goorlie chemists.'' That is flatly contradicted by the pharmacists' council of Western Australia. I should like to know the hon. member's reply to that. If I understand the position aright, the friendly societies are working under an Act of Parliament, the Friendly Societies' Association at Kalgoorlie invested certain funds in 300 contributing shares and 500 fully paid up shares in a company of 2,500 shares, and is one of 60 shareholders. The association holds those shares in a chemist's shop business. The friendly societies are permitted to supply medicine to their members, but are not permitted to run chemists' shops for profit, that is to say, to sell medicines to the general public and make a profit; and very properly so, for they are in the nature of trustees and are not allowed to engage in a speculative business; because if they engaged in such a business at a profit, it would be bad, while if they engaged in it at a loss it would be most disastrous for the members of the society. Very properly, therefore, Parliament has said, ''You shall not engage in a business, but you are permitted to join together to buy medicine for yourselves.'' We are fortunate in having with us our honourable colleague Dr. Saw, who will be able to bring to bear special knowledge to assist us in the discussion of this question. We should understand what the position is, and understand what we are going to do. Here is this Friendly Societies' Association of Kalgoorlie running a chemist's shop at a profit. The Registrar of Friendly Societies does not care what they are doing so long as they conform with the law. He says, ''You are breaking the law in what you are doing.'' It is of no use the sponsors of the Bill saying that the registrar supports the view they put forward. He does not do that, but he says ''In order to put yourselves in order you must have an Act of Parliament to validate what is otherwise an illegal act. It is most misleading to say that the registrar supports the view that those friendly societies who have indulged in this chemist's shop business should be assisted out of their dilemma. We have those friendly societies committing an illegal act and we are asked to validate it. The chemists come along and say with a certain amount of force that for the friendly societies to engage in a chemist's shop business is not fair to the chemists of the State.

Hon. J. Ewing: They are only shareholders.

Hon. A. SANDERSON: They have a portion of the shares. On the showing of the Friendly Societies Association itself, it holds 300 contributing and 500 fully paid-up shares in a company of 2,500 shares and is one of 60 shareholders. We ought to verify that statement. I do not mean that they wish to mislead us, but it is a serious matter to validate an illegal act, and to protect ourselves from the criticism that we pass a thing without understanding clearly what we are doing, we ought to have some pretty clear evidence that the association really holds 300 contributing shares and 500 fully paid-up shares. It is denied that this is the position of affairs.

Hon. H. Millington: Who denied it?

Hon. A. SANDERSON: It has been denied to me this morning. The chemists whom I have seen on the subject, the pharmacists' council, say this is misleading and that the company practically belongs to the friendly societies of Kalgoorlie. We require some information on the subject. At present we do not know the position of affairs. I have here an article on page 322 of the ''Chemist and Druggist of Australasia'' of the 1st September, 1919, which seems to throw a little light on the subject, and to suggest the importance of reviewing the situation carefully. This paper, which is the official organ of the chemists and druggists, was handed to me to-day. It contains a reference to a case in South Australia which at first sight seems uncommonly like the question we are dealing with in the Bill. The article is headed—''Pharmacists and Friendly Societies; The Mount Gambier Case.'' Without going into a lengthy statement containing a lot of detail, I offer this to hon. members, who can see it for themselves if they wish. As far as I can follow the case, it is practically on all fours with the Kalgoorlie case. In an interview the Attorney General of South Australia said that he had made inquiries with a view to finding out whether the action which had been taken was unlawful, and he was satisfied that the society was acting outside the scope of the Friendly Societies Act. There, it seems to me, is the whole question. Are we going to authorise those friendly societies to carry out something outside the Act under which they are working? If we do that with our eyes open it will be an end of the matter. But it will be a mistake to act until we know the position clearly and until we have got some further information from South Australia. It is important to the friendly societies and to the chemists, and to a certain extent important to the public; because if the friendly societies got this Bill through and continued to carry on that business and lost money, what would be the position of affairs? They would then be engaged in a legal act, while conceivably losing trust moneys in a speculative business. It seems to me that is not what the public intended or expected from friendly societies' work. It is like any other trustees' work and must be controlled very carefully. I do not know who discovered this matter at Kalgoorlie, presumably the registrar. Seeing that it has been going on for five years it is a pity it was not discovered before. At any rate, some one deserves credit for discovering it at all, because in this country so many things illegal and unconstitutional go on without anybody taking the slightest notice. Therefore, speaking with some hesitation on this matter, I should like to congratulate somebody on having discovered this position of affairs. I was informed that this South

Australian matter is not yet finished with. I was also informed that if we could allow this question to wait a month until we get the latest views of this Mount Gambier case, it would possibly assist us in coming to a wise decision on the Kalgoorlie case. I need hardly assure hon. members that I have no hostility whatever towards the Kalgoorlie friendly societies. If this position has arisen merely through a technical slip, we should be very ready to assist in putting them on a proper footing; but it is fairly evident to me that what we are asked to do is, not merely to validate a technical illegality, but to sanction something new and foreign to the Friendly Societies Act and which may possibly lead to trouble in the future.

Hon. J. J. Holmes: The Bill proposes to legalise other matters.

Hon. A. SANDERSON: I am speaking merely of the chemist's shop enterprise. If we once legalise the friendly societies going into a chemist shop I think it will be found very difficult to resist with any logic or fairness——

Hon. H. Millington: But it is permissable under the Act for the friendly societies to run this business. It is being done at Perth and at Boulder.

Hon. A. SANDERSON: No, there is a clear issue between us. The hon. member says that at Boulder they are permitted to run this business. Nothing of the kind. Under the Friendly Societies Act they are permitted to co-operate to buy medicines for themselves, but they are not permitted to trade as chemists and supply any of the general public. That is the difference between the two positions. I do not, however, wish to embarrass the hon. member. I am only asking that we should have some clear and authoritative statement of the position of affairs, so that we may know what we are doing and what this may lead to, and in order that there may be some delay before putting the Bill through quickly. I should like to get further information from South Australia on the Mount Gambier case, which appears to be on all-fours with the present case, and the decision there will greatly assist us in coming to a conclusion on this matter.

Hon. A. J. H. SAW (Metropolitan-Suburban) [6.2]: I have no intention of opposing the second reading of the Bill, and I am sorry I was not here last night to listen to Mr. Millington's speech in introducing it. I can only plead the weakness that was left from an attack of influenza as a reason for my absence. I understand that the position taken up by the friendly societies at Kalgoorlie and by Mr. Millington, is that they have committed a small peccadillo. There was an historical occasion mentioned in "Midshipman Easy" when that same excuse was made by the servant girl, that it was only a little one. I understand that the chemists fear that instead of this being only a little peccadillo the Bill may be pregnant with great possibilities. Naturally none of us wishes in any way to hamper the friendly societies, either at Kalgoorlie or anywhere else. We all recognise the good work that they do, and their motto of "Self help and thrift" is quite refreshing in these days when everyone expects the State to be at his call. Unfortunately, very few of those who expect State help realise that the State itself needs help as well as they. The position is explained in this circular from the friendly societies, namely, that they only hold about one-third of the shares of this chemist's business. I understand that they do not intend to run as a friendly society a chemist's business for profit, and that all they require is that we should legalise an action which they took some five years ago in buying these shares. It would be well if, in Committee, the number of shares which they state they possess was included in Clause 2, and the exact amount of their investment, which it is proposed we should legalise, was also definitely stated. I think that all friendly societies and trades unions whose motto is self-help and thrift realise that there are other buinesses, and that it is a good thing to live and let live. It would certainly not be conducive to the welfare either of the friendly societies or of the commun[illegible] if these societies engaged in running a chemist's business with their funds. They have certain rights and privileges in the State, and it would not be fair for them to use their funds in competition with the ordinary chemist. It would undoubtedly tend to oust the chemist from his legitimate business, and in the long run would tend also to lower the status of the chemist. That would, I think, re-act harmfully on the community. It would be a very bad thing for the community that either the status of the chemists or of the doctors should be lowered. They have certain privileges and certain duties which they perform for the benefit of the public. Anything that will tend to lower the status of the chemist will be harmful, and will mean that the profession will not attract the same class of men who at present take it up. They have to engage in a long course of study and their examinations are of a very stringent nature. If the time ever came when the only thing a chemist had to look forward to was that he would be either in a departmental store as an assistant in the chemistry department, or as an assistant to a friendly society, it would have an injurious effect in keeping out of the business the right stamp of men. I have no desire to embarrass the friendly societies. We all recognise the good work they are doing, and I shall support the second reading of the Bill, although in Committee I intend to introduce an amendment on the lines I have suggested.

Hon. J. EWING (South-West) [6.6]: I was not present in the Chamber when the second reading of this Bill was moved. I can see a great danger in connection with the measure. I am in sympathy with the

friendly societies and would support them on every occasion, but I should like to know what the effect of the Bill will be. I wish Dr. Saw would draft a clause which would carry into effect that which he has put forward. In the circular letter I have before me it is stated that there are 8,000 shares held by the friendly societies carrying on a chemist's business in Kalgoorlie. Another statement has been made by someone who knows the position, and it is that 1,500 shares are held. Therefore, the whole of the business of M. Kelly Ltd. is in the hands of the friendly societies of Kalgoorlie. It is also stated that some 700 further shares were taken up by other friendly societies. We want to know whether the friendly societies of Western Australia are to become chemists and use their funds illegally in the way they have used them in the past. I am prepared to help the hon. member in looking after the money which has been invested by the friendly societies in this instance. I will not, however, go beyond that. I want it to be understood that some amendment must be made to the Bill in Committee to prevent other societies from spending their money. Those interested in the Kalgoorlie society have paid in certain funds and have a right to have their money accounted for properly. Their money may be loaned and the time may come when it will be impossible to refund it. The only thing to do is to protect the society, and take every precaution that it does not occur again, otherwise we will have the friendly societies all over the State competing with chemists. That kind of thing would never do. I am out against the subscriptions of members of friendly societies being used in order to compete against other business men in this way. Let us take every precaution to protect the members of these societies, and prevent any attempt to trade as chemists. Arrangements are made in Collie by which the local chemist, for a certain payment each week, guarantees the supply of medicine and even the attendance of a doctor to contributors. The money in question has been invested illegally, and I am only prepared to protect the funds that are already invested in Kalgoorlie provided an amendment is carried to safeguard the interests of those who are carrying on a legitimate business as chemists in Western Australia to-day.

Hon. H. MILLINGTON (North-East—in reply) [6.12]: I understand that Mr. Holmes, after making inquiries, does not particularly object to the Bill. There is no clouding of the issue. This is to validate an investment made by the Kalgoorlie friendly societies. The investment was made under a misapprehension. The whole point is that they had been sufficiently financial to enter into the business of the co-operative supply of drugs and medicines to their members everything would have been in order. The difficulty which has arisen is that they have not complete control of the business, for they are only shareholders. The particulars I have had supplied to me by the secretary of the Kalgoorlie Friendly Society is that the Friendly Societies Association hold 500 fully paid up shares and 300 contributing shares.

Hon. J. Ewing: I have seen it elsewhere as 1,500 shares.

Hon. H. MILLINGTON: It has been stated in another place that they have 500 fully paid up shares, and 1,000 contributing shares. Because they were not able to finance the whole concern, 700 of the shares were taken up by members of affiliated friendly societies, and this accounts for the 1,000 shares. The shares are held by members of the friendly societies affiliated with the association. Therein a difficulty has arisen, and the Registrar of Friendly Societies challenged their position, because they were not the sole proprietors of the business. Mr. Sanderson points out that their action is not justified at law. I think that is admitted.

Hon. A. Sanderson: It is pointed out in the Bill.

Hon. H. MILLINGTON: That is the reason for the introduction of the Bill. They made this investment in all good faith, presumably on account of the business being run at Boulder by the friendly societies there. They have to employ a qualified chemist as a dispenser. The chemist who was at Boulder for a number of years, acting for the Kalgoorlie Friendly Society, is now in business in Hay-street, Perth. In Kalgoorlie they have to engage a fully qualified chemist. That is quite understood.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. MILLINGTON: With reference to the objection taken by Mr. Sanderson that these were trust funds, and that there was no authority to invest them in the manner that was done, I wish to point out with regard to these funds that members pay a certain amount towards a medical fund and also towards a funeral and accident fund. So far as the medical fund is concerned, and this is the one we are interested in, it is entirely separate from the other funds of the off-spring societies. Members pay a definite amount of 7s. per quarter to the medical fund. That 7s. was paid in full to the Friendly Societies' Association, and for that amount the various members of all the lodges received medical attention and also medicine. Prior to 1914 a contract existed between the Friendly Societies' Association and a local chemist to supply medicines to each member of the friendly societies and to members' families at fixed rates. As I stated when moving the second reading of the Bill, members of the friendly societies in 1914 became dissatisfied with that arrangement and decided that they would run their own chemist's business and supply drugs to their members. Then it was that negotiations were entered into and the business of M. Kelly, Limited, was taken over. The whole of the interest in that business is now owned by the Friendly Societies' Association.

Hon. A. Sanderson: The whole of it?

Hon. H. MILLINGTON: The Friendly Societies' Association have 500 fully paid-up shares and 300 contributing shares, and the various members of the society who went to the assistance of the Association in order to enable them to complete the purchase, hold 700 shares, and the total amount actually paid in cash on the share capital is £680. The shares held by the individual members were contributing and these members paid the £680 on the 700 shares. The Friendly Societies' Association has paid £120 into the company. It is for the purpose of validating this payment that the Bill has been introduced. As Mr. Sanderson states, there have been negotiations between the Registrar and the Friendly Societies' Association for a number of years and, as a result of these negotiations, the Registrar eventually recommended this method of settling the dispute and validating the action of the Association. I am not in a position to say whether the Association acted illegally or not, but it is presumed that the Registrar of Friendly Societies considered they did, but that it was an error that could be rectified, as no harm had been done. As a matter of fact I have shown that the acquirement of this business has been in the interests of the members concerned. There are over 1,000 members affiliated with the Association. It has been contended that medicines have been provided by the new company at pre-war rates. That, however, is a little far-fetched. Prior to 1914 the Friendly Societies' Association had a contract with the chemist to supply medicines at so much per quarter. The new company, despite the war conditions and abnormal increase in the price of drugs, continued to supply members of the Friendly Societies in Kalgoorlie at those rates. Therefore it was not a question of paying so much for each prescription. It was a question of paying so much per quarter to the lodge, and so, through the association, the same amount is charged for drugs as was previously charged. Therefore, the statement that members have received their medicines at the pre-war rates is correct. With regard to the statement that members' funds have been used in a manner that might incur loss, I desire to say that the funds used for this purpose were not actual trust funds. A lodge has certain funds which it has a right to use irrespective of the Registrar. So far as the funds which are contributed towards the funeral and accident allowance, those are definitely controlled by the Registrar, but the medical fund is a local one and the Association have the power to administer that as they think fit. Also there is the management fund out of which the management expenses are paid and that amount again is at the disposal of the members. Therefore, the trust funds under the control of the Registrar administering this Friendly Societies Act have not been touched so far as the business is concerned. The difficulty mentioned by Mr. Sanderson does not exist. In connection with the rather far-fetched South Australian case quoted by the hon. member —the hon. member generally insists on having very elaborate evidence before he will allow himself to be influenced—what we say is that we placed the whole position in regard to this one case before the House and I fail to see that we can be influenced by what has taken place in another part of the Commonwealth when there has not been sufficient evidence adduced to satisfy us that there is any analogy between the two.

Hon. A. Sanderson: Here it is in the paper.

Hon. H. MILLINGTON: Even so, the hon. member has not shown that there is any analogy between the two cases, and as for satisfying the House with regard to the investment made, the Registrar of Friendly Societies has all the information. This is a registered company and before recommending the procedure which has been adopted, the Registrar undoubtedly satisfied himself that the statements which were made were correct. He is in a position to know whether the statements made with regard to the investment were correct or not. When he says he approves of this, it means that he has thoroughly investigated the whole case. The Minister in charge of the Department also takes the responsibility of saying that the case as presented by the Friendly Societies' Association is correct, and he considers the course which has been adopted is the best to follow. There would have been no difficulty had the Friendly Societies' Association been in a position to take over the whole business, but when they had to transfer certain of their shares to individual members, then the complication arose. I have already stated that in Boulder there is a similar Friendly Societies' Association. The one in Kalgoorlie has seven different lodges. A similar position exists in the metropolitan area where there is a Friendly Societies' Association and where they have a chemist's business in which they dispense drugs to members.

Hon. A. Sanderson: Do they sell to the public?

Hon. H. MILLINGTON: I do not wish to mislead the House. I do not know whether they do or not, but from correspondence which I have had with the secretary of the friendly societies, this is a matter entirely affecting members of the friendly societies organisations only. It was established for that purpose and I understand they trade with their own members. I have already stated that a duly qualified chemist is employed by the association to dispense prescriptions for members. I have also cleared up the matter referred to by Mr. Ewing by showing from the correspondence which has been received in Kalgoorlie from the secretary of the Association that the shares held by the Friendly Societies' Association are 500 fully paid up and 300 contributing, and that the members of the Association hold 700. The distinct purpose of the Bill is to protect the investment already made by the Association. It is to validate what has been done, and pre-

sumably the Registrar takes the view that this is the only way in which the mistake which has been made in good faith can be rectified. The Friendly Societies Association have nothing to hide. They court the fullest investigation and, if further inquiry is desired, I shall raise no objection. I would point out, however, that the Registrar of Friendly Societies and the Attorney General concur that this is the best way out of the difficulty. I hope the House will give the Friendly Societies Association the consideration they deserve.

Question put and passed.

Bill read a second time.

BILL — DIVORCE ACT AMENDMENT.

In Committee.

Resumed from the 10th September. Hon. J. F. Allen in the Chair; Hon. J. Nicholson in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 2.

Hon. J. NICHOLSON: I should like to make a personal explanation. Following the suggestion made when the Bill was previously considered, I have communicated with the representatives of each of the churches, and have sent them a copy of the Bill. I have received replies and, generally speaking, the views expressed are in accordance with those previously expressed when amendments to the Divorce Act were introduced. The churches generally oppose any widening of the grounds on which divorce might be obtained, but a number of them certainly do recognise there is something in Clauses 2 and 6. They, however, call attention to Clause 5 and point out that it would entitle the aggrieved party, petitioning for the restitution of conjugal rights, to get divorce earlier than the five years allowed in the case of desertion. Those representatives have apparently overlooked that it has been the law in England that a decree, once pronounced and not complied with, would have the effect of wilful desertion, and would entitle the party to sue for a judicial separation, for in England desertion is not a ground for divorce. Where a husband has been guilty of adultery, and where two years have not elapsed which would ground an application for judicial separation, if a decree for restitution of conjugal rights is pronounced, the parties are not required to wait till the expiration of the two years. The court fixes a time, and that removes all difficulty. A similar clause to this has been in force in New South Wales for the past 20 years. I also communicated with the women's organisations, the National Council of Women, the Women's Service Guild, and the W.C.T.U., and they unhesitatingly approve of the Bill. The representative of the Jewish church has pronounced himself in favour of the Bill, and another representative has stated that his church does not recognise divorce on any grounds.

Hon. A. Sanderson: What church was that?

Hon. J. NICHOLSON: The Roman Catholic Church. I thought it only fair to place this information before the Committee.

Clause put and passed.

Clauses 3 to 6—agreed to.

Clause 7—Amendment to Section 23 of the principal Act:

Hon. J. W. KIRWAN: I move an amendment—

> That the following words be added to the clause:—"And is further amended by adding at the end of paragraph (d) the following proviso:—'Provided that the insanity of a wife, when such insanity is the result of pregnancy, childbirth, or lactation, shall be no ground for a petition for dissolution of marriage on the part of the husband.'"

When the Bill that permitted insanity as a ground for divorce was before the Chamber, I opposed it in that respect. The view I and other members took of insanity was that it was a disease and, for that reason, ought not to be made a ground for divorce, as disease or sickness might happen to anyone. I certainly think that where insanity is the result of pregnancy, child birth or lactation, and it frequently arises from those causes, we ought not to penalise the wife to the extent of making it a ground for divorce. It would be manifestly unfair if we did so, seeing that the cause arose from the woman's devotion to her duty as a wife.

Hon. J. NICHOLSON: In the 1911 Act, there is a very guarded and carefully worded provision with regard to this ground for divorce. It provides that the petitioner may present a petition "on the ground that the respondent is a lunatic or person of unsound mind, and has been confined as such in any asylum or other institution in accordance with the provisions of the Lunacy Act, 1903, for a period or periods not less in the aggregate than five years within six years immediately preceding the filing of the petition, and is unlikely to recover from such lunacy or unsoundness of mind." I have the deepest sympathy for any man or woman in the position of having his or her partner for life placed in an institution on such a ground. But the idea which prompted the framing of the section quoted was that if the party afflicted was never likely to recover, from whatever cause the insanity arose, it mattered not whether it arose from one of the particular causes mentioned in the amendment, it should be a ground for divorce. Does it really matter whether the insanity arises from one cause or from another, if the insane person is not likely to recover? Under the Act as it stands, the person must have been of unsound mind for five years and the court must be satisfied that the person is not likely to recover. What stronger safeguards could there be? I cannot accept the amendment.

Hon. A. J. H. SAW: I support the views expressed by Mr. Nicholson. Insanity cannot be said to be the result of pregnancy, childbirth, or lactation. No doubt in the majority of cases of insanity there are hereditary and constitutional influences which are the real causes of the insanity. Women are specially prone to insanity at certain periods of stress—during puberty, during pregnancy, or immediately following it, during lactation, and at the change of life. I do not think there is any scientific ground for the sentiment which underlies the amendment. The result to the husband is the same, no matter at what period of the wife's life the insanity arises. Insanity arising at pregnancy is frequently cured, but the recovery takes place within a measurable period of the occurrence of the insanity if there is going to be recovery at all.

Hon. A. SANDERSON: We are in the position of a jury being addressed by experts on one side only. We listen with great respect to the legal and medical opinions expressed by Mr. Nicholson and Dr. Saw, but I venture to say that we could get a lawyer and a medical practitioner of equal standing with Mr. Nicholson and Dr. Saw to contradict them flatly. I was surprised to hear Mr. Nicholson and Dr. Saw enunciate the doctrine that, no matter what the cause of the insanity, divorce should be granted.

Hon. J. Nicholson: If the party is incurable.

Hon. A. SANDERSON: It is not only conceivable, but even probable, that the insanity of a wife may be caused directly or indirectly by the husband. And yet under this clause the husband would be released in such circumstances. If the member in charge of the Bill wishes us to believe that the churches and the women's organisations are supporting the measure——

Hon. J. Nicholson: I have not asked you to believe anything of the sort.

Hon. A. SANDERSON: The impression left on my mind by what I read in the newspapers was to that effect. However, it seemed to me almost incredible. I have a letter here from one authority, which says in regard to Clause 7—

> Unless carefully guarded this clause may, I fear, open the way to abuse and injustice where the weaker party is in another country.

However, I am sure that at this period of the session there is not the slightest chance of the Bill going through. Will Mr. Nicholson tell us whether Clause 7 as it stands, with the amendment which has been proposed, represents the law in any other State of the Comonwealth or in England? From the legal aspect it is desirable that we should have divorce laws the same throughout Australia. If Mr. Nicholson cannot supply the information I ask for, we must be allowed time to obtain it for ourselves.

The HONORARY MINISTER: Whilst I recognise the sentiment underlying Mr. Kirwan's motion, I cannot support his amendment. I am rather at a loss to understand Mr. Sanderson's attitude, seeing that the provision for divorce after lunacy has extended over five years and without prospect of recovery, has existed in this country for eight years. Seeing that we have had that provision for eight years and nothing has arisen under it, I cannot see why it should be amended. If it is proved that the unfortunate sufferer is not likely to recover, why should the divoce be refused? I cannot support the amendment.

Hon. H. STEWART: I have in thought a case in which the wife was of unsound mind. Her suffering, perhaps as the result of the actions of one of the parties, as instanced by Dr. Saw, leaves the way open to injustice. With that case in mind, I do not think I could do other than support the amendment. The clause proposes to repeal the words in the Divorce Act Amendment Act of 1911 "in accordance with the provisions of the Lunacy Act 1903." Those words were expressly put in as a safeguard, and I should like Mr. Nicholson to explain the reason why that safeguard should be removed.

Hon. J. NICHOLSON: In reply to the inquiry made by Mr. Sanderson, let me say that, as far as I can learn, incurable insanity is a ground for divorce in New Zealand. I am not sure whether it is so in New South Wales and Victoria. I believe it is so in Queensland. It is a ground for divorce in most centres on the continent of Europe, and the Divorce Reform League in England has adopted it as a ground for divorce. I do not think the amendment would help the position of either the husband or the wife in the circumstances suggested. With regard to the question raised by Mr. Stewart, who is anxious to know the reason for striking out the words "in accordance with the provisions of the Lunacy Act 1903," it is briefly this: by the inclusion of those words it is impossible for either husband or wife to petition in the courts here if the afflicted party is in one of the other States. Owing to the inadequate accommodation provided in our institution at Claremont, many people have sent their afflicted spouses to the other States, and to bring proceedings here it would be necessary to bring back the afflicted person, in order to provide a domicile here, which would probably cause great distress to that afflicted person.

Hon. A. SANDERSON: As in the case of the Treasury Bills measure the other night, we are gradually extracting little by little information on the subject under discussion. If we are going to turn out work of which we can be proud, we require to know the position very clearly. I ask the hon. member in charge of the Bill to tell us, if he can, whether the amendment is in accordance with the law in South Australia, in Victoria, in Tasmania, in New South Wales, and in Queensland.

Hon. J. NICHOLSON: I do not know of any provision in any other State of the Commonwealth similar to that suggested by

Mr. Kirwan. Insanity as a ground for divorce is the law in New Zealand and I believe in Queensland. I am not sure about New South Wales or Victoria. It has been the law here since 1911.

Hon. H. Stewart: With a safeguard.

Hon. J. NICHOLSON: It is in accordance with the recommendations of the majority report in England, and I believe will also become the law in that country.

Hon. A. SANDERSON: It is to be regretted that the report of the learned legal profession in the Chamber cannot apparently understand Parliamentary procedure. You, Sir, have made two suggestions that we should speak to the amendment before the Committee, which is the proposal put forward by Mr. Kirwan. I asked what is the law in the other States of the Commonwealth. If the hon. member will show me that none of them have that law I shall be prepared to say that we do not want it here. I will support Mr. Kirwan's amendment. If what Dr. Saw says is correct it will not affect the matter at all. If the Committee rejects the amendment we are thrown back on the clause, and can then discuss one or two other questions.

The CHAIRMAN: I ask hon. members to confine themselves to the amendment. The discussion has become discursive and we shall make no progress unless members confine themselves to the amendment.

Hon. Sir E. H. WITTENOOM: I intend to oppose the amendment because I consider it is superfluous. I can hardly imagine that any medical man would pronounce a woman insane from the causes set forward in the amendment. If there was insanity attached to these cases, it would be temporary insanity and not of such a lasting nature that anyone would be able to pronounce such a person sufficiently advanced in insanity to enable an individual to apply successfully for a divorce on that ground. If so much further information is required in connection with the matter I suggest that progress be reported to enable that information to be obtained.

Hon. J. CORNELL: If the supporters of the amendment desire to have it carried I understand they must also agree to the clause as it is printed. The amendment has been the law in the State for eight years. It is peculiar that these ardent advocates of this amendment have neglected for eight years to amend the law, and should only endeavour to do so when Mr. Nicholson has brought down this Bill. They now propose to undo something which has been on the Statute Book for eight years. I am prepared to take the opinion of Dr. Saw and accept the position as it is. Furthermore, there has been no public outcry against the law as it stands so far as I know. I will therefore support the Bill.

Hon. J. W. KIRWAN: I am disappointed at the remarks of hon. members concerning this proposal. Some have sympathy with the husband whose wife has become insane, but some consideration should also be given to the wife. When the parties were getting married there was a distinct promise given that they would abide together for better or for worse, in sickness and in poverty. This is a case where insanity has been brought about by the woman carrying out her duty as a wife. It is not likely to happen to any woman who would be seeking to evade her responsibilities. A woman of that type would not be likely to become insane for these reasons. The Committee ought to pass the proposal I have brought forward. Most medical men will agree that there is no case of insanity where it is absolutely impossible that recovery should not take place. Recovery from all diseases takes place, sometimes under circumstances which puzzle the most expert medical men. But even apart from that consideration we must remember that the wife would have lucid intervals while confined in the asylum, and if there was anything that would tend to make that wife more distressed in mind it would be the fact that her husband had cast her off in order to suit his own convenience. I will never be a party to the passing of a law that would allow such a gross injustice as that. I intend to divide the Committee on this question.

Hon. J. NICHOLSON: Another aspect which I am afraid Mr. Kirwan has not considered is the case of a man whose wife is confined in an asylum and who is left with small children and who is bound to give the best possible attention to those children. He may find on the best medical testimony, after five years, that the case is absolutely incurable, and will assume that it could be shown that the woman's condition is the result of one of the causes suggested in the amendment. Then that man could never get a divorce in order to marry again, nor hope happily to be mated with another woman. He would be destitute of those comforts that all the members of the male sex are entitled to and the children would be deprived of the helping hand that would be given if he could marry again. Is it not better for the children to have a stepmother wisely chosen than that they should be in the care of a hired servant?

Hon. J. Mills: There is no evidence to show that a stepmother is always the best.

Hon. J. NICHOLSON: In the evidence taken before the commission in England it was proved that there were many instances where men who could not get a divorce actually resorted to taking a mistress. Is it not better in the interests of the community, and in the interests of morality, that something should be done whereby relief could be provided and such a condition avoided?

Hon. J. W. HICKEY: No matter how sentimental I may feel about this amendment, I wish to remove sentimentality and speak from the practical standpoint. Personally I am in favour of the amendment but I am loth to cast a vote in face of the opinions given by experts this evening—the legal and medical minds which have been brought to bear on this question. What struck me in connection with the remarks of Dr. Saw was that the amendment deals specifically with

pregnancy. As the hon. gentleman has told us, this does not lead to lunacy. Then, with all due respect to the hon. member's opinion, I desire to say that the medical fraternity disagree in that direction. If the medical records were searched it would be found that there were conflicting opinions in this direction. I agree with Mr. Sanderson, that if, as a result of this particular period of a woman's life, something does occur, the man must be a contributing factor. That being so, I would like to have heard more from hon. members. I cannot be influenced, though I have heard numerous opinions on this matter, but I am satisfied that what we have heard cannot be taken as final. I intend to vote for the amendment.

Hon. A. J. H. SAW: I fancy that my remarks must have been misunderstood. What I tried to make clear was that insanity occurs amongst certain people of unstable nervous constitutions and that heredity plays a very large part. The precise moment at which insanity occurs is at a period when some particular and excessive strain is put on the individual. That strain may be of many kinds, but in the case of a woman it usually occurs at three periods. One is at puberty, one during pregnancy, confinement, and lactation, and the third at the change of life. Consequently when insanity occurs during the period of pregnancy, confinement or lactation it may be in those cases that that particular period is the contributing cause of the insanity.

Hon. Sir E. H. Wittenoom: Would it be temporary or permanent?

Hon. A. J. H. SAW: In a large number of cases when insanity of that kind occurs, people recover, but not always. Whether they recover or not largely depends on the nervous constitution with which they were born. If they come from stock in which insanity was very prevalent then undoubtedly they are less likely to recover. I do not want to mislead the Committee by saying that pregnancy, lactation, and confinement are not contributing causes. Undoubtedly they are.

Hon. A. SANDERSON: There is no doubt whatever that we have just had a most valuable contribution to this discussion. The hon. member who has just spoken has pointed out that recovery depends to a great extent on heredity insanity.

Hon. A. J. H. Saw: On the degree of the taint in the family.

Hon. A. SANDERSON: Exactly. If there should be a strong and intelligent husband or wife, as the case may be, at a period of this kind, would it not almost be a certainty in ordinary circumstances that the patient would recover? I am glad the remarks I made were supported by Mr. Hickey. We come back to the point that it is not purely a physical question. There is the social, mental, and the financial aspect in connection with this important matter. That a man should be able to toss his wife aside without any support whatever——

Hon. J. Nicholson: That cannot be so. He is bound to maintain her.

Hon. A. SANDERSON: If this clause passes, a man in Western Australia will be able to get a divorce more easily than anywhere else. We are seeking to upset the established condition of affairs. It is a matter of the greatest public importance and I hope the amendment will be pressed to a division.

Hon. J. W. KIRWAN: Mr. Nicholson referred to the views of women's organisations. I do not know whether my amendment was placed before them. Some other amendments on the Notice Paper certainly did receive their consideration. The hon. member delivered an address to some ladies on Friday evening and they passed a motion approving of his Bill and of two amendments, of which notice had been given. I would like to know if my amendment was considered; if not how was it that the amendments of two other hon. members were presented to the meeting and not mine?

Hon. J. NICHOLSON: I had in mind the two amendments referred to, but not the amendment proposed by Mr. Kirwan; otherwise I would have brought it forward. I was speaking without notes.

Hon. J. W. KIRWAN: It is most regrettable that this amendment was not brought before the meeting. The views of those ladies were quoted by the hon. member and no doubt have influenced the Committee regarding the Bill. If my amendment had been submitted to them, I can hardly conceive that they would not have favoured it because it would appeal to women, particularly. Mr. Nicholson spoke of a man whose wife was in the lunatic asylum and whose family might need the protection of a mother. We ought to consider the position of the unfortunate person in the asylum. She would probably have lucid intervals for months and months. What would she think if she knew a stepmother had charge of her children? Would not that add considerably to the burden she was bearing as a result of carrying out her duties as a wife? I am surprised and disappointed that some members take the view that a woman should be punished so cruelly as a result of being faithful to her marriage vows. Perhaps some amendment of the marriage contract might be made and, instead of the marriage vow stipulating for better or worse, in sickness and health, there might be a qualification that if the woman became insane as a result of carrying out the duties she was undertaking, the husband would cast her off and cease to regard her as his wife. If a qualification of that sort were included in the marriage vow, there would perhaps be some hesitancy on the part of a woman to undertake the great risk involved in matrimony from her point of view. I would plead with members to consider, not only the case of the man, but the interests of the wife.

Hon. J. CORNELL: Mr. Kirwan has made an eloquent appeal for consideration for a wife who has become insane through child birth or pregnancy. Dr. Saw has said there are three stages. Mr. Kirwan has

dealt only with the middle stage. Assume that a mother has borne several children and then become insane. The hon. member has not considered that. Insanity might occur at change of life.

The CHAIRMAN: That is not referred to in the amendment.

Hon. J. CORNELL: Mr. Sanderson returns to the charge again and again and will not be repelled. He asks whether this is the law in any other place. It is his business to find that out. Mr. Kirwan has taken Mr. Nicholson to task for not bringing his amendment before the meeting of ladies. That was his business; not Mr. Nicholson's.

Hon. A. SANDERSON: According to Mr. Cornell, it is my business to find out whether this provision is included in any other Divorce Act in Australia. Is that reasonable? Surely Mr. Cornell is not serious. I ask again, did the Commission referred to by Mr. Nicholson approve of such a provision as this? He is unable to answer. Everything to do with divorce in this country is based on the Act of 1863. Further, the hon. member in charge of the Bill is unable to answer my question as to what is the law in the other Australian States.

Hon. J. NICHOLSON: In reply to Mr. Sanderson, the British Royal Commission did not make such a recommendation as Mr. Kirwan's amendment embodies. The Royal Commission's recommendation was simply—

> We are satisfied that it will be in the interests of parties affected by cases of lunacy, in the interests of their children and of the State and morality, that insanity should be introduced as a ground of divorce.

The CHAIRMAN: We are dealing only with the amendment.

Hon. J. NICHOLSON: The Royal Commission did not attach such a qualification to their recommendation. I feel convinced that if this matter had been put before the women's organisations they would say, "We consider that the recommendations which were arrived at after due consideration by the Royal Commission in England are good enough for us." The result of Mr. Kirwan's amendment would only be increased immorality, and it would do more harm than good to the families who would be affected by it.

Hon. A. SANDERSON: We have it now that the English Royal Commission would not accept the amendment. But look at the position we put ourselves in now. This amendment, if inserted, would, according to the member in charge of the Bill, be contrary to the English law, and contrary to that important Royal Commission. But the whole of our marriage law in Western Australia is based on the preamble to the principal Act. Mr. Nicholson says, "I will not accept the amendment because it is not the English law and it is not the opinion of the English Royal Commission." In a measure that attitude has my support. But the whole position of affairs is entirely altered when we are no longer working under the English law. Everybody admits that the Commonwealth has the power to take this matter over, and will take it over. We are going to have our own Australian marriage laws. It is curious, however, to find a member so confident about the English law and yet not knowing what is the Australian law.

Hon. J. NICHOLSON: For my part, I shall be glad to afford Mr. Sanderson opportunity of looking into the question.

[The President resumed the Chair.]

Progress reported.

House adjourned at 9.28 p.m.

Legislative Assembly,

Wednesday 1st October, 1919.

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

QUESTION—RAILWAY EMPLOYEES, PEACE HOLIDAYS.

Mr. WILLCOCK asked the Minister for Railways: 1, Is it the policy of the Government that all permanent employees in the Railway Department be paid (a) two days' holiday on full pay for Armistice Day; or (b) if working, two days' pay at double time and two extra paid holidays on their annual leave? 2, Was this carried out in all cases of permanent employees? 3, Is it the policy of the Government that any permanent employee of the Railway Department who was absent (a) on leave without pay, or (b) on sick leave, should be granted two days' pay for the Armistice and Peace Days? 4, If so, will he issue instructions that any permanent employee of the Railway Department who has not been paid in the foregoing circumstances will be allowed two paid holidays?

The MINISTER FOR RAILWAYS replied: 1, (a) Yes. (b) Employees who