient reason for dissolving the marriage tie.

Further, we find in the Prayer Book, "Whom God hath joined together let no man put asunder." Those are fundamental principles of Christianity; deny them who will. There is not a member here who will deny that they are Christian principles as propounded by Christ. Some might deny that Christ existed, but the history of the race proves that Christ, the Founder of Christianity, did exist. I mention these points because they are fundamental to the discussion on the measure. As the member for Kalgoorlie has already pointed out there are ample and liberal provisions in our divorce laws by which the marriage bond can be dissolved. If further divorce provisions are necessary they should be on a Commonwealth-wide basis. There is too great a dissimilarity between the divorce laws of the different States. By their being Commonwealth-wide we would have uniformity. The member for Kalgoorlie mentioned a particular man. The fact is that his wife will not grant him a divorce; she will not take the necessary steps to provide him with that relief, yet if this measure is passed, and he lives apart from his wife for ten years, the judge will be given the right to use his discretion and say whether he may live with someone else.

Mr. Thorn: At the present time the Commonwealth Government pays you for living in adultery.

Mr. J. HEGNEY: It does not pay me for living in adultery, because I do not live in adultery. I am properly and truly married, and the records are there for verification. During the time I have been in Parliament it has been drummed into me that the Legislative Council is a House of review, and yet only two of its members spoke to this Bill.

Mr. Thorn: What has that to do with the measure?

Mr. J. HEGNEY: It is important.

Mr. Thorn: This is the third time it has been introduced there.

Mr. J. HEGNEY: There was no division in the Council on this measure. It was passed on the voices; it was whisked through! It is whispered all round the community that this is a rich man's law. It is certainly not a law for the working class. The strange thing to me is the celerity with which a member for the Metropolitan-Suburban province got this Bill through the Council, and the tardiness with which he deals with measures of vital importance to the working class of this country. Bills which are of interest to a wide section of the community are held up, particularly by the member I speak of.

If the public knew the provisions of this proposed Bill, not too many members would stand for it—not in the metropolitan area, at all events. People of different denominations in my electorate have written to me asking me to oppose the Bill. The same thing applied when a similar measure was before this Chamber on the last occasion. I represent the largest electorate in area, and almost in population, of the metropolitan electorates, and I have received no request to support a measure of this kind. It is bandied about that if the Bill is passed certain people will benefit monetarily. Those are rotten charges to be made, particularly when the measure is being discussed. These things are spoken of at bridge parties and all round the metropolitan area.

This Bill will benefit many wealthy persons who have been seeking to get a divorce under the law as it stands, but have been rejected by the court on numerous occasions. The Bill is of no benefit to a worker, because he has not the financial resources to avail himself of it. We know that it is a lawyer's Bill. Every time it has been introduced here and in another place, it has been sponsored by a member of the legal fraternity.

Mr. Thorn: Do you think they are the only bad people in the world?

Mr. J. HEGNEY: No. Except for one occasion this Bill has been brought down by a member of the legal profession. We know that divorce provides a lucrative practice in this city, and in most other cities, too, but the workers cannot pay the fees, and so can derive no benefit under this law. If there is any necessity for divorce it should be tackled on a Commonwealth-wide basis because it should be uniform and not dealt with piecemeal. I hope the measure will not pass. It would be wrong for this Parliament to accept the measure without our people knowing its merits. In the opinion of the member who introduced the Bill it will affect about 10,000 people in Western Australia. That is a reflection on the morality of the State. There is no question that the birthrate has declined because of the tampering with the marriage tie. The average number of children per marriage is now less than two.

It is predicted that Australia, as a people, will, inside of 50 years, be a decadent race. If this country does not have an inflow of population from other countries it will die, as have many other civilisations, from moral degradation and decay. That is the position facing Australia because the race is dying out. No one can deny that. We talk about the black races and the other peoples that are likely to come into Australia. If there are not fruitful marriages and the home ties are not protected, so that it becomes easier to get a release of the marriage bond, the basis of our society will be undermined. Some years ago the marriage contract was eliminated in Russia. After a short period that country introduced what was known as free love.

Mr. Cross: The Russians——

Mr. J. HEGNEY: The member for Canning knows all about it. Only a few years went by when Russia reverted to the marriage contract. We should examine this measure much more thoroughly than was done in another place. I hope members will not treat it lightly, as this is one of the most important Bills that has come before us. The woman is the weaker of the two, as in the scheme of things she has been made to help man. Under this measure a woman might be left with one or two children, and it is suggested that she may re-marry, but not many men want to marry a woman with two or three children.

Mr. Mann: How many soldiers' lives have been ruined by the actions of their wives while they have been on active service?

Mr. J. HEGNEY: I am speaking of life as it is. Not many men would take on a woman who has two or three children by some other man. Such a woman is in a much weaker position. Why is not provision made under this Bill for the wife and children? Why should not the father look after the children? He would have difficulty in moving round if he had two or three children to look after, but he wants to leave them with the woman. They are his children, and he should look after them.

Mr. Mann: He is not sure they are his children.

Mr. J. HEGNEY: The member for Beverley may not be sure of all of his, but I am sure of all of mine.

Mr. SPEAKER: Order!

Mr. J. HEGNEY: This Bill is of great importance to this Parliament and I do not think this House should lightly pass over it. It should receive close attention and ex-

amination. It provides for a 10-year period, and I have had many men in my electorate ringing me up, to give reasons why I should support the Bill. They said, "You know my position," but I told them frankly that I was not supporting the Bill, that I had not supported a similar measure in the past, and that that was how I would vote on this occasion.

MR. PERKINS (York) [10.15]: This Bill deals with an important and difficult question. I was impressed by the arguments of the member for West Perth in introducing the Bill, and by the cases he cited from experience in his profession. I think the approach of the member for Kalgoorlie to the Bill was much more reasonable than that of the member for Perth or of the member for Middle Swan. I do not think any member in this House desires willingly to do anything to destroy or weaken the sanctity of marriage, but it is no use shutting our eyes to the fact that cases do occur, within our State, that are not adequately covered by the present provisions of the Supreme Court Act. Though we desire to safeguard the sanctity of marriage in every way we have a responsibility to see that the lives of other people are not ruined, because of the inadequate provisions of any Act of this Parliament not enabling them to live full and proper lives. I expect all members of this Chamber know of difficult cases and I daresay many such cases have been brought to the notice of members since this Bill came before Parliament.

Many of us know of cases where men and women thought they were suited to each other before marriage, but soon found they were totally unsuited, and separated within a short space of time. In such cases there are often no children as a consequence of the marriage. The man may have gone his way, and the woman hers, and often the woman has a job and there is no great need for the man to contribute much towards her maintenance. Under the present Supreme Court Act, unless one or the other of those people is prepared to follow the shabby practices that were alluded to by the member for West Perth in introducing the Bill, it is impossible for them to get any relief under the law of this State as it stands at present. I believe this Bill provides an approach to that type of case. It is not necessary to delve unduly into the question of whether it is a rich man's or a poor man's Bill. I think, as the law stands, the rich man at present has a better chance of getting out of difficulties that may have arisen in connection with his marriage than has the poor man.

We should discuss the question on its merits, and as it affects the various hypothetical cases that we can call to mind. I do not like the Bill in the exact form in which it is before the House. I agree with the member for Kalgoorlie that there is a danger of enabling the man who has avoided his family responsibilities, and who has committed adultery or some other of the offences mentioned in the Supreme Court Act, to get relief without suffering any disability for the unsocial life that he has led. I have taken a different line from that of the member for Kalgoorlie. I put an amendment on the notice paper to provide that where the petitioner under this particular section had failed to comply with any maintenance order or any agreement for the support of the other party, or the children of the marriage, that should be a bar to any action under this section.

In almost all cases where the petitioner has not lived up to his responsibilities under the marriage, even though the parties have separated by mutual consent or otherwise, I think this amendment would provide an effective bar to that undesirable type of individual obtaining relief under this Bill. I know of a case of a couple who were married reasonably happily for several years. There were three children of the marriage, but the husband got mixed up with an undesirable type of woman, and that was the end of the marriage. The husband drifted away and, as far as I know, has not contributed to any extent to the support of his wife or children. That woman has practically ruined her health in attempting to earn sufficient to bring up her family properly.

If this Bill went through in its present form that man might give an assurance to the court that he would support his previous wife and family, and he could get a dissolution of the marriage. Though he had given the court that assurance and had entered into a legally binding agreement, he might then go to some part of the Commonwealth where the law might find difficulty in reach-

ing him, and the agreement or undertaking he had given would then be of very little value. With the inclusion of an amendment such as I have placed on the notice paper, I think the difficulty would be overcome. Possibly the approach indicated by the member for Kalgoorlie might be quite as good, and members may consider it better. In any case, if suitable safeguards are included in the measure I am inclined to agree with the member for Kalgoorlie that the period of ten years might be shortened.

I am concerned about cases such as the one I mentioned earlier where a man and a woman married with the expectation of happiness but after marriage found they were totally unsuited and it was impossible for them to live together. Those people made an unfortunate mistake, but neither had committed any offence, and the responsibility rests on the Legislature to enable such people to have another chance. Those of us who are happily married have a great responsibility to others who are not so fortunately placed and have realised their mistake. We should give those people an opportunity to try again. I have yet to learn that that conflicts in any way with Christian principles. I am as keen as anyone else to maintain the sanctity of the marriage tie and to maintain the home life on as high a level as possible, but there are difficult cases that are not adequately provided for under the existing divorce laws.

MR. LESLIE (Mt. Marshall) [10.22]: Mr. Speaker——

Mr. Thorn: Get the adjournment of the debate!

Mr. LESLIE: I will do no such thing. In the first place I consider that the Bill is a measure respecting which members must look to their own consciences for guidance. As mentioned during the debate, members in another place evidenced a lack of courage in expressing their convictions. I do not propose to allow this opportunity to pass without expressing mine. In the first place much has been said about the sanctity of the marriage tie. Where a couple are living a cat-and-dog life, where can there be any sanctity attached to the marriage tie?

Mr. Thorn: It is a cat fight!

Mr. LESLIE: Definitely there can be no sacredness about the marriage tie when two parties that had hopes of living in harmony and happiness, are not able to do so. Under such circumstances I believe the marriage becomes merely a contract. We have established courts of law for the purpose, where injustice exists, of annulling or dissolving existing contracts. That is my point of view as regards the marriage estate. Where two people are happily married they consider their relationships as sacred between themselves, and there is no question of any law being necessary to meet circumstances which, in such instances, are never likely to arise at all. On the other hand, where a couple have started off to live as man and wife and circumstances have arisen that do not permit them to do so in harmony, then the contract they entered into and which they are not able to observe is virtually ended. In the past the Legislature has considered the problem from that point of view and has provided means by which such contracts can be annulled. The next point for us to consider is at what period it would be just for a court to annul such contracts.

It appears to me that there is much to be said for the provisions sought by the sponsors of the Bill to be included in our divorce laws. I am not in agreement with the member for Kalgoorlie when he suggests that the period of ten years should be reduced. In my opinion there should be a considerable testing period because in the circumstances that have been outlined where one party may be desirous of securing a divorce in accordance with the provisions embodied in the Bill, a lengthy period would be essential as it seems to me that one of the parties to the contract, out of a spirit of sheer spite and nothing else, might not be prepared to agree to the annulment of the marriage tie to allow the parties concerned to go their respective ways—after the court had made provision for the maintenance of the wife and any dependants. It may be merely a woman's sheer spite that will not allow her to free her husband from the contract although he might be quite prepared to accept any order the court made regarding the maintenance of his wife and any children of the marriage.

A reasonable period must be allowed to elapse to indicate that in such circumstances the respondent in the proceedings is the guilty party and that the woman's motives

are actuated by no other influence than her un-Christian attitude towards a fellow being. In these circumstances an amendment such as that proposed is necessary in our divorce law. Until mention was made of the fact that there have been three previous attempts to pass legislation of this description, I was not aware of the fact. However, this has created in my mind the suspicion that there may be a possibility that the amending legislation has been sought in the interests of one or a certain few individuals. I am suspicious because of the indications of an insidious attempt being made in the alteration of the years in the successive Bills.

Mr. Styants: It may be more than a coincidence.

Mr. LESLIE: At any rate, it has created a suspicion in my mind. I look upon this measure at a matter quite apart from party politics and one that must be dealt with by each member according to his conscience. Although I am prepared to be generous as regards the sponsors of the Bill, I think some safeguard, possibly along the lines suggested by the member for Kalgoorlie, is necessary for inclusion in the Bill. It must be remembered that such legislation is not necessarily passed on behalf of the community as a whole, but may represent an endeavour to assist one or two individuals and in such circumstances safeguards are essential. Anomalies arise under every law, and I do not think the Legislature should take into consideration the passing of laws to meet the special circumstances of individuals. Their circumstances are just unfortunate. Anomalies should be corrected as far as possible, but this is a case in which one individual should not be considered as against the community as a whole. I shall support the second reading, and will vote in favour of safeguards such as the member for Kalgoorlie proposes to introduce, but I would like to see the amendments placed on the notice paper so that members will have an opportunity to study them before they are called upon to exercise their vote.

MRS. CARDELL-OLIVER (Subiaco) [10.31]: I have been a member of the House for eight or nine years and a similar Bill has come before us, I believe, no fewer than five times. On the first occasion it was sponsored by the Leader of the Opposition, then the Leader of the National Party, then the member for Murchison, then the member for East Perth, and now the Leader of the Liberal Party. First, the proposal was for three years' separation, then five years; then it came back to three years, was again three years, and now it is ten years. Ten years is certainly better than five years or three years, but I regard it as just the thin end of the wedge. Finally we shall be asked to reduce the period to five years and then to three years, and even come down to what someone mentioned is happening in Russia. I have stated that I have seen divorces put through in Russia within a couple of minutes, costing 1s. 6d., and the wife not knowing that she was being divorced.

Mr. Cross: That is not true.

Mrs. CARDELL-OLIVER: Do not you dare say such a thing.

Mr. SPEAKER: Order!

Mrs. CARDELL-OLIVER: I ask the hon. member to withdraw that statement.

Mr. SPEAKER: What was the statement?

Mrs. CARDELL-OLIVER: The member for Canning interjected that what I said was not true.

Mr. SPEAKER: The member for Canning must withdraw.

Mr. Cross: I said the statement was not true.

Mr. SPEAKER: Order! The hon. member must withdraw if he said the statement was not true.

Mr. Cross: If the hon. member takes offence at my remark, I withdraw.

Mr. SPEAKER: The hon. member must withdraw unconditionally.

Mr. Cross: Then I withdraw.

Mrs. CARDELL-OLIVER: I was saying that, in connection with the divorce I saw in Russia, the wife did not even know that she was being divorced. The husband went in and got the divorce. The clerk asked, "Does your wife know about this?" The reply was, "No." The clerk said, "She will know in the morning." I consider that that is what we shall come to eventually if we allow a Bill of this sort to pass. It has been said that this is a rich man's Bill and I quite agree with that statement. I presume that about 90 per cent. of our people are living on the basic wage and how can they afford, if they divorce one wife, to get married again and bring up a second family? It is true that 75 per cent. of the children in many of the

Homes we visit are there on account of broken marriages. The men cannot pay for the maintenance of their children; therefore the children go on the State. Application to any one of the Homes will bring confirmation of that statement. It is absolutely impossible for the average man to maintain two homes.

It has been said that this is a lawyer's Bill. I do not wish to say anything nasty about lawyers, but the Bill has been sponsored in this House four or five times by lawyers. I dare say they are apt to look at things through their clients' eyes. I do not suggest, as somebody did, that they look through their pockets, but I do believe that they look at things through their clients' eyes. I regard this as a man's Bill, and it is distinctly unfair to bring forward such a Bill in a House consisting of 99 per cent. of men. True, all men will not vote for it, but I regard the Bill as being one that affects women and children particularly. It is absolutely unfair that such a Bill should be brought before the House without the member sponsoring it having first gone to his constituents and told the women of his intention to introduce and support such a measure. He ought to say to them, "You have the right to vote for me or not as you wish, but if you do vote for me, I shall endeavour to get a Bill through that will disrupt your home."

Mr. Styants: We have deserted husbands as well as deserted wives.

Mrs. CARDELL-OLIVER: I quite agree; too many of them. I am not saying that the faults are all on one side. However, I believe that if a member went to his constituents and told them of his intention to support such a Bill, many of them would not vote for him. The sponsor of the Bill said that in England 100,000 people asked by petition for such a Bill to be brought forward. I have no faith in petitions. On one occasion I sponsored a petition and secured 170,000 signatures, but my opponents got more than 170,000, and there were not so many adults in the State at the time. Therefore, I do not consider that petitions are capable of accomplishing anything wonderful. The hon. member quoted a bishop as having said that the British measure was a Christian Bill, but as the member for Middle Swan said, although a bishop may have made that statement, there are some greater than bishops. As he said, "Whom God hath joined together, let no man put asunder." The trouble is that we do not allow God to enter into marriages today.

I do not propose to move any amendment, but perhaps somebody might move to insert a provision making it compulsory for a man to divide all his wealth with his wife and children before he may obtain a divorce. That is a law which has been in operation in Brazil for many years and has proved very effective indeed against divorce. It would also have the effect of preventing adventuresses from endeavouring to break up homes. Many cases have been quoted tonight, and I think it is in the mind of every member that ten years' separation is a long period, but only a little while ago I came across a case in which a man and his wife had been separated for 12 years and had then come together again. The man had money and lived with another woman, but suddenly he lost his money and became ill, and the woman left him. The real wife then went back to him and ministered to him, and is with him today. That occurred after 12 years' separation, so we cannot say that ten years is the longest period.

Under the rules of the Roman Catholic Church, divorced people cannot be married in that church at present. I think that about one-quarter of our people belong to the Roman Catholic Church. The Church of England clergymen do not marry the guilty party; but they will marry the other party. As there is no guilty party under this Bill, what is the Church of England to do? I think the Church of England should have had time to consider the Bill. It has not come before them. Had the church known of it before Synod, the matter could have been brought up and the church asked what it was going to do in the matter. At least that church, like the women of the State, should have had a chance to consider what it ought to do in a case such as this.

The Bill should also include a clause that no divorce can be obtained until the youngest child of the marriage has attained the age of 15 years at least. The amendment suggested by the member for Kalgoorlie certainly makes the Bill a little better; but I would like the amendment modified so as to include a period of separation for over ten years. If that were done I think the measure would get a great deal of support. That is all I have to say. I am voting against the Bill.

On motion by Mr. Seward, debate adjourned.

House adjourned at 10.42 p.m.

Legislative Council.

Thursday, 18th October, 1945.

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

QUESTION.

COLLIE COAL STOPPAGE.

As to Wages Paid to Government Employees.

Hon. G. W. MILES (for Hon. H. Seddon) asked the Chief Secretary: In view of the decision of the State Arbitration Court that the Government must pay for the time lost by the Government employees as a result of the Collie coal strike:

1, What was the amount involved in each department in the payment of salaries and wages for this period, and what was the total amount of salaries and wages?

2, What was the estimated loss of revenue of the various departments concerned and the total amount lost?

The CHIEF SECRETARY replied: The decision of the court applied only to the departments administered by the Commissioner of Railways and the amounts involved were approximately as under:

1, Railways, £6,000; Tramways, £2,000; Electricity Supply, nil; total, £8,000.

2, Railways, £5,000; Tramways, £6,500; Electricity Supply, £5,000; total, £16,500.

BILL—SUPPLY (No. 2), £1,800,000.

Read a third time and *passed.*

BILL—NATIONAL FITNESS.

Second Reading.

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [4.37]: No member of this House can fail to realise the true significance of national fitness in the community, and the measures adopted by the various voluntary organisations for many years past are at last bearing fruit, in that our governing bodies are becoming conscious of their efforts. It looks as if there will be some co-ordination of effort in order to maintain the fitness of our race. It has always interested me to realise that, so far as their attitude to work is concerned, human beings can be divided into two groups. In the first group, which I think is by far the biggest group, the members look upon their work as the only thing that they were brought into this world to perform. When their work is over they usually put up with their leisure hours, awaiting the onset of work once more.

I find that many individuals in our own community have no knowledge of how gainfully to use the leisure time given to them. The second group is one that has been taught, from its early days, to appreciate other avenues of interest, apart from work, and its members know how to use their physical resources in exercise, or other means of pleasure or entertainment, or to increase their fitness. I have felt for many years that a system of true education would provide some means whereby the individual would be able to use his leisure hours to the best advantage. I feel that national fitness, starting with youth, will eventually provide for the grown adult a true means of spending the spare time allotted to him in life and that, if he is given a proper education in his early days, it will continue to be of benefit throughout his life, and his time will be suitably used.

The question has always been how this education should be given. Many countries have attempted this education. We saw probably the best example of it in those countries which afterwards became Fascist. I have in my hand a small book published in Italy called the Opera Nazionale Dopolavoro, which means National Leisure Hours Organization. The expansion of that effort in Italy in theory was ideal, but we know where it ended. It ended in the youth being marshalled for the use of the State and eventually in a militaristic way. This is a mistake that we must avoid at all costs, and it would seem to me that the correct method would be to allow the voluntary organisations to advise the governing body rather than that the governing body should direct the youth organisations.