

came last year. A great deal of this money, the 16 millions, came from London, as a result of the sales. There are 26 millions in circulation as the result of the work of the Australian farmer last year. I was surprised to hear the speech of the leader of the Opposition to-night. It showed a want of appreciation of the true position. We will get the money as we got it last year and it will come from the people in London who want our wheat. If the Dardanelles were opened to-morrow not a bushel of wheat would come out until after March next. No one knows the quantity of Russian wheat stored there.

Mr. Scaddan: There are different estimates.

The MINISTER FOR RAILWAYS: The Australian Wheat Board have no information on the subject.

Mr. Scaddan: The fact remains that if the Dardanelles were opened, the price would be affected.

The MINISTER FOR RAILWAYS: No; everything points to a better price for Australian wheat, and I am very sorry that we have not much more for export. We cannot have too much wheat. The world's crop looks like being 20 per cent. less than last year's harvest and the people must have bread. I am glad to find that the Bill has been so well received by hon. members and I hope that when it is in Committee, attention will be paid to the clauses.

Question put and passed.

Bill read a second time.

#### TEMPORARY CHAIRMEN OF COMMITTEES.

Mr. SPEAKER: I desire to announce that I have appointed the members for Kimberley and Fremantle as temporary Chairmen of Committees.

*House adjourned at 9.53 p.m.*

## Legislative Council,

Wednesday, 1st November, 1916.

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

#### PAPERS PRESENTED.

By the Colonial Secretary: 1, Department of Lands and Surveys, report for year ended 30th June, 1916. 2, Public Service Commissioner's report for year ended 30th June, 1916, and Public Service List.

#### NOTICE OF MOTION—WHEAT MARKETING BILL.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.39]: I give notice that at the next sitting of the House it is my intention to move that so much of the Standing Orders be suspended as is necessary to permit the Wheat Marketing Bill to pass through all its stages at one sitting. The Government consider it necessary that the Bill should be passed during the present week. Copies of the Bill will be available, and will be circulated, this afternoon. If hon. members, after seeing the Bill, have any objection to its passing to-morrow, it will not be pressed; but the Government, being of opinion that the measure is not a controversial Bill in any sense, desire that it should be passed during the present week.

#### BILL—BETTING SUPPRESSION.

Introduced by the Colonial Secretary, and read a first time.

#### BILLS (2)—THIRD READING.

- 1, Execution of Instruments.
  - 2, Zoological Gardens Act Amendment.
- Transmitted to the Assembly.

BILL—ADOPTION OF CHILDREN ACT  
AMENDMENT.

*Second Reading.*

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.41] in moving the second reading said: This short Bill is intended to correct an error which crept into the Adoption of Children Act, 1896, and which apparently passed unnoticed for nearly 20 years, until circumstances arose which revealed the error. The original Act was adopted from New Zealand, and was piloted through this House by the Hon. M. L. Moss. Clause 2 of the Bill provides for an amendment of Section 3 of the principal Act by substituting for the words "married woman" in paragraph (3) the words "unmarried woman or a widow," and by substituting for "married man" in paragraph (4) the words "unmarried man or a widower." If hon. members will look at Section 3 of the original Act, of 1896, they will see that it sets out the persons by whom a female child can be adopted, as follows:—1, Husband and wife jointly; 2, a married woman alone, with the written consent of her husband; 3, any married woman who is, in the opinion of the judge, at least 18 years older than the child. As regards paragraph (3), in the New Zealand Act "married woman" reads "unmarried woman," and obviously that is the intention, because otherwise this provision would be at variance with the two preceding provisions. 4, Any married man, who, in the opinion of the judge, is at least 30 years older than the child. In the New Zealand Act "any married man" reads "any unmarried man," which is clearly the intention. The corresponding paragraphs of the New Zealand measure deal with the adoption of male and female children on similar lines, and in both paragraphs the word "unmarried" appears, not "married." In the corresponding paragraph (3) of our measure the word "married" has obviously been used in error, "unmarried" being intended. The following section sets out the persons by whom a male child may be adopted:—1, Husband and wife jointly; 2, a married man alone, but with the written consent of his wife; 3, any unmarried man who is, in the opinion of the judge, at least 18 years older than the child; 4, any unmarried woman who is, in the opinion of the judge, at least 30

years older than the child. In the New Zealand Act these two sections deal with the adoption of male and female children on similar lines, and in both of them the word "unmarried" occurs in the third and fourth subsections. In our Act the word "unmarried" occurs in Paragraphs (3) and (4) of Section 4, but in Section 3 the word "married" has been used, obviously in error. The using of the word "married" in these two subsections sets up by inference a contradiction of the two preceding subsections, since it would suggest that a married woman without the consent of her husband could adopt a child providing she appeared to be eighteen years older than the child. Obviously this was not intended. But a more serious defect of the Act, as it at present stands, is that it makes no provision whatever for the adoption of a female child by an unmarried woman or a widow. It was in this connection that the defect in the Act was discovered. Messrs. Haynes, Robinson, & Cox, of Albany, have a client—a widow—who wishes to adopt a female child, and as the Act stands she is unable to do so. The opportunity is taken of inserting after the words "unmarried woman" the words "or a widow," and after the words "unmarried man" "or a widower." This is intended to remove an ambiguity, since the word "unmarried" in its primary sense means "never having been married." Without this addition the words "unmarried woman" might be held to apply only to a spinster, whereas it is desirable that widows should be permitted to adopt children. I move—

*That the Bill be now read a second time.*

On motion by Hon. A. Sanderson debate adjourned.

BILL—WESTERN AUSTRALIAN DAY  
FUNDS (No. 2).

*Second Reading.*

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.49] in moving the second reading said: I would like to outline very briefly the circumstances which have rendered necessary the passing of this legislation. At the time the appeal for a Western Australian Day Fund was first made there was a good deal of confusion in the public mind as to the particular objects to which this money

should be applied. The feeling of the public generally was that the money should be applied for the benefit of soldiers returning sick or wounded to this State. At conferences between the secretary of the Red Cross Society and the executive of the Western Australian Day Fund it was decided that the moneys raised by the Western Australian Day Fund should be handed over to the Red Cross Society for disbursement, and a resolution was embodied in a circular which was issued broadcast to the public under date the 10th July, 1915. This circular bears the signature of the president, the vice-president, the chairman of the executive committee, the hon. secretary of the Western Australian Day Fund Committee and the hon. secretary of the Red Cross Society. The circular reads as follows:—

In accordance with the resolution carried at the meeting held in Government House on the 18th June all the money collected on or in anticipation of Western Australian Day will, in the first instance, be paid over to the honorary treasurer of the executive committee of the Western Australian Day for the sick and wounded, Mr. C. E. Harrison, Viking House, William-street, Perth, whose duty it will be, on the closing of the accounts, to hand over the money received to the honorary treasurer of the Western Australian branch of the Red Cross Society (Mr. A. D. Rankin). The money so received will be applied by the Red Cross Society in a manner consistent with the basis upon which subscriptions are sought, and the public may rest assured that the sick and wounded returning to our shores will be considered fully before funds are despatched overseas. No stipulation is to be made that the whole of the Red Cross Society's funds in Western Australia shall be retained in Western Australia, in view of the fact that the majority of the Western Australian sick and wounded are in hospitals in Egypt, Malta, and England, deriving benefit from the Red Cross funds in those centres; it is obvious that if such a stipulation were made the majority of our brave soldiers would not participate and this, we are certain, would not represent the general wish of the community.

This circular has been recognised by the courts as the deed of trust under which the Western Australian Day Fund must be administered. Local opinion was sought as to whether moneys raised by the Western Australian Day movement and paid over to the Red Cross Society in accordance with this resolution could be applied outside the scope of the constitution of the Red Cross Society, and it was found that the money could not be so applied. The constitution of the Red Cross Society sets out that the objects to which the Red Cross money may be applied. Briefly these objects are—

- (a) To supply hospitals, ambulances, vehicles, clothing, comforts, etc., for the sick and wounded in time of war, and to generally supplement the hospitals, medical stores, and equipment for the medical services of the army and navy. (b) To contribute aid to the sick and wounded, irrespective of nationality, even though the British forces are not engaged.

From this it will be noted that the objects on which the society was empowered to spend Western Australian Day moneys were very restricted in comparison with the circular which had been issued to the public, and which the courts were prepared to regard as the deed of trust governing the distribution of the money. The constitution of the Red Cross Society, for instance, does not permit of the society making temporary advances by way of amelioration to soldiers, and this was undoubtedly one of the objects for which the funds were raised. The Red Cross Society felt that to administer the fund in this direction, for which they were collected, it would be necessary to have power to make this disbursement outside the constitution of the society, and for this purpose the aid of the Government was invoked. The late Government gave the society an indemnity, pending the passing the necessary legislation, enabling them to spend the Western Australian Day moneys in any way for the benefit of assistance or advancement of soldiers whether discharged or undischarged, returned sick or wounded to Western Australia, and also soldiers who might be prevented from leaving the said State by reason of actual incapacity or sickness contracted somewhere whilst on service. The sole object

of the present Bill is to give the society the necessary legislative authority as covered by the indemnity already given to it by the preceding Government. The Bill contains powers which will enable the society to spend Western Australian Day fund money upon sick and wounded sailors, in addition to soldiers. It is considered to be of great importance, also, to enable the society to make payment from the Western Australian Day Fund to committees or other bodies who have been independently appointed for purposes upon which the Western Australian Day Fund might be lawfully expended, and in order to avoid the necessity of keeping separate accounts of any moneys so paid by the Red Cross Society to any committee or body provision is made in the Bill that the receipt given by any such committee or body to the society shall be a complete discharge to the society of the payments made by them under the trust of the Western Australian Day Fund. It may interest hon. members to know that the amount contributed was £68,844, including interest. The total amount spent was £18,399, including £15,000 which was paid to head-quarters, Melbourne, in accordance with the order of the court for military hospitals in Egypt, Malta, England and elsewhere. The amount now in hand is £50,445. I move—

*That the Bill be now read a second time.*

On motion by Hon. R. J. Lynn debate adjourned.

#### BILL—ROMAN CATHOLIC CHURCH PROPERTY ACTS AMENDMENT.

##### *Second Reading.*

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.55] in moving the second reading said: The necessity for this Bill arises chiefly out of the fact that the Roman Catholic Diocese of Perth has been created an Arch-diocese. Whilst that amendment is being made the church also desires to have power to sell, mortgage, or lease its lands, and Clause 4 of the Bill is designed to give it that power. It provides, however, that the consent of the "advisers" constituted by the Roman Catholic Church Property Act, 1911, shall be obtained, and that Section 7 of the Roman Catholic Church

Lands Act, 1895, shall apply. That is to say, where lands are acquired from the Crown the consent of the Governor-in-Council must be obtained before any such lease or mortgage can be effected. Clause 5 validates dealings made pending the passing of this Act and Clause 6 enables the powers conferred by the Act to be exercised by Attorney. When the Bill was under discussion in another place the question was raised as to whether the Bill did not give more power than is granted to other denominations in regard to the sale, mortgage or lease of land. So that this point might be understood by all members, the opinion of the Solicitor General was asked and he advised as follows:—

Similar powers to those contained in Clause 4 will be found in the Church of England Lands Act, No. 10 of 1915. Several of the churches such as Diocesan Trustees of Kalgoorlie, Diocesan Trustees of Bunbury, and the Congregationalists obtain their powers to sell, mortgage, and lease by incorporation under the Associations Incorporation Act, 1895, and such powers are as wide as those conferred by this Bill. So far as the lands are granted by the Crown the consent of the Governor is required under the provisions of the Roman Catholic Lands Act, 1898.

I move—

*That the Bill be now read a second time.*

Question put and passed.

Bill read a second time.

##### *In Committee.*

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

#### BILLS (2)—FIRST READING.

1.—Permanent Reserve (No. 1).

2.—Franchise.

Received from the Legislative Assembly.

*House adjourned at 5.4 p.m.*