Mr. HEGNEY: What a wonderful interjection!

Hon. A. R. G. Hawke: Isn't he terrific?

The Attorney General: But it is true, is it not?

Mr. HEGNEY: How often has it been done here?

The Attorney General: What has that got to do with it?

Mr. HEGNEY: The next time the Attorney General starts to compare Federal and State matters, I will be in order in saying, "They do that in the Federal House."

The Attorney General: Yes.

Mr. HEGNEY: Then what about the adult franchise in the Federal House? I notice that the Attorney General has not been falling over himself to introduce legislation this season to put the Legislative Council franchise on the same basis as that for the Senate. No, there is no answer to that one! I propose to deal with the individual Estimates and I did intend, this morning, to deal with price-fixing and its relation to the basic wage and other relevant matters. However, I promise the Attorney General that before the Estimates are finally passed the question of price increases and price-fixing will receive due attention because I am not at all satisfied that the administration of the prices legislation has worked to the interests of the Western Australian people.

I am satisfied that the Attorney General, as Minister in charge, is practically dormant as far as the effective implementation of the Act is concerned. He is allowing prices to rise and the people of Western Australia are not being protected. The basic wage would be higher than it is if the prices of meat and potatoes paid by the consumers were taken into consideration by the Government Statistician and reflected in the basic wage. Those are my final remarks but I can assure the Attorney General that those matters will receive due attention before the session finishes, and I will deal with housing, railways and various other matters which are affecting the interests of the people of the State.

Progress reported.

House adjourned at 3.35 a.m. (Friday).

Legislative Council.

Tuesday 30th August, 1949.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Marketing of Barley Act Amendment (Continuance).

2, Charitable Collections Act Amendment.

3, Plant Diseases Act Amendment (No. 2).

4, Marketing of Potatoes Act Amendment.

5, Supply (No. 3), £4,700,000.

QUESTION.

WOOL AND GENERAL FREIGHT CHARGES.

As to Average Increases.

Hon. R. M. FORREST asked the Chief Secretary:

(1) What is the average increased charge on general freights transported by rail?

(2) What is the average increased charge on general freights transported by the State Shipping Service?

(3) What is the increased charge on wool transported by rail?

(4) What is the increased charge on wool transported by the State Shipping Service?

The CHIEF SECRETARY replied:

(1) An increase of 7½ per cent. in general rail freights was made this financial year, which followed an increase of 20 per cent. made early in the financial year 1948-49.

(2) Thirty per cent.

(3) Answered by No. (1).

(4) £1 per bale.

BILL—FIRE BRIGADES ACT AMENDMENT.

Read a third time and *passed.*

BILL—BEES ACT AMENDMENT.

Recommittal.

On motion by Hon. A. L. Loton, Bill recommitted for the further consideration of Clause 5.

In Committee.

Hon. G. Fraser in the Chair; the Honorary Minister for Agriculture in charge of the Bill.

Clause 5—Sections 5A to 5J added:

Hon. A. L. LOTON: I move an amendment—

That at the end of Subsection (1) of proposed new Section 5J, the following words be added: "unless such water is available from natural sources."

When last discussing the Bill I raised two points with the Honorary Minister for Agriculture that are dealt with in the amendments I have placed on the notice paper. The words "shall provide" in line one of the proposed new subsection are very definite. Even if a river or dam is on property where the bee-keeper is to set up his hives, it still makes it definite that he shall provide a water supply. My amendment will make the position perfectly clear and remove from the bee-keeper or the person letting the property to him, the obligation to provide a water supply.

Amendment put and passed.

Hon. A. L. LOTON: The next amendment I intend to move is to transpose the words "subject to the consent of the Minister," which were inserted by a previous Committee after the word "may" in line 4 of Subsection (2) of proposed new Section 5J, and place them after the word "subsection" in line 3. In a case like this, which refers to the cancellation of a beekeeper's registration because he has failed to provide a good and sufficient supply of water, I think the Minister should have direct control of the situation.

It may be said that the Director of Agriculture would not act without the approval of the Minister, but if my amendment is agreed to, the Minister, who is in direct contact with Parliament, will have to accept any blame that is attachable to steps taken in the matter and will not be able to say that the director took action without his knowledge. The Minister will have to look into the matter before consenting to the cancellation of registration. Elsewhere in the Act provision is made for the Minister to take action if he deems necessary.

The CHAIRMAN: I can see nothing in the Constitution Act which would permit of the hon. member moving to transpose words as he suggests. I think the easier way would be for him to move to insert the words he has in mind after the word "subsection" in line 3 and then subsequently to move to delete those words which a previous Committee inserted after the word "may."

Hon. A. L. LOTON: I will accept that suggestion, Mr. Chairman. I move an amendment—

That in line 3 of Subsection (2) of proposed new Section 5J, after the word "Subsection," the words "subject to the consent of the Minister" be inserted.

The HONORARY MINISTER FOR AGRICULTURE: I oppose the amendment. When this matter was dealt with in Committee last week, I was rather caught on the hop and did not think it mattered very much. On giving it further consideration, I think it is rather paltry to require the Minister to decide a trivial matter like this. He will either become a rubber stamp and do just as the director requests, or he will have to make a personal investigation of the situation to ascertain whether the cancellation of registration was warranted. I would not go into the country to determine such a matter, nor do I think would any other Minister. In this case the State Apiculturist will deal with the matter first and make his recommendation to the Director of Agriculture and then the director would have to go to the Minister for his consent. The Minister would ask whether the proposed action was

right or wrong and if the director said it was right, the Minister would naturally approve.

The Minister has many more important duties than that to attend to. Shortly after I took office I was required to deal with proposals that farmers should be prosecuted for not dipping their sheep. I would not approve of the first such application put before me because I knew that at that time farmers had not received sufficient notice regarding the necessity to dip their sheep and that for various reasons it was not possible for them to carry out that requirement. I did not know the person concerned. At the time I said to the officer, "Why bring this to me?" The position now is that if a farmer has to be prosecuted for not dipping his sheep, I have no say in it at all, nor do I think I should have.

The matter now before the Committee concerns a much smaller issue than that, and I as Minister should have no final say with regard to the cancellation of a license under the circumstances set out. Mr. Loton said that the Minister was responsible to Parliament. I do not think he is in a matter like this. I do not think he would consult Parliament on such a trivial matter, nor do I think Parliament would come into the picture at all. I should say the Director of Agriculture would be the man to act in this matter.

Hon. A. L. Loton: Then you are prepared to hand over all authority to civil servants!

The HONORARY MINISTER FOR AGRICULTURE: Not at all. Members of this Chamber are more prone to take power away from a Minister rather than to give him more. This is a paltry matter and the Director of Agriculture should act on the advice of his officers. If the amendment were agreed to, it would simply mean that pressure would be brought to bear on the Minister either by members or others. I oppose the amendment, which I regard as quite unnecessary.

Hon. L. CRAIG: I was glad to hear the Minister speak as he did. For years we have been complaining about Ministers having obligations placed on them which it is not their function to undertake. It is the job of a Minister to direct policy and not to go into details. If a taxpayer commits an offence he should suffer the consequences without any pressure being brought to bear on the Minister to prevent effect being given to the law. It is important that the Minister should be relieved of responsibilities such as this amendment seeks to impose on him. Such a duty should be undertaken by the director of the department.

Hon. H. K. WATSON: The merits and demerits of this point were canvassed last week when the House decided in favour of the principle. The amendment is purely of a drafting nature, but the Minister has seen fit to raise the question of principle. The section gives power to put a man out of business, to deprive him of his livelihood. The Act provides that no-one shall carry on the business of bee-keeping unless he is registered, and this portion gives the Director of Agriculture power to cancel a registration. I therefore disagree with the views expressed by the Minister and Mr. Craig that this is something that should be left to a single civil servant. I would be very disinclined to give any civil servant the power to put a man out of business without the right of appeal somewhere.

Hon. A. L. LOTON: The provision enabling the director to cancel a license and thus take away a man's livelihood is operative if a bee-keeper fails to provide an adequate supply of water for his bees, and not because he permits foul brood to exist or fails to conform to some other requirement of the Act. As for the Minister asking how he would know what had taken place, I would request members to cast their minds back to the time we were discussing the Country Towns Sewerage Bill. They will remember that provision was made in that measure to the effect that before the Minister opened or broke up any street he should give the local authority notice in writing of his intention—

Hon. Sir Charles Latham: He has only to sign the necessary document in that case.

Hon. A. L. LOTON: That is all I want him to do in this case.

Hon. Sir CHARLES LATHAM: I oppose the amendment. There is no similarity between what is provided in the Act mentioned by the hon. member and the provision we are discussing.

The CHAIRMAN: I hope the hon. member will not debate that point.

Hon. Sir CHARLES LATHAM: I do not propose to do so, but there is no similarity. In the one case the law has reference to where the streets concerned are Government property and —

Hon. A. L. Loton: I will give you that in.

Hon. Sir CHARLES LATHAM: I thought that was a point that might influence members. The Minister has to rely on his officers to do things sensibly, and generally they do so. It is wrong to ask the Minister to attend to this kind of job. He is responsible for all sorts of things, and especially the framing of policy for his department. No-one is busier than the Honorary Minister for Agriculture, because he has a big and unending job to do.

No man's livelihood will be taken away, because this would not affect the man depending on bees for his living. It is the itinerant man with one or two hives who causes the trouble. In some towns action has been taken under bylaws framed in accordance with the Road Districts Act but it was found that road boards did not have power to deal with the matter when a case was brought before the magistrate. In one instance bees were creating a nuisance at the local school. They came from two hives 10 or 20 chains away, and the youngsters could not go near their water bag because of them.

The HONORARY MINISTER FOR AGRICULTURE: There is not the slightest possibility of anyone being deprived of his livelihood, because a man making a living out of bees would not fail to provide them with water.

Amendment put and negatived.

The CHAIRMAN: As the clause stands, the words "subject to the consent of the Minister" appear at the end of Subsection (2) of proposed new Section 5J.

The HONORARY MINISTER FOR AGRICULTURE: I move an amendment—

That at the end of Subsection (2) of Section 5J the words "subject to the consent of the Minister" be struck out.

Hon. A. L. LOTON: Has the Minister the right at this stage to move for the deletion of these words?

The CHAIRMAN: Yes. The hon. member moved for the recommittal of Clause 5.

Hon. A. L. LOTON: For a special purpose.

The CHAIRMAN: No.

Hon. A. L. LOTON: Yes. My proposal is on the notice paper.

The CHAIRMAN: My ruling is that the Minister's amendment is in order. The hon. member can dispute that ruling if he wishes.

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

Bill again reported with a further amendment.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 4).

Assembly's Message.

Message from the Assembly received and read notifying that it had disagreed to amendment No. 1 made by the Council and had agreed to No. 2, subject to a further amendment.

BILL—LICENSING ACT AMENDMENT (No 2).

Received from the Assembly and, on motion by Hon. G. Fraser, read a first time.

BILL—PETROLEUM ACT AMENDMENT.

Returned from the Assembly without amendment.

BILL—PRICES CONTROL ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 24th August.

HON. E. H. GRAY (West) [5.5]: The purpose of this Bill is to continue the existing price control legislation in Western Australia for a further 12 months from the 31st December next until the 31st December, 1950. In 1939 Parliament passed legislation, which is still on the statute book, and which many think would give better results than has this measure. I think most people were surprised to read in the Press this morning that the New South Wales prices control legislation has been successfully contested in the courts. I understand it is practically the same as the legislation we have here, and therefore those interested in the welfare of the people

must wish the New South Wales Government success in its appeal to the High Court.

In the present state of affairs this legislation bewilders the public. No-one can overstate the danger facing the people of this State—particularly the working class—and industry in general, owing to the rapidly increasing prices of practically all commodities. Almost everyone is wondering what is being done to arrest the progress of this spiral. I do not wish to reflect on the official who controls prices, but I do feel that this State made a mistake in depriving the Commonwealth of its power to control prices. Surely one body could better control prices than could six States operating independently! It is difficult to find anyone who is satisfied with the existing state of affairs.

Hon. L. Craig: They were not satisfied before, either.

Hon. E. H. GRAY: They are realising, through stark experience and the drain on their pockets, that it would have been better to let the control of prices remain with the Commonwealth. It is obviously very difficult for the separate States to achieve the same results in this field as could one central Commonwealth authority. Although the Chief Secretary claimed success for this legislation, I do not think the majority of our citizens feel that it has been successful. The Chief Secretary spoke at length in introducing this continuance measure and quoted a number of authorities in support of his argument. It seemed to me that he spoke on the defensive. I would have expected him, when introducing the Bill, to give details of the administration and tell us how the Act had been enforced, what prosecutions there had been, and so on, together with a detailed account of the operation of the legislation.

But he did nothing of the sort. From start to finish he was on the defensive. He quoted Mr. Finnan, a Labour Minister in New South Wales, Mr. Pollard, the Commonwealth Minister for Commerce and Agriculture, and the Prime Minister, in his endeavour to prove that State control of prices had been better than Commonwealth control. He even fell back on the argument about increased costs, and made the incorrect statement that the State Executive of the A.L.P. had had to increase its capitation fees by 50 per cent. Although the Liberal Party may direct what dues shall be paid by its adherents, the State Executive of the A.L.P. certainly has not that power.

The Chief Secretary: Who increased the fee?

Hon. E. H. GRAY: The increase in capitation fees was agreed on by a special congress of representatives from every branch of every union affiliated with the Labour movement, and not by a small group of selected personnel such as the Minister described. Fortunately our State executive has not the power possessed by the executive of the Liberal Party. It was not owing to the high cost of living and the rise in commodity prices that the Labour movement decided to add a small amount to the capitation fee. It was done in recognition of the enormous sums of money being paid out by the opponents of Labour, and particularly the Liberal and Country League, for propaganda over the air and through other channels.

The DEPUTY PRESIDENT: Order! I hope the hon. member will be able to connect his remarks up with the measure we are now discussing.

Hon. E. H. GRAY: I mentioned the cost of advertising because the Chief Secretary referred to the capitation fee paid by adherents of the Labour movement. I think I was in order in making the correction.

Hon. L. Craig: Except that the Liberal Party contributions are willingly made.

Hon. E. H. GRAY: The rise in fees referred to by the Chief Secretary amounts to about ½d. per week.

Hon. L. Craig: A compulsory deduction?

Hon. E. H. GRAY: No.

Hon. L. Craig: Then what do you call it?

Hon. E. H. GRAY: It is a membership fee that we are all prepared to pay. The Chief Secretary blamed the 40-hour week—

Hon. G. W. Miles: Chifley did that.

Hon. E. H. GRAY: He did not. The 40-hour week was granted by the Commonwealth Arbitration Court and it is the duty of both employers and employees to make every possible use of that concession.

I have no doubt that in due course it will prove a blessing to the Commonwealth of Australia. The same argument was used when the 48-hour week was first granted. The worst point that the Chief Secretary raised was that the lumpers had caused all the high cost of living as a result of the rates they have been granted for Sunday work.

Hon. W. J. Mann: They are the aristocracy of labour, are they not?

Hon. E. H. GRAY: I know a little about the waterside workers, being a representative of their district, and the heavy penalty rates awarded by the Federal waterside workers' tribunal were not because of men going out on strike. Those high rates for Sunday work were granted in an endeavour to minimise Sunday labour. That was the only reason why they were allowed. The abolition of Sunday work has been the aim not only of Labour unions and affiliated bodies but of all church organisations, to carry out the Biblical injunction of one day's rest in seven. The Chief Secretary was therefore incorreet when he said that these men obtained that rate by striking.

The effect on industry and the cost of production and materials would be very slight because it has always been a continued endeavour to avoid Sunday employment as much as possible, not only in relation to lumpers but to all connected with harbour activities. It affects quite a number of men and it was a matter of policy by the tribunal. The effects of these awards have always been a strong point with arbitration tribunals all over Australia. In view of the difficulty being experienced at present, the suggestion by Hon. A. R. G. Hawke in another place for a secret session of Parliament was a sound one because I think we have reached a very dangerous position.

The Arbitration Court has its policy and has duties to perform. Every rise in the basic wage reacts in the same way as a dog chasing its tail, and therefore there must be some investigation and some other means found to combat the present position. The Chief Secretary mentioned little things. It may be that business people and managers of large firms are very wasteful; it may be that owing to change of events, change of work, or change of organisation that the administrative side, and the commissions paid by business particularly, need reviewing. If ever there was an argument for the growth of cooperative societies, it was never so pressing as at present.

It seems incredible that big businessmen should be paying commission, particularly on machinery used by primary producers; and if they are doing injury to anyone, the holding of a secret session might result in much good not only to those business people but to everyone, and might show a way out of our present difficulties. There is no denying the fact that the position today is extremely dangerous. Every endeavour should be made to keep prices down as much as possible. I know it is a world-wide problem; I know that the old law of supply and demand is a big factor; I know that the demand is much greater than the supply, and I know that some sections of the people, particularly pastoralists and farmers, have been very successful during the war years and are inclined to be extravagant.

Hon. G. W. Miles: During the war years?

Hon. E. H. GRAY: The post-war years. I claim that every possible avenue should be explored to meet the present dangerous position. The Chief Secretary contends that we must keep this legislation in operation, and I agree with him. Also we must see that the Act is successfully administered. I know, therefore, that every member in this House, no matter how conservative he may be, will vote for the continuance of the Act. If there are any opponents to it, I hope they will rise in their seats and express their opinions. I do not wish to see a repetition of the situation that arose last week. Some of the prices exhibited on articles for sale absolutely confound the people. For example, no-one can understand the tremendously high price of children's shoes.

Hon. L. Craig: They are subject to price control.

Hon. E. H. GRAY: Yes, but the Government must see that the administration has the necessary staff and facilities to police and enforce this Act successfully. There is an uneasy feeling that the Act is being allowed to rest on the statute book, but no concern is shown about it by the Government. I hope that as a result of the debate in this and another place, new life will

be infused into the department and every possible facility will be made available to it. I trust the Government and the Minister in control will take every step to overcome this tremendous problem. I recognise the difficulty faced by officers of the department concerned, and I know that it will cost money, but I repeat that the average person is not satisfied with the present state of affairs. People generally feel that the Government is being too lax in its administration.

Hon. H. Hearn: You cannot get over the facts.

Hon. E. H. GRAY: There are things happening in the metropolitan area that should not occur, and there should be a tighter grip on price control in this State. The Chief Secretary made a big issue of Henry Ford building cars and getting only one dollar profit on each car sold by his concern. He forgets, however, that the sellers of his cars average from 20 to 25 per cent. commission. The same principle applies today.

The Chief Secretary: They do not sell as many as he makes.

Hon. E. H. GRAY: When Henry Ford manufactured cars in those days, there was extremely keen competition, whereas today a person will grab any car that is placed on the market. That principle applies particularly to tractors and farm machinery generally, and the rate of commission being charged by companies handling such equipment and their system of selling are altogether too old-fashioned and out-of-date. Therefore, an inquiry is desirable, and that is another argument in favour of a secret session of Parliament. I support the Bill, and hope that some consideration will be given to tightening up the administration of the Act.

On motion by Hon. H. Hearn, debate adjourned.

BILL—WHEAT POOL ACT AMENDMENT (No. 3).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the further amendment made by the Council.

BILL—ADOPTION OF CHILDREN ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd August.

HON. E. M. HEENAN (North-East) [5.27]: This is a reasonably small measure and I am pleased to be able to commend it to the House and to congratulate the Government on improving an Act which has performed excellent service but which, in the course of time, has revealed certain weaknesses. The main provision is to raise the age at which children can be adopted from 15 to 21. Under the Act as it now stands, children up to the age of 15 only can be adopted, although in practice that has been overcome and this Bill proposes to legalise the procedure.

As a result of my own experience, quite frequently I have known of instances where children over 15, in circumstances where it is deemed necessary, have been adopted by people who have applied for adoption orders for them and this legislation now makes it legal to adopt any child over the age of 15 and up to the age of 21 years. The Act also contained a provision that any child over the age of 12 years who was to be adopted had to consent to his or her adoption. That has very wisely been modified because one can easily imagine circumstances where it is not in the interests of a child over the age of 12 years that he should be made aware of his illegitimacy. This Bill therefore makes a fairly generous provision that in certain circumstances the judge who makes an order for the adoption, can dispense with the consent being obtained from the child who is over 12 years of age. That I also know from my own experience will be a wise provision.

Another excellent proposal in my opinion is that in certain cases a judge may, if he deems the circumstances warrant it, dispense with the present necessity for obtaining the consent of the father of an illegitimate child to its adoption. There, again, I know that frequently there is great difficulty and expense, as the Act now stands, because not only has the consent of the mother to be obtained to the adoption, but of the father also and he may be in South Australia or some other distant country. Notwithstanding that he might have no interest at all

in the proceedings, his signature must be obtained to a document agreeing to the adoption.

Frequently there is great difficulty in locating the father and much expense is incurred in the process. There are cases where some fathers have adopted a dog-in-the-manger attitude and caused no end of trouble. This Bill will give a judge, in such circumstances, as I have said, the power to dispense with the consent of what is commonly called the putative father. The Bill contains other provisions which members will readily understand, all of which will improve the parent Act. I therefore propose to give the Bill my whole-hearted support.

HON. G. FRASER (West) [5.33]: I support the Bill, but desire to refer to one or two phases. First, I think it is time that Parliament definitely settled at what age a child ceases to be an infant. We find in various Acts that for particular reasons a child is defined as being under a certain age. Halsbury's "Laws of England" defines "infancy" as follows:—

> Infancy is, in English law, the term applied to the period of life, whether in males or females, which precedes the completion of the twenty-first year, and persons under that age are called infants.

Under the Guardianship of Infants Act, the age limit is fixed at 16 years, although there is no actual definition to that effect. For all practical purposes, however, under that Act the age limit of an infant would be 16 years. The Guardianship of Infants Act, 1926, provides that a court shall not be competent to entertain any application, other than an application for variation or discharge of an existing order under the Guardianship of Infants Act, 1920, as so amended, relating to an infant who has attained the age of 16 years, unless the infant is physically or mentally incapable of self support. Under the Child Welfare Act, the age is set out as 18.

Hon. E. M. Heenan: You will find a different age set out in the Criminal Code.

Hon. G. FRASER: Under the Child Welfare Act a child is defined as—

> . . . any boy or girl under the age of 18 years.

Hon. L. Craig: For the purposes of that Act.

Hon. G. FRASER: Yes.

Hon. E. M. Heenan: You could not put all the Acts together.

Hon. G. FRASER: I am suggesting we should get somewhere nearer the mark than we are at present.

Hon. Sir Charles Latham: You are suggesting that there should be some uniformity.

Hon. G. FRASER: Yes. Another age is fixed at which a person shall be entitled to vote for the Legislative Assembly. That age is 21 years. As regards the Legislative Council, a person is not entitled to nominate for that Chamber until he is 30 years of age. Under our liquor laws a person is regarded as a child until he attains the age of 21 years. All these various ages are conflicting and confusing. A person over the age of 18 years who commits an offence may be charged, and, if found guilty, imprisoned. If we consider some persons under the age of 21 are infants, then persons under that age should not be held responsible for certain acts committed by them; either that, or make the age 18 years. It is my intention, when we reach the Committee stage, to test the feeling of members on this particular aspect.

Hon. E. M. Heenan: Make the age 30 years, as provided for nomination for election to this Chamber.

Hon. G. FRASER: That would be giving too much license to some people. I feel like suggesting that the age should be that set out in the Child Welfare Act, which appears to be the most important Act governing infants. We certainly should have uniformity, rather than the present haphazard provisions. I have already mentioned three Acts dealing with this subject—the Child Welfare Act, the Adoption of Children Act and the two Guardianship of Infants Acts. There are two Acts governing the guardianship of infants.

Hon. E. M. Heenan: What are they?

Hon. G. FRASER: The 1920 Act and the 1926 Act.

Hon. E. M. Heenan: What are the names of the Acts?

Hon. G. FRASER: The Guardianship of Infants Act—there are two separate Acts. The Government would do well to pay attention to this matter, so that all these provisions might be embodied and brought into line in one Act. The Chief Secretary, being

a legal gentleman, will no doubt try to point out that such a step would be unnecessary; but I suggest it would be much better to adopt my suggestion, as a layman who desired to be informed on the subject would be much better off if he had but one Act to refer to.

I am in agreement with the other provisions of the measure, but I desire to be satisfied on the point I have raised. There is some danger in it because under the Adoption of Children Act a person who makes application for the adoption of a male child must be, if unmarried, 18 years older than the child; but if he makes application to adopt a female child he must be 30 years older than the child. That would seem to indicate that 18 years should be regarded as the limiting age of an infant. No person would want to adopt a child over 18 years of age as that would seem to me to be ridiculous.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [5.43]: The ingenious suggestion of Mr. Fraser has exercised the minds of people for many years. If he can devise any means whereby he can bring all the laws relating to infants under one head, he will have achieved a marvellous feat. Let me mention some of the laws in question: Wills, liquor, contracts, guardianship of infants, adoption of infants, custody of infants, marriage laws—and so I could go on ad infinitum. Take our criminal law. Mr. Fraser has suggested that the definition of "child" shall be the same in all our Acts.

Hon. G. Fraser: I did not say that.

The CHIEF SECRETARY: The hon. member inferred it.

Hon. G. Fraser: No.

The CHIEF SECRETARY: He suggested that there should be one definition of "child" and that all Acts relating to infants should apply accordingly. That cannot be done. If the hon. member would turn to the Criminal Code he would find that, for the purposes of criminal law, an oyster is described as an animal. There are various other definitions for that particular measure. When we read the law we find it is the same with many other Acts. For the purpose of a particular statute a word has a particular meaning. It would be quite impossible to adopt Lord Halsbury's definition of an infant.

Hon. G. Fraser: I only mentioned that in passing.

The CHIEF SECRETARY: I think the hon. member mentioned everything in passing. In the Guardianship of Infants Act the age of 14. He then has a say in the selection of his guardian. Under the liquor law the age is 21. The Child Welfare Act prescribes 18 as the age up to which maintenance shall be paid. Is it suggested that in every instance the age should be 21? Or should it be 14? Take the Criminal Code. A child of the age of seven is legally responsible for his actions. He is then supposed to know right from wrong. I forget for the moment whether it is 12 or 14 which is the youngest age at which a child can be hanged. No-one, of course, would dream of hanging a person of such a tender age.

These Acts are all different. Is it suggested that a child or an infant under 21 years should be able to make a will, and if so, at what age? Should an infant be able to enter into contracts? The law is most complicated as to what contracts an infant may enter into, and which will be binding on him. It is quite impossible to carry out the suggestion. Would the hon. member suggest that the word "elector" could have the same meaning everywhere? It means, of course, a different sort of elector under each Act. A person can be an elector for a union, a club, a road board, a municipality, the Legislative Assembly or the Legislative Council, and in each case entirely different qualifications are provided. It is the same with infants.

In connection with the Guardianship of Infants Act, the 1926 measure is an amendment of the 1920 Act. I agree with much that the hon. member said. For the last 20 years—and I have advocated this in the House—I have maintained that we should endeavour to have the statutes consolidated. The late Mr. Sayer did a wonderful work in consolidating a great many statutes. I saw him time and again, and he told me the Government would not provide the money to have the Acts consolidated. Hence we see the state they are in now. But some are being consolidated in each volume. Members might throw this up

at me and ask why we should not do it now. We cannot. We are unable even to get our parliamentary printing done. We cannot do it until we have new quarters in which to house the extra machinery for the Government Printer. Undoubtedly the statutes that could be consolidated should be dealt with. It is, however, absolutely impossible to have one definition to cover a child or an infant. I trust members will pass the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. A. L. Loton in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 2:

Hon. G. FRASER: I move an amendment—

That in line 3 of paragraph (a) the word "twenty-one" be struck out and the word "eighteen" inserted in lieu.

I move the amendment for the reasons I gave when speaking on the second reading. Quite a lot that the Chief Secretary has said has been irrelevant. I only mentioned a number of the Acts to point out just what the ages were. I was not advocating that the age should be the same for all, or that the different Acts should be linked into one. I did suggest that a number of the children's Acts should be amalgamated, but I did not suggest that all of them should be. This Act could well be linked with the Child Welfare Act which provides for the age of 18. I can hardly understand anyone applying to adopt a child over the age of 18 years. In many ways we regard a person of 18 as being an adult. A boy of 18 can be called up as a soldier. He can be charged in the courts at that age.

The CHIEF SECRETARY: Mr. Fraser's argument is rather curious. First of all he wants uniformity, and that is what we are attempting here. The reason for altering the age from 15 to 21 is because of a mistake that arose in the past. Subsection (3) of Section 5 of the Act refers to a child, but the definition of "child" is someone under 15. That is absurd. It is bad drafting. The idea here is that any infant may be adopted. Someone must look after the child for inheritance purposes. If we make the age 18 no child between 18 and 21 could be adopted, and, therefore, would not be able to inherit, as a child, the adopting parents' property.

Hon. Sir Charles Latham: You mean, if they died intestate?

The CHIEF SECRETARY: Yes. This is an essential amendment and does, in fact, fall into line with the wish of the hon. member because here we are getting some uniformity by making the child the same as a child is known in common law. I strongly ask the Commitee not to agree to the amendment.

Hon. G. FRASER: I hope the Chief Secretary will not try to put words into my mouth wrongly. I did not say a person was an infant until he was 21; I merely read from some of the Acts, and I quoted from Halsbury's "Laws of England."

Hon. Sir CHARLES LATHAM: I have not heard why the age should be raised to 21. The Chief Secretary has told us about a person acquiring an inheritance. How many people are likely to adopt a person of 18 years of age? People of that age want to be masters of themselves.

The Chief Secretary: That may be, but there are such adoptions.

Hon. Sir CHARLES LATHAM: I have not heard of one.

Hon. E. M. Heenan: I have.

Hon. Sir CHARLES LATHAM: I have been told of a bachelor adopting a woman who was nearly 21 years of age. That is a most extraordinary thing.

The Chief Secretary: I doubt if it is true.

Hon. G. Fraser: It could be done if the man were 30 years older.

The Chief Secretary: This does not affect that aspect.

Hon. Sir CHARLES LATHAM: It appears that in the past the law has not provided for this. I believe in the adoption of children, but we must use discretion in fixing the age. I think Mr. Fraser has made out a good case for 18 years of age, and I support him. As Mr. Fraser has said, a person can be called up at 18 years of age. Why fix it at 21? Why not make it 50? Eighteen is a reasonable age.

The Chief Secretary: In other words they should never be adopted after the age of 18. Is that your argument?

Hon. Sir CHARLES LATHAM: Yes. I want the law to be fixed so they can be adopted up to 18 years of age. If a person wants to provide that some other person shall acquire his estate, then that person can make a will to that effect.

Hon. E. M. HEENAN: A person under the age of 21 cannot make a will. I know of several cases where people have been under the age of 21, and have been illegitimate. They have been brought up under a certain name and have been unaware of the fact that they were illegitimate. They have been ignorant of the situation because people who could have corrected it have been careless, or have been unaware of the law. It does not matter so much when a person is over 21 years of age.

Hon. Sir Charles Latham: Why not?

Hon. E. M. HEENAN: He can make a will. There was a case a few months ago of a young illegitimate man of over 18 years of age. He was killed in tragic circumstances and if he had been adopted it would have been all right. However, owing to the neglect of certain individuals this was not done and some person lost a couple of thousand pounds in compensation. That young man could not make a will. Most children are adopted in infancy but there are odd cases where this is not so and the law should be generous enough to cover those odd cases. The provisions of this Bill are the recommendations of judges.

The Chief Secretary: The Chief Justice.

Hon. E. M. HEENAN: Before any child can be adopted, the documents must all be approved by a judge of the Supreme Court. I hope the amendment will not be agreed to.

Hon. E. H. GRAY: We cannot ignore the advice of two lawyers.

Hon. Sir Charles Latham: It is marvellous that they agree.

The Chief Secretary: Not when one realises how stupid your argument is.

Hon. E. H. GRAY: We must be guided by the experience of the Child Welfare Department and the Chief Justice. The department is doing an excellent job and there would be special cases which would make it necessary to extend the age to 21 years. I feel we should take notice of the remarks of the lawyers and the Chief Justice.

The CHIEF SECRETARY: I am surprised at the argument put forward by Sir Charles Latham. Obviously, he has not read either the Bill or the Act. Under the Act, as it stands, any child over the age of 12 years—

Hon. Sir Charles Latham: I said that. He must give his consent to it.

The CHIEF SECRETARY: Yes, but the hon. member has not read the Bill.

Hon. Sir Charles Latham: I know the Bill alters it. I did not say I was opposing that.

The CHIEF SECRETARY: A number of women have brought up illegitimate children who have not realised that the women's husbands were not their fathers. I had a case myself where a child was adopted at the age of 20 years.

Hon. G. Fraser: Why?

The CHIEF SECRETARY: Because the mother wished to adopt the child and have the whole matter legalised. She had acquired a certain amount of land.

Hon. G. Fraser: How long had she had the child?

The CHIEF SECRETARY: I presume 20 years; the child was 20 years old. There are many people whose births have not been registered. The desire in the Bill is that children may be adopted up to the age of 21 years. That is where Sir Charles Latham has not read the Bill and compared it with the Act.

Hon. Sir Charles Latham: I have read it.

The CHIEF SECRETARY: Then the hon. member cannot understand it. This proposal merely alters the Act to bring the definition of "child" into line with Section 5, Subsection (3). It does no more than that.

Amendment put and negatived.

Clause put and passed.

Clauses 4 to 9, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 6.15 p.m.