handled this situation very delicately and carefully, where he considered that any possible breach of the law had been committed unwittingly and in good faith. However, it is unfair for any Minister to be placed in that position. It is unfair for any road board member or councillor to be placed in such a position; therefore we welcome the attempt to tidy up that position and to bring about a more practical state of affairs. I support the second reading.

On motion by Mr. W. A. Manning, debate adjourned.

House adjourned at 10.30 p.m.

Legislative Council

Wednesday, the 8th October, 1958.

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

QUESTIONS ON NOTICE.

MOSQUITOES AND MIDGES.

Action Taken to Eliminate.

1. The Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) What action, if any, has been taken to eliminate the incidence of mosquitoes, mosquito larvae and midges occurring in swamp land, drainage sumps and other places of infestation in the metropolitan area?

(2) If no action is being taken, will the Government undertake a spraying programme in order to eliminate the pests referred to?

The Hon. H. C. STRICKLAND replied:

(1) and (2) This work is being carried out by the local authorities.

GERALDTON HIGH SCHOOL.

Plans and Specifications for Alterations.

2. The Hon. L. A. LOGAN asked the Minister for Railways:

(1) Have the plans and specifications for the alterations and additional classrooms at the Geraldton High School been prepared?

(2) When is it anticipated that work on the alterations and additional classrooms will be commenced?

The Hon. H. C. STRICKLAND replied:

(1) No.

(2) Tenders will be called in December.

COLLIER PINE PLANTATION.

Plan for Development.

3. The Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) Are any further details available in connection with the proposed plan for large-scale development of the Collier pine plantation?

(2) When is it envisaged that details of the plan will be available?

(3) When will a start be made on construction?

(4) Will the major hospital referred to be the commencement of the proposed development?

The Hon. H. C. STRICKLAND replied:

(1) The proposed plan for the development of the Collier pine plantation is a long-term one and, except in respect of several allotments already made or in some special circumstances which may arise, is unlikely to proceed until the pines have reached maturity and have been cut out.

(2) No further details are available, and at present it is not possible to say when the detailed plan can be completed. It will probably be a further 10 to 12 years before the pines mature.

(3) Buildings have already been erected on the site made available to the Department of Agriculture, whilst the erection of the new Alexandra Home is well advanced.

(4) Although provision has been made in the plan for the reservation of a site for a major hospital, I have no information as to when the department concerned will commence erection of such hospital.

PUBLIC WORKS DEPARTMENT.

Number of Men Employed on Day-labour Basis.

4. The Hon. L. A. LOGAN (for the Hon. J. M. Thomson) asked the Minister for Railways:

(1) What was the total number of men employed on day-labour basis by the Public Works Department on public buildings for the year ended the 30th June, 1958?

(2) What were the numbers of day-labour employees engaged on public building works in Albany—

(a) for the years ended 1956-57, and 1957-58;

(b) on the 30th September, last?

(3) What particular projects were the employess referred to in (2) above, engaged upon?

The Hon. H. C. STRICKLAND replied:

(1) Average number of men employed on construction work over year 1957-58 was 1,190.

(2) (a) Average number of men employed on construction work during year

1956-57	Nil
1957-58	48

(b) On the 30th September last, men employed 150

(3) Spencer Park new school; Albany new regional hospital; Albany hospital—additions Bristol unit, Mt. Lockyer.

WHEAT, OATS AND BARLEY.

Quantities Railed from Geraldton Zone Southwards.

5. The Hon. L. A. LOGAN asked the Minister for Railways:

(1) What quantities of—

(a) wheat;

(b) oats;

(c) barley

have beeen railed from the Geraldton zone southwards for the seasons—

1955-56;
1956-57;
1957-58?

(2) Why was it necessary for this grain to be railed south and not railed to the natural zone port of Geraldton?

The Hon. H. C. STRICKLAND replied:

(1) Accurate figures of quantities railed from Geraldton zone southward are not readily available. However, the difference between receivals in the zone by Co-operative Bulk Handling Limited and the quantities shipped from Geraldton gives an indication of the figure asked for. For the three seasons in question these differences in round figures are—

Wheat—

1955-56 season	....	40,000 bushels
1956-57 season	....	730,000 bushels
1957-58 season	....	80,000 bushels

(Figures for this season not completed)

Oats—

1955-56 season	....	110,000 bushels
1956-57 season	....	3,000 bushels
1957-58 season	....	200,000 bushels

Barley—

1955-56 season	....	200,000 bushels
1956-57 season	....	100,000 bushels
1957-58 season	....	200,000 bushels

In the case of oats, these figures only cover oats delivered to C.B.H. for the W.A. State Voluntary Oats Pool. Private sales of oats are not recorded.

(2) When receivals at sidings are completed in each zone, the following factors are taken into consideration when planning a haulage programme to each port—

Quantity of each grain in each zone.
Storage available at each port and the situation of such storage.
Haulage capacity to each port.
Rate of discharge daily at each port.

Where grain is hauled out of zone all these factors are taken into consideration, and it is railed with the agreement of the Australian Wheat Board, the W.A. State Voluntary Oats Pool or the W.A. Barley Marketing Board.

WATER SUPPLIES.

Crimea-st., and Collier-rd., Residents.

6. The Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) Does the State Housing Commission intend building 15 houses in Crimea-st., Embledon?

(2) If so, will the water supply for these houses be derived from an extension up Collier-rd.?

(3) If it is not intended to use Collier-rd., will further consideration be given to this aspect in order that people residing in Collier-rd. can receive the benefit of the extension?

The Hon. H. C. STRICKLAND replied:

(1) Ten homes are programmed for Crimea-st., 10 in Collier-rd. near Irwin-rd., and five in Walter-rd.

(2) Houses in Crimea-st. will be served by an extension from Walter-rd. main. Houses in Collier-rd. will be served from existing main.

(3) It is understood that Metropolitan Water Supply Sewerage and Drainage Department considers present Collier-rd. main is the limit of the present feeder main. Further extensions in Collier-rd. would involve considerable expenditure and improvements to feeder mains.

The commission's future development will be eastwards from Crimea-st. and will depend on main extensions in Collier-rd.

GARRATT AND GUILDFORD ROADS INTERSECTION.

Installation of Lights.

7. The Hon. G. E. JEFFERY asked the Minister for Railways:

In view of the ever-increasing amount of traffic in the metropolitan area, and the large number of serious accidents which have occurred at the Garratt and Guildford roads intersection, will the Government give urgent consideration to the installation of lights at this junction as soon as possible?

The Hon. H. C. STRICKLAND replied:

The installation of traffic lights at this intersection is already under consideration. When investigations are completed, a degree of priority will be assigned to it.

NATIVE RESERVES.

Septic Tank Facilities.

8. The Hon. J. M. A. CUNNINGHAM asked the Minister for Railways:

(1) How many native reserves adjacent to country centres have septic tank facilities?

(2) What reserves have been listed for the provision of these desirable and essential facilities in the near future?

(3) What is the estimated cost in each case, and from what source will the necessary funds be made available?

(4) Have any offers of assistance been received as to labour and the making available of financial assistance by those using the facilities, similar to offers received from, or assistance requested of, parents with children attending schools requiring septic tank facilities, such as at Tambellup, Moorine Rock, Three Springs, etc.?

The Hon. H. C. STRICKLAND replied:

(1) 13 native reserves have septic tank facilities constructed thereon, and at 3 reserves facilities are under construction.

(2) and (3) Broome—£1,500.
Beverley—£1,000.
Geraldton—£780.
Mt. Magnet—£1,000.
Pingelly—£1,000.
Quairading—£1,000.

Funds are provided for in the Native Welfare Administration Trust Fund for the work at these reserves.

(4) At the Collie native reserve where septic tank facilities are at present under construction, the Collie Apex Club is voluntarily performing the labour under the supervision of a Public Works Department supervisor. No other offers of assistance or finance have been received where facilities are under construction or listed for provision in the near future.

DENTAL CLINICS.

Cost, Sites and Staff.

9. The Hon. L. A. LOGAN (for the Hon. J. M. Thomson) asked the Minister for Railways:

(1) What is the estimated cost of the dental clinics constructed in the metropolitan area?

(2) Where have these clinics been erected?

(3) What number of persons are employed—
(a) on the professional staff;
(b) in other categories,
and in what capacities are they all engaged?

The Hon. H. C. STRICKLAND replied:

(1) North Perth—£14,629, plus approximately £5,000 for equipment.
Victoria Park—£14,570, plus approximately £5,000 for equipment.

(2) North Perth and Victoria Park.

(3)

	North Perth.	Victoria Park.
Dentists	2	2
Staff nurse	1	1
Student nurse	1	1
Dental mechanics	2	2
Receptionist	1	1
Part-time caretaker-cleaner	1	1

SUPPLY BILL (No. 2), £18,000,000.

First Reading.

Received from the Assembly and read a first time.

Standing Orders Suspension.

On motion by the Hon. H. C. Strickland (Minister for Railways) resolved:

That so much of the Standing Orders be suspended as is necessary to enable a Supply Bill to pass through all stages at any one sitting.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [4.44] in moving the second reading said: This is the second Bill of this nature to be introduced this session. As hon. members are aware, the first Supply Bill provided for a sum of £21,000,000 which was made up

of £15,000,000 from Consolidated Revenue, £4,000,000 General Loan Fund and £2,000,000 Advance to Treasurer.

For the three months to the end of September, 1958, expenditure has been:—

	£
From the Consolidated Revenue Fund	14,933,391
From the General Loan Fund	3,781,926

The revenue collected during those three months was £12,700,564, leaving a deficit in the Consolidated Revenue Fund of £2,232,827. The present Bill requests £14,000,000 out of the Consolidated Revenue Fund and £4,000,000 from General Loan Fund.

The Loan Estimates and the Budget have been introduced in another place and the sum asked for in the Bill will enable works to be carried on pending their passing. I move—

That the Bill be now read a second time.

On motion by the Hon. A. F. Griffith, debate adjourned.

BILLS (2)—FIRST READING.

1, Constitution Acts Amendment (No. 3).

2, Electoral Act Amendment (No. 4).

Introduced by the Hon. C. H. Simpson.

BUSH FIRES ACT AMENDMENT BILL.

Third Reading.

Read a third time and passed.

CATTLE TRESPASS, FENCING, AND IMPOUNDING ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [4.49]: I have given some consideration to this Bill, but the Minister in charge of the legislation has not yet had an opportunity to consider it. However, from my observations it appears that it is designed to restrict trespass by mushroomers, firewood gatherers or wildflower gatherers. It could restrict some other folk, who at times walk down country lanes and wander off the beaten path. I feel that it might be considered a little harsh to impose a minimum penalty in every case, and I would remind members that this House has previously expressed mixed views on the question of minimum penalties. Some hon. members have supported the principle of minimum penalties, while others have opposed it strongly. I intend to give the matter more consideration—

The Hon. H. K. Watson: But the minimum penalty provided for in the Bill is only £2.

The Hon. H. C. STRICKLAND: That is so, but if someone's hat blew over a fence and the owner chased it across a paddock he could be fined £2.

The Hon. H. K. Watson: No; because he would have a lawful reason for being there.

The Hon. H. C. STRICKLAND: I think it would be a bit drastic, and in any case I do not think the provision should be applied to the whole State. It would not be reasonable to apply it in the outback, particularly in the pastoral and mining areas. However, I am prepared to listen to the views of other hon. members in regard to this measure and will, perhaps, be able to form a more definite opinion on it as the debate progresses.

THE HON. G. BENNETTS (South-East) [4.52]: I feel that the provisions of the Bill are a bit harsh. Until recently there have been large areas available on the Goldfields for duck shooting—on the big lakes—and for wildflower gathering excursions, kangaroo shooting, firewood gathering and so on; but in the last five years, hundreds of miles of that country has been fenced, and even the members of the registered gun club in Kalgoorlie are now barred from a number of properties.

One or two of the big property-owners are particularly harsh and will not allow the gun club members on their holdings, although these are well-trained men with plenty of commonsense, who would not allow any foolish shooting to take place. A deputation was taken to the Minister for Justice a few months ago, in an endeavour to have more latitude granted to the members of the gun club with regard to entering on the properties concerned. Perhaps it would not be advisable to extend such a privilege to the farming areas or more closely settled portions of the State, but it has until recently always been available to the people of Kalgoorlie, although now the country is pretty well fenced, from Kalgoorlie almost to Leonora.

One or two of the property-owners welcome gun club members and even provide them with afternoon tea at their homesteads, when they visit those holdings. There is one area, which was looked upon as a pleasure resort by the people of the Goldfields, but now the owner of the property will not allow anyone on it. He has hundreds of miles of country, which runs about one sheep to ten acres, tied up, and will allow no one on it. I would not ask for permission for anyone simply to shoot at random on these properties, but I believe that a well-organised gun club could be allowed to shoot there when after ducks or kangaroos.

The Hon. F. J. S. Wise: Should not the discretion remain with the owner of the property?

The Hon. G. BENNETTS: Yes, but this particular person will not allow anyone on his property, for which he pays a very small rental per year. He will not have the ordinary people of Kalgoorlie on his holding, although many other property-owners will allow them to gather firewood and so on.

The Hon. A. F. Griffith: If they are allowed there, they are there for a lawful purpose.

The Hon. G. BENNETTS: That is so. I believe that the Bill, when in Committee, should be amended to allow members of bodies such as the gun club the right to enter upon these properties. I will reserve my decision on the Bill to a later stage of the debate.

THE HON. A. R. JONES (Midland) [4.55]: I wish to contribute to this debate, in order that the House may be better informed as to why the Bill has been brought before us. People in country areas have become perturbed in recent years, at the indiscriminate way in which people enter properties. I do not think anyone wants to jeopardise the rights and privileges of the people, provided common decency prevails, but a number of people who go out from the cities and towns have not the decency to ask the permission of the owner before entering a property.

I believe that the most frequent offenders are those who go to the country areas in the mushroom season, or people who wish to shoot ducks, kangaroos or any other game that may be available. The main complaint from landholders—particularly those adjacent to the city area—is that the mushroomers come in hordes, on week days as well as in the weekends, during the mushroom season—and enter properties without seeking permission. They may enter a paddock where ewes are lambing, and disturb them to such an extent that the owner suffers a considerable loss.

In the past it has been very difficult to prove that anyone has trespassed on a property. As the Minister has suggested, someone's hat might blow over a fence, and if he went after it I think he would have a legitimate reason for entering the property. In such circumstances I do not think any landholder would take advantage of the situation, in order to prosecute the person concerned. The purpose of this Bill is to define the point where people can be told that they are trespassing and that action can be taken against them. If it were generally known that anyone who trespassed, without a reasonable excuse, could be fined £2, I think most people would have the courtesy to seek the permission of the property-owner before entering to pick mushrooms, or shoot or do anything of that nature. Provided stock would not be too disturbed, I do not think any owner would refuse permission.

On two occasions, I have had experience of unauthorised people entering properties I have owned. One of those properties is four or five miles off the York-rd., and some young lads went out from the city, with rifles, while the place was not occupied, and even shot holes in the tank beside the house, thus letting the water run away. That sort of thing is a criminal offence and it could mean someone's life if it occurred in the outback where water is very scarce. Windmills have been shot up on a number of occasions, and where stock are dependent on a windmill or tank supply, the equipment may not be inspected more than once a week and in hot weather the animals could easily die as the result of action such as I have mentioned. Unless we can bring these people to book and make them realise that they must recognise the law which precludes them from entering a person's property without permission, they will continue to commit these acts.

Recently, an owner, who has a property about 40 miles from Perth along the York Road, told me he was driven nearly crazy by people running through his paddocks. It so happened that he had several valuable ewes lambing at the time, but these people, without giving a thought to them, ran through the paddocks and disturbed them and, as a result, he lost quite a number of the lambs. However, apart from that, no owner would be pleased to have his stock disturbed in that manner. Therefore, the provisions of this Bill are not harsh in any way, because their effect will simply mean that people who are desirous of entering private property will first have to obtain the permission of the owner should they wish to pick mushrooms on the land.

Recently, I left a property unattended after doing some improvement work on it, because it was uneconomic to keep a man there all the time. I discovered that somebody had been shooting on the property. A car had been seen entering my land, but unfortunately its number was not taken. Quite a few ducks had been shot and left on the water. In the hot summer months one can just imagine what would happen; the water would become polluted. Also, apparently bottles had been shot at as broken glass was strewn all over the yard. It is those practices that must be checked, because if we do not bring the type of person who does those things, before a court, these acts will continue indefinitely. In introducing these amendments to the House, I think the hon. Mr. Loton is performing an important service to the owners of land not only in the country but also in the city.

The Hon. A. F. Griffith: The Bill refers to country land; it would not help the city owner.

The Hon. A. R. JONES: I know it does, but there is still property in the metropolitan area which could, in effect, be termed country land. In any case, whether it is country or city land, I consider any owner should have some protection against people who commit wilful acts on his property, such as the destruction of tanks and the other indiscriminate acts that I have mentioned. The Bill will to a greater degree, ensure that the owner will be approached to grant permission to anyone wishing to enter his land. I would also point out that any person taking mushrooms from another's property is actually stealing, and many owners gather mushrooms for the purpose of selling them at a profit. Although it is actually stealing, in the past it has been very difficult to obtain convictions against such offenders.

Some three or four years ago, in the Gidgiegannup area, a person was found shooting on a property, and although the owner obtained his name and address and endeavoured to take action against him, he was unsuccessful in obtaining a conviction. At present, owners have found that the Act is not sufficient to obtain a conviction against trespassers even although the damage caused by them has been quite serious. It must be remembered, too, that large tracts of land 50 or 60 miles from Perth which in the past were undeveloped are now rapidly being improved, and I am sure that this trend will increase in the future. I have much pleasure in supporting the Bill.

THE HON. J. D. TEAHAN (North-East) [5.5]: The hon. Mr. Jones has made out quite a good case in support of the amendment to this legislation. However, I point out that it would be very difficult to defend in a court any person who had entered another's property and destroyed tanks or disturbed stock in the manner as outlined by him. It is not my intention to defend the actions of those people, but in the outback mining districts, such as those parts northwards from Kalgoorlie or even in the vicinity of Kalgoorlie, the pastoral properties are tremendous areas.

In making a comparison, I point out that an owner may have 50 or 60 acres of land in the vicinity of the metropolitan area and a farmer may have 1,000 or 2,000 acres in the wheatbelt area with fences all around, but in those parts north of Kalgoorlie, a pastoral property may consist of 20,000, 30,000 or 40,000 acres. At one time one might travel across country from Southern Cross to Leonora without seeing a fence, but today most of that country is enclosed.

The Hon. H. K. Watson: At pretty substantial cost and for a purpose.

The Hon. J. D. TEAHAN: Great acreages are fenced for pastoral purposes and for sheep raising. For years, the residents in those areas have not been restricted when they have entered such properties to engage in wood gathering, provided they shut the gates after them. One does not hear of many reports of tanks being destroyed or of fences being broken by these people who find it very difficult to obtain wood in this type of country. It would cost them £5 a ton if they were to buy it, so I would like them to be permitted to continue with their wood getting.

The Hon. H. K. Watson: Gratis or at £5 a ton?

The Hon. J. D. TEAHAN: They would not get it gratis, but I suppose a fair cost for wood if one got it oneself would be 30s. or £2 a ton. Also, I consider that young people should not be denied some outlet for their excess energy, and we should, at least, permit them to use guns when out searching for game. They do not have many pleasures in the outback, but some young people like to go out duck-shooting in the season, and they could do a lot worse. Provided they did not break fences, leave gates open or disturb stock I do not think they would do any harm on a person's property.

The Hon J. Murray: You will admit that some do disturb stock?

The Hon. J. D. TEAHAN: Yes, but I do not condone such acts, of course. I also readily admit that any destruction caused by them is entirely unwarranted and they would deserve to have action taken against them. Nevertheless, I hope that some of the rights which are enjoyed by the people in the outback at present are retained by them. I refer to such people who are members of gun clubs and those who go out collecting wood, because they are entirely different from the ones who gather mushrooms on private property and who, perhaps, might resell them at a profit. I hope the custom that has prevailed in the past in the outback parts of the State will be retained for the benefit of country dwellers and will not be disturbed should the Bill become an Act.

THE HON. R. C. MATTISKE (Metropolitan) [5.10]: The Bill is obviously designed to put more sting into the warning that trespassers will be prosecuted and, for that reason, I feel it is to be commended; but I am not entirely happy with it in its present form.

The first aspect with which I do not agree is proposed new Section 13A (1), which provides that the money forfeited for trespass shall be paid to the person on whose property the trespass was committed. Is it not wrong in principle for a penalty to be paid to an individual?

The Hon. G. Bennetts: There will be plenty of prosecutions.

The Hon. R. C. MATTISKE: Secondly, proposed new 13A (1) is, in my opinion, largely covered already by Section 13 of the Act. Under Section 13 there is provision under which a person can be penalised, not only for damage to property, but also for trespass. I feel that that provision in the Act could be amplified somewhat, but the method by which the proposed new Section 13A (1) goes about it is one with which I cannot wholly agree.

So far as proposed new Section 13A (2) is concerned, I feel it is quite radical for any person, the owner of a property, or an employee of that owner, to be able to demand the name and address of somebody trespassing. In my opinion, that is quite radical indeed. At the present time, the only persons who are entitled to ask for one's name and address are police constables who are specially trained for the purpose, or other persons on whom particular authority is bestowed. To say that anyone at all, or any employee, can demand one's name and address, is open to quite a deal of abuse. That provision in the Bill is one with which I could not agree at all.

The offence of trespassing is very minor compared with many other offences. In certain instances, unlawful trespass can be very minor compared with certain other crimes. At the present time, if I were to see a murder committed on my property I would have no authority to demand the murderer's name and address.

The Hon. G. E. Jeffery: You might not be game.

The Hon. R. C. MATTISKE: I will grant I may not. Therefore, would it not be ludicrous to allow any person at all to take the name and address in the case of a trespass? I said at the outset that I considered the Bill was designed to put more sting into the warning that trespassers will be prosecuted. That is to be commended, and it is very good. I appreciate the circumstances under which many people in the country suffer through persons going across their properties, with or without dogs, or entering upon a property to steal firewood or mushrooms. That is what people are doing; and not only that. They take gravel, loam, rocks or anything at all, although they have no right whatsoever to go on to that property. Those practices are not restricted to the country; we have the same thing in the metropolitan area where people unlawfully enter properties. They may or may not remove things, but nevertheless they are trespassing.

For that reason, further consideration should be given, not only to restricting these practices in country areas but to permitting the Bill to apply in the metropolitan area. If a person with a dog were to enter upon a property in the country and that dog was causing a nuisance—as instanced by previous speakers—there is already authority for direct action on the part of the owner of the property in Section 4 of the principal Act, which provides that such owner of land may kill on the scene of trespass, any dog, pig, cow, rabbit, goat or pigeon found trespassing on his land or place. Therefore, if I enter upon some farmer's property illegally, and my dog caused trouble with stock, the farmer would have the right to shoot that dog before my eyes, and then I would have to remove the body as provided in the existing legislation.

The Hon. G. Bennetts: That is not so with a native.

The Hon. R. C. MATTISKE: The Act quite clearly states that the owner of the property has power under Section 4 to destroy any dog, goat, etc., but it does not specifically preclude those owned by natives. As I said at the outset, I consider the measure is basically good, and for that reason I will support the second reading. However, I commend to the hon. Mr. Loton the points I have raised, and hope that in the Committee stage we will be able to review the Bill and put it in some more acceptable form so that it will be in keeping with other legislation and will achieve, at the same time, the objects which the mover seeks. I support the second reading.

THE HON. F. R. H. LAVERY (West) [5.17]: Following up the remarks made by the hon. Mr. Mattiske, how would one get over this position: A person trespasses and is found by the owner, who asks that person his name and the person replies, "What has it got to do with you?"

The Hon. H. K. Watson: Who would say that?

The Hon. F. R. H. LAVERY: I am speaking of an actual case. This owner found the person's car outside his property, took the number and went along and laid a complaint, which led to a prosecution. However, two other people who were in the company of the former person, entered the property from another side. This incident occurred 30 miles from here in the Serpentine area. The two chaps got away, and when the owner charged all three with trespassing on his property, the court ruled that the other two chaps were not in that particular car. Therefore, they could not be charged on the one complaint.

The owner of the property found the car belonging to these two men in a hidden place, and he took the number. However, when he went to the Police Department, he was informed that it was not within their jurisdiction to give the name of the owner of that particular vehicle.

This incident happened on a large dairying property, and the owner was milking over 90 head of stock. From whom is he to get protection? When he tried

to find out the names of the two chaps, the Police Department would not supply the information. There are many anomalies that can arise with trespass.

The Hon. A. F. Griffith: Had he gone to the traffic office, he would have discovered the name of the owner of the car.

The Hon. F. R. H. LAVERY: The Traffic Department would not give the information. Eventually this man appealed to the Minister and so learned the owner's name and address. That is another anomaly which occurs. I support the second reading.

THE HON. C. R. ABBEY (Central) [5.21]: I also support the Bill because I feel it is necessary that we should have the protection provided by it. I know of many similar cases to that mentioned by the hon. Mr. Jones. These instances have occurred in my own and in surrounding districts. On Sunday I witnessed a crime which had occurred, probably a few days previously, when I saw a sheepskin and some offal on the side of a road adjoining a farm. Obviously the sheep had been shot, and the carcase butchered and taken away.

The Hon. G. E. Jeffery: It was probably shot in self-defence.

The Hon. C. R. ABBEY: Perhaps. We know this sort of thing occurs in a great many places. The Bill, while seemingly somewhat harsh, is not really harsh when we consider the crimes that are committed. I know of many cases where people have approached property-owners and have received permission to go on the property. Permission is rarely withheld—this is generally so throughout the State—because very few property-owners adopt a dog-in-the-manger attitude and keep everyone off their land.

Some people feel that the provisions of the Bill are a bit restrictive, but there are many instances that have given cause for the bringing forward of the measure, and, therefore, I commend the hon. Mr. Loton for bringing down these amendments. The Bill has been needed for many years in order to provide some protection beyond what is already available in the Act.

The objections raised, while having some validity, do not, in fact, often apply. Should one of the clubs concerned—one of the gun clubs—make reasonable arrangements with the property owners, I am sure that any difficulties can be overcome, because these clubs are normally responsible bodies. We have one such club in our district, and it approaches the owners and receives reasonable consideration. Members need have no fear that, in normal circumstances, permission will be withheld.

THE HON. A. F. GRIFFITH (Surburban) [5.23]: The ownership of land is one of our first principles, and the laws that appertain to the protection of a man's land are principles which we keenly protect. Any legislation that we can put through to further those principles, is desirable. I do not agree that trespassing is a simple offence. On the contrary, I think it can be a serious offence. I do not agree, either, that, if the Bill goes to the Committee stage, we can cut out Clause 2, because if we cut out that clause we will nullify the measure. We will reach the stage when the Bill, in the form in which it is printed, can have application so far as Clause 1 is concerned, and then when we reach the position that if a man refuses to give his name when asked to give it, the owner of the land can go no further.

It is debatable whether the minimum penalty of £2, is harsh. The fact remains, however, that people who trespass under the conditions that have been explained to us, do not take much notice of the existing trespass laws. Therefore, some greater deterrent might be offered. Perhaps the penalty of £2 is sufficient. The manner in which the Minister argued the case—

The Hon. H. C. Strickland: Argued, did you say?

The Hon. A. F. GRIFFITH: Well, put forward; expressed. I do not think that what the Minister put forward holds water. I am sorry if I have upset the Minister. If a man's hat blows over the fence, then, for the purpose of recovering it, his entry on to the land is a lawful one.

The Hon. H. C. Strickland: Provided the owner of the land accepts it as such.

The Hon. A. F. GRIFFITH: Whether the owner accepts it as such, is not terribly important. It is the court which has to accept the evidence that is put before it when a charge is laid.

The Hon. H. C. Strickland: Don't you think the judge should fix the penalty?

The Hon. F. J. S. Wise: A rolling hat might gather some mushrooms!

The Hon. H. C. Strickland: The judge should fix the penalty, surely.

The Hon. A. F. GRIFFITH: The judge fixes the penalty under this measure. If the Minister has a look at the Act, he will find that this follows the normal form of assessing damages for trespass, because where trespass is proved, even though the court does not award a sum of money in the form of damages, costs are awarded. So, the Bill follows the pattern laid down in the principal Act.

So far as those people who shoot ducks at Kalgoorlie are concerned, I think that again there is a principle attaching to the matter. If a man owns a block of land, a motor car or anything else, he

surely has the right to possess it. In his discretion he can allow someone else to use it or have it on whatever terms and conditions he thinks fit. But the fundamental principle of the man's right to own his own property, and maintain possession of it, is surely something that we must uphold.

Therefore, I do not see any reason why a person desiring to use another person's land for any purpose whatever, should not first be obliged to obtain the permission of the man who owns the land. In principle, the Bill is a very good one, and I support the second reading.

THE HON. F. D. WILLMOTT (South-West) [5.28]: I, myself, and many of my neighbours, have been considerable sufferers from people trespassing in their search for mushrooms on our properties, as was mentioned by the hon. Mr. Jones; and also coming on to the properties for the sake of shooting.

Although the hon. Mr. Mattiske claims that trespassers can be dealt with, that has not proved to be the case up to date. It is very hard to get a conviction for trespass, as many farmers will know. In fact, it is well-nigh impossible. I am in the unhappy position that my country is divided and subdivided by roads, and is split up all over the place. It is almost impossible to keep people out. Many persons quite decently ask if they can enter on the land, and they can then be told which paddocks not to go into, because, if they did, they would disturb the lambing ewes, and so on.

In the summer, the trespasser is a potential fire menace. That is one of the greatest dangers. Many fires in the agricultural areas are caused by people who trespass in order that they may do some shooting in the summer months. I am much in favour of the Bill, as it is necessary to have some sort of control over people who just walk on to a property without permission.

THE HON. E. M. HEENAN (North-East) [5.30]: I sympathise with the points of view that a number of speakers have espoused during the course of this debate, and I hope I can find myself in the position of supporting the Bill, which undoubtedly has some merit. However, we have to make sure that we are on the right track. For instance, the hon. Mr. Griffith said that trespass is a very serious offence; and then he went on to say what far-reaching rights the owners of land should possess. He said that it is a fundamental principle that we must uphold the rights of ownership.

But that can lead us into mixed thinking. The man who owns his home has a high degree of ownership, and the person who trespasses on another man's home is undoubtedly committing a serious act of trespass. But then we pass on to the farmer, who has a large tract of land, and persons are attracted to trespass on that land in order to pick a few mushrooms or wildflowers. It can be seen that the act of trespass is in a far minor degree in that case than it is in the case of a person who trespasses on a man's home.

The Hon. L. A. Logan: There is no difference.

The Hon. E. M. HEENAN: There is the point of view! I think there is a vast difference.

The Hon. F. D. Willmott: They are both trespassing.

The Hon. E. M. HEENAN: But it is a matter of degree. I can sympathise with the farmer who has a number of sheep or other animals grazing in a paddock, and people, the majority of whom are inconsiderate, go through his fences and knock his place about in the course of ostensibly searching for mushrooms. I do not think anyone would have sympathy for those people. Then we have to consider the Goldfield where vast areas of country—hundreds of thousands of acres—

The Hon. G. Bennetts: And they got it for 5s. a thousand acres.

The Hon. E. M. HEENAN: —are taken up as pastoral leases. As the hon. Mr. Bennetts pointed out, those leases were granted at a very cheap rental, and the pastoralists no doubt are making the best use they can of that country. But surely we are not going to say that they own the land, and that it is sacrosanct for their purposes! The hon. Mr. Teahan has pointed out how people on the Goldfields have to go long distances for their wood. There are not many amenities up there, and a lot of young men go out duck-shooting in the season. The lakes and swamps to which they go are invariably situated on these pastoral leases.

The Hon. F. D. Willmott: And you think that those people would withhold permission to shoot?

The Hon. G. Bennetts: One or two do.

The Hon. E. M. HEENAN: I am trying to see both points of view. I am joining issue with the point of view taken by the hon. Mr. Griffith, because he says trespass is a very serious offence.

The Hon. A. F. Griffith: So it is.

The Hon. E. M. HEENAN: Trespass on some of those thousands of acres by people who are searching for a load of wood! What about the people who are searching for gold?

The Hon. A. L. Loton: They are there for a lawful purpose.

The Hon. E. M. HEENAN: I should think they probably would be.

The Hon. A. L. Loton: They definitely are.

The Hon. E. M. HEENAN: I had written down in my notes about their being on land without lawful reason or excuse. If we are going to debar prospectors from going on to pastoral leases on the Goldfields there will be a lot of trouble, because invariably the new finds are on pastoral leases. I refer to the new finds at Edjudina and Leonora.

The Hon. A. L. Loton: That is a lawful pursuit.

The Hon. E. M. HEENAN: I am glad to hear that. I am trying to find out just how far the measure goes, and I am glad to get an assurance from the hon. Mr. Loton that prospecting would be a lawful excuse. That is only logical. But prospectors shoot kangaroos and ducks, if they can get them.

The Hon. A. R. Jones: They have their miners' rights which give them a lawful excuse to be on that land.

The Hon. E. M. HEENAN: Those rights give them a lawful excuse to mine on Crown land.

The Hon. A. R. Jones: And private property.

The Hon. E. M. HEENAN: Is the hon. member sure of that?

The Hon. A. R. Jones: I am not sure of it, but I am fairly certain about it.

The Hon. E. M. HEENAN: There is an Act called the Mining on Private Property Act, but it relates to the Hampton Plains Estate. There is a vast area in the Hampton Plains Estate, which is just south of Kalgoorlie; but that Act does not apply to other parts of the Goldfields. I can see a lot of merit in the Bill, and I sympathise with farmers, particularly the small property-owners. But we have to be careful about applying to the vast areas on the Goldfields the same rigid standard which has to be applied in the South-West, the farming areas, and areas close to Perth. I think I will vote for the second reading, and I will be interested to hear the hon. Mr. Loton when he replies to the debate.

THE HON. J. M. A. CUNNINGHAM (South-East) [5.39]: I, too, would like to give complete support to this Bill, but whilst realising that the hon. member who introduced it is trying to give greater protection to persons who are holding land under one or other of the forms of land ownership for the express purpose of earning a living from such land—and whilst admitting that that right should take precedence over the right of people to walk on that land—we have to protect the interests of all. Probably because of the peculiar circumstances surrounding living conditions on the Goldfields, that area has been mentioned by other speakers. The circumstances are unusual.

Until recent years, for thousands of miles in any direction, north, west, and for a long way south, one could travel without hindrance from fencing; in effect, one had complete freedom to hunt or carry out such activities as one wished. But in recent years some people have found it possible, because of the careful conservation of water in the natural soaks and waterholes, to make the country productive. The natural waterholes have been treated, deepened and, with channels to make a good run-off, people have been able to get a good supply of water without a heavy rainfall. In the past, and without this work being done, the waterholes dried up. The pastoralists have spent a lot of money in improving the water catchments and the holding capacity of the waterholes.

Ever since the Goldfields have been a centre of population those same waterholes have been the only places for hundreds of miles where people could go for a picnic.

The Hon. E. M. Heenan: I was going to ask how this Bill would affect the people who picnic at Gidgie, and similar places.

The Hon. J. M. A. CUNNINGHAM: That is the point. They are the only places where the people on the Goldfields can go for a picnic. Even Sunday schools have, in the past, held their picnics at those waterholes, because there is no other attractive part of the country which is suitable. But those areas are now on pastoral leases; they have been fenced off and are under the control of someone who is using them for the purpose of making a living. People who, in the past, used those places for camping, or for shooting parties, are now told that they cannot go there any more, because someone is leasing the land at a few shillings per acre per annum.

The Hon. G. Bennetts: It is 5s. a thousand acres.

The Hon. J. M. A. CUNNINGHAM: I do not know how much it is, but it is a very small sum. Whose rights are to have precedence? I want to be just to both sides.

The Hon. L. C. Diver: Who developed the watering places?

The Hon. J. M. A. CUNNINGHAM: They are natural waterholes which have been improved. In that area there are no deep gorges which can be dammed. The natural soaks and lakes are the only means of obtaining water. These pastoralists have improved the holes and soaks and have proved that with an average rainfall they can run sheep at a profit. That is the position which applies on the Goldfields today. Most of these leaseholders were quite prepared to allow the Goldfields people to go on to their leases and spend the night shooting or trapping. But unfortunately there are always a few who abuse the privilege.

Some people on the Goldfields have formed themselves into a gun club. The club has its own rules and regulations, and members have to abide by them. Those rules include careful observance of the shutting of gates, and so on; and members of that club, according to their rules, are not allowed to leave game carcases or offal about. They are genuinely trying, in every way possible, to meet the requirements of the lessees of the land, and not to disturb the stock or damage the property.

The Hon. F. R. H. Lavery: You do not think that this Bill suggests that anything should happen to those people?

The Hon. J. M. A. CUNNINGHAM: That is the point. On the one hand we have the pastoralists who recognise the moral right of people to use these waterholes, and on the other hand we have a group of people who want to use the areas for sport, and who are prepared to recognise the rights of the pastoralists. But, unfortunately, in between there are those few hoodlums, larrikins, louts—call them what we will—who will go to the waterhole for the night, and, if they have no luck, will shoot at anything in sight next morning. They have done so in the past, and have left putrifying carcases lying around the place. It is this pitiful state of affairs which has contributed towards the feeling of bitterness which has arisen between the two groups on the Goldfields.

I know of one man in this gun club who feels so strongly on the matter that he says he is quite prepared to form a group of members of the gun club into a patrol to see who is doing this indiscriminate shooting and damage. These people realise that there is justice on the pastoralists' side. But they also feel, on the other hand, that they have enjoyed, in the past, the right to use these natural spots for shooting; and they are, perhaps, the only ones within hundreds of miles. I want to be fair to both sides. I would like to know, however, how we are going to stop that small group to which I have referred; those who are ruining this privilege for everybody else. If I believed the Bill would achieve that object I would support it wholeheartedly.

But, while it gives protection to the holders of the land, will it also place power in their hands that will preclude, completely, the right of people who wish to use the waterholes for shooting? I do not know how it can be done. On one property I know of, there are two waterholes some miles apart. During one season the property-owner was not using one paddock which had a good waterhole. He advised the gun club of this and suggested that they shoot over that waterhole to their hearts' content. He asked them, however, not to go near the other waterhole. Quite deliberately, however, some people, who were not members of the gun club, shot over the waterhole which they had been asked to leave alone.

Unfortunately a few sheep were shot, and kangaroo carcases were left lying around. The sheep could not get near the waterhole, because the shooters were in position there waiting to shoot ducks that might come in. The result is that that man has withdrawn all concessions, and has prevented everyone from going on to his property. If I could be convinced that this Bill, while protecting the rights of property-owners, in so far as legal trespass and payment of reparation is concerned, also protected the activities of bona fide shooters and sportsmen, I would be prepared to support it.

It should permit sportsmen to go to the owner and say, "On such and such a day a party of six of us want to shoot over a certain hole; will that be all right?" In this way they could obtain the owner's permission; and, as hon. members have said property-owners are prepared to give that permission providing their stock is not disturbed, or no damage is caused. The powers that are to be given are very sweeping, and if I can be assured that while justice is being done to the owners, reasonable access will be permitted to the population on the Goldfields who wish to enjoy, within reason, the sport in which they have indulged for many years, I will support the Bill.

THE HON. G. C. MacKINNON (South-West) [5.50]: I feel the hon. Mr. Cunningham has touched on the heart of this matter.

The Hon. H. L. Roche: It is very important!

The Hon. G. C. MacKINNON: It is important inasmuch as the history of close preserve of country must be within our bones as descendants of people from Europe where, at one time, there was a complete bar against people stepping on to a property to pick a flower, the penalty for which could have been death.

The Hon. J. M. A. Cunningham: Transportation to Australia.

The Hon. G. C. MacKINNON: Perhaps that is why we regard this as a serious matter. I cannot see how the Bill will help, because it will still be a matter of proof. For instance, if there are four smart Alecs doing damage to a property, and they are approached by a single farmer, it will be necessary for him to have proof that they are there.

The Hon. G. Bennetts: He will have to carry a camera.

The Hon. G. C. MacKINNON: That is so. The moment the farmer goes to obtain the necessary witnesses, the men concerned will probably leave. We have heard about the difficulty that exists

around the Kalgoorlie area. With all due respect, however, I do not think that is the area with which we will have the greatest difficulty, because when there are 50,000 acres of land involved, one is not likely to get off that area. But when one goes into the bush and starts wandering, it is quite possible that one can go through three properties in a matter of three miles. If this matter of trespass is the serious crime the hon. Mr. Griffith would have us believe, then I know a lot of curly-headed school children who are criminals.

The Hon. A. F. Griffith: You are taking it too far.

The Hon. G. C. MacKINNON: The hon. member said that any trespass is a serious crime. As the hon. Mr. Heenan said, not all trespasses are serious crimes.

The Hon. A. F. Griffith: I said trespass is not a simple crime.

The Hon. G. C. MacKINNON: It is possible that a person might obtain permission from a farmer to go on his property and then go down a side lane, and climb through a fence genuinely believing he was on the same property, while he could quite easily be on someone else's. The penalty would immediately be £2. I am aware of the difficulties. I know that people are inclined to pull up on a property, let the dog out of the car, and start looking for mushrooms. While they are looking for mushrooms the dog harasses the sheep and causes a nuisance generally. I do know that this is a most serious matter in so far as it relates to milking cows. I do not know whether it is due to the fact that they are females, but they are most temperamental, and any harassment definitely affects their production of milk.

Even if we make the penalty £100, I still believe the difficulty will be one of proof, because it will boil down to one farmer's word against that of two or three people. There is also the difficulty of marking one's boundaries. Even when a person, in good faith, obtains permission, it is possible for him to go across a boundary into another property. This is quite easy. It may not be as easy in Yorkrakine as it is, say, in Capel; but in some areas it would be easy. In the Kalgoorlie district it would be comparatively difficult to walk from one property to another. Despite my misgiving, I have every intention of supporting the second reading of the Bill, in the hope that in the Committee stages some solution might be found to the difficulties I have mentioned.

THE HON. F. J. S. WISE (North) [5.54]: It is obvious that there must be much commendation for the Bill. It is also obvious that there are objections to which I think we might find a simple solution. I feel sure, however, that the simple solution will not be the mere application of those important words of the Lord's Prayer. If this legislation were restricted to the area to which it is intended to apply, and the law varied accordingly, it would receive the support of almost everybody. For example, the occupations of the South West Land Division are quite different from those of the north and of the Eucla Division; and, perhaps, from the occupations in the other four land divisions. If my memory serves me aright, there are five land divisions in this State. If this law were to apply to the South West Land Division, I think most of the objections to it would be removed. I therefore suggest to the sponsor of the Bill that amendments of that nature, to Clause 2, would meet the objections raised.

THE HON. L. C. DIVER (Central) [5.55]: After listening to the hon. Mr. Cunningham, I am more than ever convinced that he gave us very good reasons as to why this measure should be passed. He talked about the harassment of pastoralists. Anyone who has had experience with pastoralists knows that they are men used to dealing with large tracts of country; they are realists and would be the last people to adopt a pin-pricking attitude to anyone desirous of shooting on their holdings.

The Hon. G. Bennetts: Would they all be such good citizens?

The Hon. L. C. DIVER: I take it our purpose is to frame laws for the majority of the people, and not for those who prove to be the exception to the rule. While I am here I shall continue in that vein. The hon. Mr. Cunningham also mentioned the waterholes, which are really the oases in many of our inland areas. Whilst nature has been very kind in providing deep-water channels, we must not lose sight of the fact that it is only by the expenditure of money that the pastoralists have been able to convert them into an asset. Much of the country was not an asset in the state it was in when given to us by God. By damming up the water the pastoralist has made it possible for people to shoot game that congregate at these waterholes to drink. I think it is drawing the long bow to say that these people are going to use this small addition to the Cattle Trespass, Fencing, and Impounding Act to prevent these sportmen enjoying their recreation.

I think the hon. Mr. Cunningham made out a wonderful case for the addition of the second part of this new provision which will enable not only the owner but his employee to take the names and addresses of individuals. It has been pointed out that in numbers of cases there will be more than one person trespassing, and it has been suggested that the farmer would be on his own. Under the proposed amendment, if an employee also is present, and the occasion arises he will be able to take the names and addresses of

the persons concerned. It is most desirable that this legislation be passed, because it will also assist in the detection of sheep stealing and the theft of farming produce generally.

At the present, what hope has an employee of a farmer to stop a trespasser on the property? Even when a motor vehicle is used by the trespasser and it is fully loaded with wheat, the employee has no right to stop him and take his name and address. However, this Bill will enable him to do that.

The Hon. G. Bennetts: He could take the number of the truck.

The Hon. L. C. DIVER: It might be a stolen truck. With those comments, I hope this House will pass the Bill so that it will reach another place and become law.

THE HON. J. MURRAY (South-West) [6.1]: I rise to support this measure. In so doing I want to draw attention to what I consider to be a very weak and futile argument raised by one of my colleagues, who unfortunately is not present in the Chamber. He suggested it was ludicrous to give to the owner of a property or his employee the powers contained in the Bill; that is to demand the name and address of trespassers. What that hon. member does not realise is that an incident might occur up to 75 miles distant from the nearest police station. Except for the power of the owner of a property or his employee to demand the name and address of a trespasser for identification purposes, any other action on their part relating to such trespass will be null and void.

The hon. member drew a comparison of the position where the owner of a property in the metropolitan area who witnessed a breach of the law, even of murder, would not have the authority to ask for the offiender's name and address. That might be true, but the hon. member should realise that in the metropolitan area the flying squad of the Police Department is probably within minutes of any residence which has a telephone. Furthermore, the law gives full protection to the witness of such a breach for apprehending the offender so as to ensure that he does not leave the property until the officers of the law arrive. Such a person could take various means to stop an offender, such as "winging" him.

The Hon. H. C. Strickland: Or hamstringing him.

The Hon. J. MURRAY: The law protects the person who apprehends an offender. What occurs in certain country districts at the moment is that people trespass on farming properties which have been fenced with the main object of protecting water supplies. They go on to those properties to shoot game, and they are heavily armed. It has been known for property-owners to approach such people, not to ask for their names and addresses but to plead with them to depart from the proximity of water supplies on the properties as they were disturbing the stock. In many cases the property-owners were very polite, but they were told to "go and jump in the lake."

The Hon. F. J. S. Wise: They could probably apply Section 5 of the Cattle Trespass Act in such instances.

The Hon. J. MURRAY: In reply, I would ask the hon. member if he favours protecting the rights of property-owners, or does he favour protecting a doubtful right of people to wander at random over private properties and to commit various offences without danger of being apprehended? I support the second reading.

On motion by the Hon. G. E. Jeffery, debate adjourned.

LEGAL PRACTITIONERS ACT AMENDMENT BILL (No. 2).

Second Reading.

Debate resumed from the previous day.

THE HON. G. C. MacKINNON (South-West [6.6]: A similar Bill was dealt with last year, but because the Bill before us now is in a slightly different form, quite a number of arguments which were put forward then do not now apply. In dealing with this measure the first question which we should ask is: What does the Bill aim to achieve?

We have been provided with a document setting out the number of legal practitioners per head of population in the various States of Australia, and it would appear that there are perhaps two reasons for the introduction of the Bill. The first reason is to try and ease the lot of the articled clerk; and the second is that a greater number of articled clerks might be enticed to follow the legal profession in this State, thus increasing the number of lawyers available.

Let me deal with the second reason in regard to increasing the number of lawyers. In this State there are 3.4 legal practitioners per 10,000 head of population, as against 6.9 in N.S.W. If we were to examine the reason for this difference we might find that it is not brought about by the salaries paid to articled clerks, but by the relative economic worth of legal practitioners to the communities in the other States and by the greater amount of litigation which takes place. We might find there is more litigation in N.S.W. and the remuneration of legal practitioners is higher there, consequently more of them are attracted to that State. If we want more lawyers in this State we should allow them to charge higher costs. In my view

one of the objectives of the Bill is to bring about an increase in the numbers of lawyers will not be achieved.

The other object of the Bill, which is very obvious on reading it, is to obtain for the articled clerk a higher income so as to make it easier for him to live, to pay his way, and to meet his normal outgoings for board, and so forth. I doubt very much whether the Bill will achieve that objective either. There have been four applications made by articled clerks to the Barristers' Board for permission to undertake outside work, and four permits were granted. That point was made clear by the hon. Mr. Heenan. I believe there has been one refusal by that board in recent years. The particular articled clerk applied just before, or just after, his third attempt to pass the final examination. The board felt that it would be better for him to concentrate on the examination than to engage in outside work. That seems fair enough.

There is another aspect to this matter. Let us suppose that a bright young man, capable of undertaking the requisite legal studies, desires to become a lawyer. He may want to apply for permission to engage in outside work, and he puts up a good case. I cannot see how this Bill will help him in any way. All it seeks to achieve is to transfer the right to grant such permission from the Barristers' Board to the legal practitioners.

Very often an articled clerk is engaged by a lawyer because the father of that clerk had approached the lawyer. Immediately a personal relationship is created. After a short while such an articled clerk might apply to the lawyer for permission to do outside work, but the lawyer might quite rightly believe that it was not in the best interests of the clerk to do so, yet because of the existence of the personal relationship, the lawyer might think it better to grant the permission and thus act against his better judgment. I can easily visualise circumstances when the reverse of this case would apply, and the lawyer would not give permission. I am firmly convinced that the articled clerk would be better served by having to apply to a body, such as the Barristers' Board, which is on a more impersonal footing.

I listened to the hon. Mr. Heenan yesterday when he spoke to the Bill. He left me with the impression that the articled clerk had been quite well served by the Barristers' Board, and he arrived at the conclusion that the Bill would not make a great deal of difference, therefore the House should pass it. I arrived at the opposite conclusion, and although the Bill will make very little difference in the net result, we would be just as well off not to pass it. Although in the final analysis it may not make a great deal of difference, it will make a difference slightly in the articled clerk's disfavour, because I consider his application would be dealt with on a more impartial footing by the board.

In short, I do not think the Bill tackles the root problem of this matter at all. Indeed, it is a very difficult problem to deal with for it seems that the only real solution is to fix a base wage for the two years during which a law graduate of the university undertakes articles. That could be used as the basis of payment to the law graduate or the articled clerk at the end of his five years' training. A percentage of that rate should be paid to the articled clerk on an increasing scale from the first year to the fifth year, so that the university law graduate and the five-year articled clerk will both finish up at the end of five years on the awarded rate.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. G. C. MacKINNON: Just prior to the tea suspension, I mentioned that I did not think that this small Bill would solve the problem, and I was suggesting that the only solution in the long run would be to devise some method similar to that enjoyed by apprentices today. I have no doubt that ultimately that will probably occur, because practically all apprentices were, at one time, in the same position as articled clerks are in today. They were not allowed to work outside, and mostly the parents had to pay for a number of years to have the child trained, no matter what trade was chosen. I suggested that the solution would probably be to arrive at a base wage that would be paid to a graduate after he had completed his three years at a university. Let us say, for argument's sake, that the figure was £15 the first year; the next year—the second year of his articles—£17 10s.; and then when he had completed his full time, the amount would be £20. Then we would arrive at a proportion for the five-year articled clerk, starting, say, on £5, increasing to £7 10s., £12 10s., £15, £17 10s. to £20, this being the same amount as would be received by the man who went through the university. Of course, the trouble then is that it would be fairly expensive for a lawyer to employ an articled clerk.

The Hon. G. Bennetts: They just don't employ them.

The Hon. G. C. MacKINNON: They just don't employ them, as the hon. Mr. Bennetts has said. They put on an extra typist and by dictating the work to her, they get through more themselves. That might not be as easy a solution though, by virtue of the fact that the wages of competent shorthand-typists are not small today. In fact I doubt if a competent shorthand-typist could be employed at much less than £12 a week. I think that would be about the figure.

The Hon. G. Bennetts: I think it could be more, too, because of equal pay shortly.

The Hon. G. C. MacKINNON: I think the hon. Mr. Bennett's thoughts are a bit fanciful. It is evident from the little bit of research I have made that this is not an easy matter to solve. The only thought I want to leave with hon. members is that the position, as it is now, is quite as satisfactory as it will be should this measure be passed. I do not think it will improve the situation. On the contrary, I think there is a fair chance it could make it a little worse and I do not believe we should encourage the passing of legislation of this nature when there is such a slender and highly hypothetical advantage to be gained.

In other words, I think the legislation brought here should be of more obvious advantage, and it should be proved quite definitely that there is an advantage, before we agree to pass it. On these grounds, I am opposed to the second reading of this measure.

THE HON. J. G. HISLOP (Metropolitan) [7.35]: I do not want to make very much contribution to this debate, except to say I do not know why we should interfere with the rights of people after the hours of their employment. Why should they not be allowed to do what they like in hours outside their working hours? For instance, I know any number of individuals who have gone through the medical course by doing all sorts of things after their lecture hours, but it is their own responsibility as to whether they spend so much time working that they fail in their examinations. The man who wants to equip himself, either as a lawyer or as a member of any other profession, is not going to waste so much time that he risks failure in his exams.

I think we are infringing on the rights of human beings. If a man is an articled clerk—and particularly if he has spent some years at the university—we should not interfere with what he does after hours. This would apply particularly to the man who had done three or four years at the university—the hon. Mr. Heenan was not very clear as to the exact number of years. This man would not be in the position of having to learn but only to gain experience, and when the shop is shut as it were, at 5 o'clock—or whatever the hour might be—surely he is entitled to do what he likes. We are just perpetuating an antiquated measure, and I think it should be pointed out to the individual that it is his responsibility if he fails to qualify because he spends too much time doing work not relating to his profession. Surely there is some type of examination to decide whether an articled clerk is efficient before he is finally qualified as a legal officer; and it is his business if he fails. I, for one, am not going to vote for a measure that will interfere with the rights of an individual after his hours of employment are over.

THE HON. G. BENNETTS (South-East) [7.38]: I am going to support the Bill, because in its present form it is different from the one which was introduced previously. This measure is quite reasonable. If a lawyer employs an articled clerk in the country—in Kalgoorlie or further out—he should be the one to give permission to such articled clerk to earn money elsewhere. I think this is only reasonable, because the parents of a person desiring to be an articled clerk may not be able to afford to keep him, therefore he has to earn a certain amount of money.

An hon. member: Give him liberty.

The Hon. G. BENNETTS: This will give him liberty. As the hon. Dr. Hislop has said, some are studying medicine. We have one lad from Norseman at present studying at the university to be a doctor, and I believe he is earning a few pounds in his spare time, to keep himself while studying. If he is prepared to earn money after lecture hours, without its interfering with his studies and examinations, I believe he is doing the right thing. I support the Bill.

THE HON. J. M. A. CUNNINGHAM (South-East) [7.40]: I entertain some sympathy with this measure. The objectionable clauses we found in it when it was introduced last year, have been removed and I feel, as do other speakers, that it is a progressive step, not a retrograde one. It is a further stage away from the old system when apprentices had to pay for the term of their apprenticeship.

The Hon. G. C. MacKinnon: How?

The Hon. J. M. A. CUNNINGHAM: In actual cash.

The Hon. G. C. MacKinnon: How is it progressive?

The Hon. J. M. A. CUNNINGHAM: It is moving further away from the—

The Hon. G. C. MacKinnon: No it is not; it has put it—

The PRESIDENT: Order! The hon. member must keep to the question.

The Hon. J. M. A. CUNNINGHAM: I hate to spoil the fun, Sir. It has been mentioned that four applications have been granted to young men to take on employment outside their studies or immediate employment. Of these four, I know two personally and I know of one of the others, and I am sure that the two I know will certainly not disgrace the profession.

The Hon. G. C. MacKinnon: What has that to do with this Bill?

The Hon. J. M. A. CUNNINGHAM: One of these men is practising in Kalgoorlie and is quite a brilliant young man, and

the fact that he was compelled to earn outside money during his term of study has not in any way been detrimental to his finally passing his examinations, or to his ability to earn his living as a lawyer.

I feel this is making it easier for young men who are not fortunate in having a father who can afford to finance them during the period they are qualifying; and in this way it is a progressive step and will make up the deficiency that is at present experienced in Western Australia.

The Hon. G. C. MacKinnon: Could you tell us how?

The Hon. J. M. A. CUNNINGHAM: I am not going to waste time by explaining how, because the hon. member should have no difficulty in realising this. I realise the position, and I am sure I am not above average in intelligence.

The Hon. G. C. MacKinnon: How is—

The PRESIDENT: Order! The hon. member has made his speech!

The Hon. J. M. A. CUNNINGHAM: The simple position is this: The four applications made to the Barristers' Board have been granted. Therefore it would appear that even the Barristers' Board finds no objection to articled clerks working after hours. But there is another point to be noted.

A number of young people have approached the Barristers' Board as to the advisability and possibility of becoming articled clerks and working in their spare time. These inquirers have not proceeded with an application because they were discouraged, and I think this fact makes the position very different.

The Hon. E. M. Heenan: I do not think that is correct.

The Hon. J. M. A. CUNNINGHAM: I am not close enough myself to the organisation to verify the statement, but I have been led to believe that that is the case and this would, as I say, make a great difference.

The Hon. E. M. Heenan: The Barrister's Board would not prejudge any application until it was heard.

The Hon. J. M. A. CUNNINGHAM: I did not say it had prejudged applications. I said that applicants were discouraged and told that the board did not favour the practice, which left the young men concerned feeling, "What is the use of making application, if there is doubt about permission being granted?"

The Hon. E. M. Heenan: Apparently four of them had sufficient sense to do it.

The Hon. J. M. A CUNNINGHAM: That is so; but if this provision is removed, any young man who believes he can earn sufficient money to keep him going, outside his working hours, without endangering his capacity to study and pass examinations, will be encouraged to do so. He will be able to make application to the solicitor to whom he is articled, and who must know far better than would the Barristers' Board, all the circumstances, such as the nature of the employment for which permission is sought, local conditions, and so on.

Engaging in two or three hours of outside employment per week would not make much difference to the total time available for study, and if a student is keen enough on his job and on his aim in life to desire to do the extra work in order to obtain his objective, I think we should by all means encourage him. For those reasons I intend to support the measure.

THE HON. J. D. TEAHAN (North-East—in reply) [7.46]: I thank those members who have contributed to the debate, and I agree with the hon. Dr. Hislop, who asked why anyone should have to beg for the right to work. This measure seeks only to take a reasonable step forward, in order to assist any young man who desires to become a lawyer. The road to success is hard and the study entailed is hard, so the decision to study law is not made lightly. Such a decision is arrived at only by those who feel competent to complete the course, and who have the courage and energy to do it.

A young man, having made the decision to study law, must under these circumstances enter into five years' articles with a solicitor, and before doing so he could work out his position mathematically in order to estimate his chances of success. He might know that his resources were such that he could not afford to carry on after the second or third year, and, lacking any other source of income, he would realise that it was no use wasting a couple of years of his life. On the other hand, if he knew that, before entering upon his articles, he could approach the solicitor concerned and receive from him an assurance that, when it became necessary, he would be agreeable to the clerk taking outside employment, he would be able to see his way clear to success.

At the present time, the decision remains subject to the whim of the Barristers' Board, and the young man knows there is some doubt as to whether he will receive the necessary permission to undertake outside work. Knowing that, in the absence of permission to work outside, he may not be able to carry on, it is quite possible that he would decide against undertaking the study of law.

Under the provisions of the Bill a young man would be able to approach a lawyer in his home town and ask whether he would be willing to allow an articled clerk to undertake outside work, should it be

necessary. Having received that assurance from the solicitor, the young man would feel confident in entering upon his articles, whereas he would not be able to receive, in advance, a similar assurance from the Barristers' Board. For these reasons I think the House should support the measure.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. J. D. Teahan in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 13 repealed and re-enacted:

The Hon. J. G. HISLOP: The hon. Mr. Teahan suggested that the Barristers' Board would be more likely to reject the application of an articled clerk to engage in outside employment than would the solicitor to whom he was articled, but that is by no means certain, as the employer might easily refuse permission. The hon. Mr. Teahan instanced the young man coming to an agreement with a solicitor to the effect that he could engage in outside work in order to support himself during the period of his articles; but what would be the position of a clerk already articled who, in his third or fourth year, found it necessary to do outside work? If the employer refused his permission, his career in law would be finished.

In the today's Press, we read of a young woman who reached the finals in a model contest, but whose employer now says she cannot attend the finals because he will not allow his employees to take time off in working hours. The Bill would give the employer the absolute right to decide the matter; but I think it would be better to include a provision so that, in the event of the employer refusing permission, there would be an appeal to the Barristers' Board.

The Hon. J. D. TEAHAN: I think the suggestion of the hon. Dr. Hislop is a good one.

Progress reported.

BILLS (3)—FIRST READING.

1, Long Service Leave.

2, Industrial Arbitration Act Amendment (No. 2).

3, Tuberculosis (Commonwealth and State Arrangement).

Received from the Assembly.

NATIVES (STATUS AS CITIZENS) BILL.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [7.57] in moving the second reading said: It will be noticed that this Bill is divided into several parts and proposes to amend 11 Acts and to repeal one Act. Its provisions, if agreed to, will mean that the present position of persons today termed "natives" will be reversed as far as their social status is concerned. The object of the Bill is to confer upon those persons who at present, because they have aboriginal blood in their veins, are determined by the law as being natives, citizenship from birth, just as is the case with every other Australian-born child.

Citizenship is conferred automatically upon all children born in this country, except those descended from aborigines, if they have half or more of aboriginal blood in their veins. Legislation such as this has been before the Parliament of the State on numerous occasions in recent years and the measure with which we are now dealing is designed to better the lot of the aboriginal, who is undoubtedly handicapped by the present law, in so far as it classes him as a native and denies him the privileges and freedom that are the right of every other Australian-born child or any newcomer to our shores. Every new Australian who wishes to do so can, after the prescribed period, become an Australian citizen, following which he enjoys all the privileges of the Australian-born or British subject and must bear also the responsibilities of citizenship.

The Government believes that the time has arrived when a large proportion of our native population has been educated to the stage of being eligible and entitled to enjoy the freedom of citizenship which is conferred upon an Australian-born child, a British-born subject, a naturalised British subject or a new Australian that has entered this country. There is also a proportion that has not yet reached the stage of education and competency to live up to the standards of citizenship. The Bill will provide for both classes.

The measure is designed to make citizens of those who are living up to the standard of citizenship that is set by ourselves and it is also framed to protect and help those who are incapable of attaining those standards and to assist them to educate their children in order that they might attain that standard. The position today, whereby the oldest inhabitants of the country are the least thought of and enjoy the least privileges, will no longer obtain. They will be raised to a state which every Christian-thinking person would have them reach; that is, to a higher social standing, and to encourage them to attain a higher standard of education so that they might be given a better opportunity to enjoy the rights of citizenship.

For the 130 years that Western Australia has been a colony and settled by white people, it has been no credit to our predecessors or to us to see almost-white

people walking around our State who are practically social outcasts, because they have been declared natives by law. This position has been reached through no fault of their own, because they have never been given an opportunity or a chance to become citizens.

The Hon. J. Murray: They have been given an opportunity.

The Hon. H. C. STRICKLAND: Never in their lives have they been given an opportunity to enjoy the rights that are enjoyed by the Australian-born child or by anyone who is a British subject.

The Hon. J. Murray: They can apply to have those rights.

The Hon. H. C. STRICKLAND: Restrictions have been imposed upon them from the very day we took the country from them, and I repeat that such a state of affairs is a disgrace to us and to our forefathers. To witness, right throughout the southern part of the State, near-white persons being classed as natives and hounded and hampered by various restrictive sections of our legislation should make us hide our heads in shame. These people are not allowed to remain in any town after dark, apart from other restrictions that are placed upon them. If they are not permitted to remain in the town, where can they go? How can they ever hope to improve their standard of living unless they are given a reasonable opportunity to do so? In my opinion, they have never been given that opportunity.

It is the policy of the party to which I belong to endeavour again to extricate these people from their unfortunate position. Had this House of Parliament agreed to legislation which I introduced in this Chamber in 1952, we would have taken a great step forward towards solving this social problem. That measure was designed to separate what we term the native population. We could have then said to all half-castes and those with even a greater proportion of white blood, "You are not now regarded as being natives, but you are the same as any other individual who was born in this land or any newcomer who has entered as an immigrant and you must now comply with the laws of the country in the same way as any other citizen is expected to do and, also, you must accept the same responsibility."

However, that legislation was rejected and today the native population is still in the same position and is still being restricted by the legislation we have on the statute book. The only alteration that was effected was to change the title of the Act from Native Administration to Native Welfare. Little other change has been effected. Also, very little change has occurred among the natives themselves. In studying the statistics it is found that in 1952 there were approximately 450 natives of various proportions of mixed bloods and a few full-bloods who possessed native citizenship rights. Today, that number has increased to approximately 1,100. However, the population of mixed bloods has increased by 990 odd in those few years.

In 1952 I issued a warning that the fact that we classed caste natives as natives under our legislation would not help us solve the problem. The only way it could be solved was to exclude them from the Native Administration Act—as it was then called—and as their numbers increased they would tend to give up the undesirable habits which lowered their standard of living and they would be encouraged to follow a way of life that would make them eligible for citizenship rights. Today the warning that I issued in 1952 has become a fact and the problem will be accentuated every year unless Parliament does something about it.

Therefore, the Government claims that this Bill is a most progressive step towards solving the problem. It does not claim that it will completely solve it, but it will represent a great step in that direction. We claim that the mixed bloods are capable of being educated up to the standard of the average white school child and they are now taking advantage of that opportunity. It is considered that they are well fitted to take their place in the community even as teenagers, if given an opportunity. At the present time, because of our restrictive legislation, that opportunity is denied them. It is when they are in their 'teens that they awake to the fact that there is something not quite right with their position in the community. Of course, that hard fact is driven home to them when they attempt to seek employment.

Undoubtedly, a very hard blow is dealt to the average caste child when he or she attempts to seek employment. There are many institutions which absolutely refuse to employ them, even though they might be Rhodes scholars. There are others, of course, who are only too willing to help them as much as possible. There are not many avenues of employment open to them, but if they were Asiatics or Eurasians they would have no difficulty in finding a job because they would have been raised in a different environment and in better circumstances than our natives many of whom are brought up in humpies or in sheds built with bits of tin and hessian which we often see around the countryside.

It is heartening to know that approximately 1,500 native children are being educated in the various missions. They comprise both full-bloods and mixed bloods. It is gratifying to note, too, that they are being educated to a good standard and are receiving Christian training.

In addition they are taught to observe the rules of hygiene. This helps to start them on the right road towards becoming good citizens. There are numbers of those native children who are quite capable of filling a job conscientiously and who have the same capacity for work as the average Australian child. The missions turn them out with all those attributes. Many missions in the far-flung parts of the State, and particularly those in the South-West Land Division, turn out well-respected children who possess all the qualifications to obtain employment and to take their place with any other citizen in the community. Those children start life on a level at least equal to that of the average Australian child.

Surely we are not going to say to those well-educated children, "No, we cannot accept you as citizens. You must remain natives forever because the law says you are. You may apply for citizenship rights when you reach 21. Your parents might have your name endorsed on the back of their citizenship rights, but if they commit a breach of the law you are penalised also by their forfeiting their citizenship rights." We cannot hide from them the fact that they are citizens merely because their parents possess citizenship rights. However, when they reach 21 years of age they must apply for citizenship rights, and it is then that the fact is driven home to them that they are still classed as natives.

Where the parents have made good, and have lived well and joined in with the rest of the community, as many have done in this city; at 21 years the children must apply to a board to become citizens and to have a certificate to say that they can enjoy citizenship. But let them make some of the mistakes which many of the natural-born citizens, and those who become naturalised in our State, do, and they will lose that certificate and be again classed as natives.

Unfortunately, in the past, there have been far too many people with little time for the natives. These people used the natives; and while they were useful they were prepared to clothe, feed and succour them to some extent. However, there were far too many who did that and it is one of the principal reasons that we are finding ourselves faced with this social problem today—

The Hon. G. Bennetts: They are still being exploited.

The Hon. H. C. STRICKLAND: —which is snowballing. Therefore, this legislation is introduced with the object of at least making a progressive move to get rid of this awful stigma which the citizens of Australia have thrust up at them in the United Nations councils and by many organisations today. If we look fairly at the history of our settlement of this country, in relation to the attitude adopted to natives, none of us can deny that they have not been given a fair go. The Government now says they are entitled—and have been for many years—to be given a better go.

We do not claim that this Bill will solve the problem overnight, or in a year or ten years, but I repeat again it is a step forward. It has been proved over the past 138 years of native legislation in this State that no advancement has been made. All that has been done is to change the colour of the natives; they are changing from black to white.

The Hon. J. Murray: You would not admit—

The Hon. H. C. STRICKLAND: I will not admit anything. If during his speech the hon. member can substantiate what he says, I will admit facts, but I am too absorbed at the moment, Mr. President, to pay attention to his interjections. I repeat, that history and figures prove that all legislation has done for the natives of Australia, and particularly Western Australia, is to change their colour. We see in our midst people who are almost white, yet they are classed as natives. If that is not a disgrace to our stewardship over the last 130 years, I do not know what is.

I often think just how lucky I was to be born of white parents so I could enjoy the full rights of citizenship—very lucky indeed. I realise just how lucky I have been when I pass through places like New Norcia and see white girls playing in the mission. One or two of them are as white as I am to look at, but they have a proportion of native blood in them and are classed as natives. They are probably orphans. I saw them only three weeks ago. They are probably orphans with nobody to look after them and have gone into that particular mission. I do not doubt that such children can be found in other missions. I thought just how lucky I was that my mother and father were not of the original inhabitants of Australia.

Where do we go from here? We see them wherever we go. Wherever I go I see those who have made good and those who would never make good because they have nobody who can uplift them. While the laws of this State are allowed to continue they will always be held down and never lifted up. It is proved by the fact—an undeniable fact—that all that is happening is that they are changing their colour and are kept down to an unfortunate social standing or level from which very few have any hope.

I have had a look through the population figures of Western Australia since 1952 and they are very interesting. In June, 1951, the number of full bloods in Western Australia was 8,606, and the number of mixed bloods 6,486, making a total of 15,092. In these figures I am disregarding the supposed 6,000 nomads who are

presumed to be roaming in the desert outside the bounds of civilisation, because I do not believe 6,000 of them exist. I will keep to the figures supplied from a census taken by the Native Welfare Department. Of that total of 15,092—that is full and mixed bloods in 1951—there were 2,855 mixed blood children. I have not the figures of the full-blood children for that year, but there were 2,855 mixed-blood children and 3,631 parents.

Today there has been quite a change. According to the report of the Native Welfare Department, which has been tabled, at the 30th June, 1958, there were 8,655 full-bloods, and 7,196 mixed bloods, making a total of 15,851 natives—so-called natives. Therefore there has been an over-all increase of 769. Of the full-blood population, 2,167 are children, and 6,488 are adults. Of the mixed-blood population at the 30th June, this year, 7,196 were mixed bloods and 3,846 of those were children, and 3,350 adults. So it will be seen that there are 281 less adult mixed bloods, but there are 991 more mixed-blood children.

The proportion of children is higher than that of the parents. There are 3,846 caste children and 3,350 adults. That reverses the position substantially from what it was seven years ago on the 30th June, 1951. In that year, there were 2,855 caste children, and 3,631 adults. Therefore, we now have the position that the caste children out-number the adult castes, which means that they are multiplying rapidly and will continue to do so. We claim that of that number there are few who would be unfit to go into the world the same as any other child and seek and obtain employment, providing assistance is given them and prejudices are overlooked.

There are many organisations today which are taking a great interest in the native problem. I call it a problem because it is a serious one. A number of these organisations have interested themselves in the matter, and much can be done for the natives; that is the caste natives or full-bloods who have enjoyed some schooling. There are many of these in the North-West. Many full-bloods are well educated or have an average education up to the age of 15. There is a number of them in Broome and a number is attending State schools in the North-West. They are highly intelligent children once they have been given an opportunity. It is generally believed that the child who has been given an education right from the early stage of his life proves to be just as fit and competent as the average child in any State school—or a convent school, for that matter.

As I have already said, they reach the age where they learn, for the first time in their life, that they do not belong to the general community and, unfortunately, many of them go astray. A great majority are never given an opportunity to be employed in positions where they can better their lot.

As a result of a motion introduced in another place last year, a committee was set up to examine the native problem. I do not think the expressed terms of reference specifically covered citizenship, but the committee, from the evidence placed before it, did refer to the disabilities which these natives suffer, because the great majority, or all of them, are denied full citizenship.

With your permission, Sir, I would like to quote from the conclusions at which the Committee arrived. This is the report of a special committee which was appointed to inquire into native matters, with particular reference to adequate finance. The members of the committee were persons who had had quite an amount of experience with natives and the problem generally. Mr. F. E Gare was born at Kojonup, and he has farmed at Kojonup and Bruce Rock. He was also a banana-grower at Carnarvon at one time, and later an officer of the Native Welfare Department. He has been an officer of that department for some years. He has had close contact with natives throughout the State. He has travelled into regions where there are some numbers of nomadic natives.

Another member of the committee was Mr. G. F. Thornbury, of the Education Department. He has had experience, on the education side, of natives, having taught some of them in different stages of their schooling. He has also spent many years in country areas, including the Warburton Ranges and the Kimberleys. Dr. Snow, as everyone knows, has had a lot of experience of natives in the North-west, particularly as he was one of the early flying doctors in the Pilbara area. He is quite competent to express an opinion on native matters.

Mr. E. C. Gare, another member of the committee, was born at Katanning. He spent his early days in the south-western and southern portions of the State and he has travelled all over Western Australia. He is an executive of the MacRobertson-Miller Aviation Company and is well-known to most people. The remaining member of the committee was Mrs. K. Wilson, who has had some experience of natives, particularly on the social side. In addition, she has studied anthropology at the university. These people, in their report, refer to citizenship and they say that citizenship is in their opinion, a vital factor in any proposals to uplift the native population. At page 9 of the report, Section 2, they say—

> Before considering components of the whole problem, reference must be made to one vital factor—citizenship.

They then refer to the present position and say—

> In accordance with Section 10 of the Federal Nationality and Citizenship Act, 1948-1955, every aboriginal born in Australia is a citizen of the Commonwealth. Western Australia, however, has enacted special legislation which deprives aborigines and most part-aborigines of some of the normal rights and privileges of citizenship, even though it does not absolve them from most of its duties and responsibilities—including taxation.

They found that the native is taxed. Of course, he has no option because an employer is obliged to deduct the tax from his employees; and there is no distinction for natives. Although many of them are taxed, probably quite a number never fill in a taxation form, and there are probably many others who have never received a rebate. The committee, in its report, went on to say—

> Under this legislation, one of the fundamental principles of democracy—that there shall be no taxation without representation—is denied the native living in Western Australia. The State Electoral Act deprives him of the right to vote in State elections, and this at present disqualifies him from voting in the Federal sphere.

It has been said on previous occasions, when legislation has been introduced here, that to give a native citizenship rights, means only to give him the right to vote and to drink as much liquor as he requires. Those have always been the main objections raised in the House against any proposal to raise the position of the natives by giving them full citizenship rights; or even to ease the position under the Natives (Citizenship Rights) Act. I well remember the debates here in 1950, in connection with the legislation which was hotly contested by some hon. members who, unfortunately, have gone from the Chamber. I say "unfortunately" because most of them are deceased. They contested the legislation on those two grounds only—the right to drink and the right to vote.

I do not know about the right to vote, but this committee found that it is a vital and fundamental principle of democracy that people should have the right to vote. I also claim that the people who undertake the full responsibility of citizenship are entitled to vote; or they should be exempt from taxation while they are not allowed to vote. On the question of drink I have said and I claim this again—that any native can procure as much drink as he requires, if he has the money to pay for it, whether he has citizenship rights or not. There is always someone ready to exploit the native—to take his money, buy the grog and take it back to him.

In tonight's paper we read of a man being fined £40 for supplying a native, at Meekatharra, with liquor. While the law says, "You must not supply a native with liquor," we will always read of these cases. The Government of America, at one time, tried to deny the whole nation the right to drink liquor, but the people always got it; and so will the natives always get it because there is always someone ready to do business with them.

I remember many speeches made in the House in connection with restrictions, controls and black-marketing, and all the things that they foster and engender. Gee, whiz! What about this native legislation with its restrictions and controls? I have mentioned the incident that is reported in tonight's paper; and there are dozens of others each year of natives being supplied with liquor. The man mentioned this evening is a stockman. I do not know him, but I read the paragraph before tea. Probably a droving plant, that had been for months on the road, came into town, and these fellows had all been working with each other for some time. When they get to a town, it is only natural that a man, who can go into a hotel, will take home a bottle so that he can shout his mate a drink. He does that because he cannot take the native into a hotel and buy him a drink. The publican is not allowed to serve him, because of our laws. If the natives were able to go in and buy a drink, as they wanted it, there would not be anywhere near the drunkenness among them that there is.

The Hon. H. L. Roche: It does not seem to have done Namatjira much good.

The Hon. H. C. STRICKLAND: The proportion of natives to whites in the province I represent is much greater than it is in any other province; and my experience of them, throughout half the State, is that they handle their liquor quite all right, although there are exceptions, the same as there are in any other nationality.

The Hon. J. M. A. Cunningham: That is an amazing statement.

The Hon. H. C. STRICKLAND: They handle it all right, and if members look through the police records they will find that the proportion in the North who run foul of the law, through liquor offences, is no higher than the proportion of whites in the same district—in fact, it would be lower.

The Hon. R. C. Mattiske: Does the Commissioner of Police share these views?

The Hon. H. C. STRICKLAND: I do not know. I am saying what my experience has been. The report of the Commissioner of Police might show me to be wrong, but I do not think so. In my province there are large numbers of mixed-blood natives, but we do not refer to them as natives. They are just as good citizens as anyone

else there. The full-blood natives in those parts walk into the hotels, and walk out again. They go in and have their liquor, and go away. If we are going to drive them under a tree, and leave them out in the scrub somewhere, then the exploiter will get to work and buy liquor for them, and what do they get? They cannot get cold beer—and they will not drink hot beer —so they drink wine and spirits, and naturally the same thing happens to them as would happen to any white person in similar circumstances.

The two arguments that are repeatedly put up are in connection with the right to vote—it does not matter anyway if they do not have that right—and the right to drink. I think there would be a tremendous improvement if the natives were allowed to buy their liquor the same as any other person does who is 21 years of age.

I cannot see how a measure such as this can be other than a progressive step forward in the uplifting of the native. I wish now to refer to another section of the report of the committee—

> In addition, the Licensing Act, the Firearms and Guns Act, a number of other Western Australian Acts and even the Native Welfare Act itself, all impose restrictions of varying degree on natives as distinct from other persons.
>
> It is obvious, therefore, that although natives in Western Australia may be citizens of the Commonwealth, they are not full citizens of their own State.
>
> They suffer under the further disability that the State-imposed restrictions automatically disqualify many of them from certain very important benefits under the Federal Social Services Act.
>
> The complicated system which the Natives (Citizenship Rights) Act set up in 1944 to enable a native to satisfy a local Board that he should no longer be considered a native, does not work satisfactorily in practice. It has the inevitable result, among other things, of implanting in too many minds, native and otherwise, the belief that anyone officially classified as a "native" must be an inferior being. Anything more calculated to destroy the self-respect and self-confidence of such people would be difficult to imagine. Indeed, it provides any native so inclined with a ready-made excuse, satisfactory to himself, for his evasion of responsibility and for the squalor of his life.
>
> Intelligent and discerning natives have informed the Committee that they, and many others like them, are unwilling to plead for something they consider to be theirs as a birthright.

The last observation refers, of course, to the application for a citizenship certificate. Here are some of the anomalies which surround citizenship. In Perth there are two people that I know of who have come from Darwin—from the Northern Territory. They, and their forefathers before them, have been classed as and looked upon as citizens. In fact, the Commonwealth Government gives natives in the Northern Territory their citizenship rights, and has similar legislation, but not quite the same, as we propose by this Bill.

These people came to Perth and they had to suffer the indignity of being asked to apply for citizenship rights. Here are two parts of Australia; in one part they have their rights and in another, Western Australia, they are told that they are natives. I do not know what happened to them; they must have laughed at the law. They should have done so; that would have been my advice to them. But that is the law.

I know of another instance. There are native drovers droving cattle from the Territory into Wyndham. These native drovers walked into one of the hotels in Wyndham and were told that they could not be served. They were asked to produce their citizenship certificates—there is also a permit of exemption which allows them to drink—but not having these certificates they were refused a drink. They got a little hot under the collar, and they said that where they came from, which was only about a hundred miles away, they were allowed to drink. Yet as soon as they walked over the imaginary line which divides the two States they were refused that right. They are able to walk into the hotels in Darwin, and have been doing so all their adult lives, and are served with liquor. But in Wyndham no native is allowed to drink unless he has a certificate showing that he has citizenship rights, or a permit of exemption. Even if they are found loitering around the premises they are liable to imprisonment.

What an anomaly it is and what a problem the department must have when it has to decide whether a person is 1/28th part aboriginal—when it has to work out whether a person is a native under the Act or a citizen of this country. That is the fine degree that the department has to work to, and hon. members can well imagine how difficult it must be. If they passed through the Kimberley towns and saw all the mixed bloods they would realise what a problem it is. With the pearling crews, and the Asiatics mixing with the aboriginals there is a terrific problem to decide just how much aboriginal blood some of these people have. There have been cases where some of them have been arrested for being on hotel premises, or drinking. The policemen thought that they were doing the right thing but they found, in some cases, that these people were citizens by right.

I can remember a case in 1950 when the late Mr. Coverley, who represented Kimberley in the Legislative Assembly, was in Broome. At that time a young fellow was charged with being on licensed premises, and Mr. Coverley could remember the lad's father. He was able to prove that the boy was only a quarter-aboriginal, and therefore was not liable to prosecution. But had Mr. Coverley not been in Broome at the time, and been able to verify the lad's claim, he would have been convicted, because the onus was on him to prove that he was not a native. What a state of affairs that is! There was an educated young fellow who had been working as one of the crew of a schooner, and because a policeman did not know him, and thought he was a native, he arrested him for being on hotel premises. Naturally the young fellow showed some inclination to resist arrest because he had been on licensed premises previously. When he was arrested he was told, "As far as we are concerned you are a native." That is the sort of law we have today; and is it any wonder that these people have become frustrated and dissatisfied and have lost heart?

Some of them have made no attempt to better their lot because they abhor most white people; it is only natural that they should because of the treatment they have received. I say again, as I have said before in this Chamber, that with their rapidly increasing numbers, and the higher standard of education that they are receiving, these people will provide us with a first-class problem in the future unless something is done about them. These people must be given their full citizenship rights—given the right to live the same as every other Australian citizen. I move—

> That the Bill be now read a second time.

THE HON. L. A. LOGAN (Midland) [8.50]: I would like to inform the Minister that his Party is not the only one that has gone to a considerable amount of trouble to study the problems of the natives in Western Australia. But the Country Party, which also has studied the problem, has come to a different conclusion to that of the Labour Party—I would say that this Bill is illogical, and I will prove that as I go along. I think it is just as well to remind hon. members that the idea of native welfare was introduced into the legislation of Western Australia because of the gradual diminution of native hunting grounds and the gradual encroachment of white people onto the native areas. That is why Parliament was forced to introduce legislation under which the natives could be looked after. Unless such legislation had been passed we would not have been able to care for them; it would have been impossible.

So legislation for that purpose was placed on the statute book; and now the Minister wants to remove that legislation and take away that protection from the majority of these people by saying to them, "You are now whites and you live the same as we do." I contend that at least 90 per cent. of these people still cannot live the same as a white man does.

The Hon. H. C. Strickland: The Bill does not say that they shall.

The Hon. L. A. LOGAN: Does it not?

The Hon. H. C. Strickland: No.

The Hon. L. A. LOGAN: Let us have a look at the Bill and see what it does say. It says—

> On and after the coming into operation of the Natives (Status as Citizens) Act, 1958, a native has the same rights, privileges, and immunities, and is subject to the same duties and liabilities, as a natural-born subject of Her Majesty . . .

Is not that the same as saying that they have to live under the same conditions as we do, and are subject to the same laws?

The Hon. H. C. Strickland: Tell us about the other half of the Bill, too.

The Hon. L. A. LOGAN: It goes on—

> . . . except if and while he is declared to be a protected native.

The Hon. H. C. Strickland: That is right.

The Hon. L. A. LOGAN: What is the Government going to do? As soon as we pass this Bill every person with dark skin immediately becomes a full citizen of Western Australia.

The Hon. H. C. Strickland: That is right.

The Hon. L. A. LOGAN: And the next day the Government will turn around and say to 90 per cent. of them, "You are not fit to be white Australians; you will have to go back and be natives."

The Hon. H. C. Strickland: No.

The Hon. L. A. LOGAN: That is what the Bill says.

The Hon. H. C. Strickland: No, that is what you say.

The PRESIDENT: Order! I must ask hon. members to allow the hon. Mr. Logan to make his own speech.

The Hon. L. A. LOGAN: That is what the Bill says.

The Hon. F. R. H. Lavery: Nonsense!

The Hon. L. A. LOGAN: What does the term "liabilities" mean? It means that they have to live under the same conditions as we do.

The Hon. H. C. Strickland: Tell us what you would do.

The Hon. L. A. LOGAN: I think this Bill will be a greater insult to these people, because one day the Government says to them, "You are a full citizen of this country" and the next day it says, "You are not fit to be a citizen and you must go back and be a protected native." That is what the Bill does, nothing more and nothing less. How this legislation will alter the attitude of the people whom the Minister was growling about I do not know. This legislation cannot possibly make those people change their minds; they will continue to do exactly the same as they are doing today.

The Hon. H. C. Strickland: You agree that they will not be worse off.

The Hon. L. A. LOGAN: I do not know about that; they certainly will not be any better off. The very commencement of the Bill implies that it is all wrong. It starts off by saying—

> A Bill for an Act to confer Citizenship Rights on Persons descended from the Original Inhabitants of Australia.

I think the Minister was drawing a long bow when he said that these people are descended from the original inhabitants of Australia.

The Hon. F. R. H. Lavery: It only says "descended from."

The Hon. L. A. LOGAN: How does the Minister know that these people are descended from the original inhabitants of Australia? I understand that this continent is millions of years old; I understand also that the aboriginals as we know them can be traced only as far back as 12,500 years. Who was here before that? As I understand it, the aboriginals came to Australia from across the water, the same as the white people did.

The Hon. H. C. Strickland: That is a question for the anthropologists. But what does it matter?

The Hon. L. A. LOGAN: These people may not have been descended from the original inhabitants of Australia. I think the Minister is drawing a long bow in saying that they are.

The Hon. F. R. H. Lavery: Some of our thinking is 12,500 years behind the times. What a disgraceful thing to say.

The PRESIDENT: I must ask the hon. member to resume his seat. If hon. members will not interject we will get on much better.

The Hon F. R. H. Lavery: I object. I interjected just now, but I think the hon. member is calling for interjections because of the way he is speaking.

The PRESIDENT: The hon. member is not calling for interjections and I must ask hon. members not to interject.

The Hon. L. A. LOGAN: This is not the only State in which native welfare legislation exists. It exists also in Queensland, and that legislation is much harsher on the natives than our legislation is. It is commonly believed that every native in the Northern Territory has citizenship rights. That is entirely wrong; normally only the caste bloods in the Northern Territory have citizenship rights, and there are only six full bloods out of all the full-blooded natives in the Northern Territory who have those rights; the rest are wards of the Commonwealth.

The Hon. F. D. Willmott: And what good has it done any of them:

The Hon. L. A. LOGAN: Yes, what good has it done them? It is all very well for Mr. Hasluck, the Minister for Territories, to talk about what the Commonwealth has done in the Northern Territory; it has not seen fit to give all the natives there full citizenship rights. I think we should give this problem further study.

The Minister also said that natives told the committee that they would not apply for citizenship rights because they believed they were entitled to them as a birthright. Before the present Commissioner of Native Welfare was appointed in this State, many of the natives were proud to apply for and obtain citizenship rights, but unfortunately the attitude has grown up in the department that these natives are entitled to those rights as a birthright, and officers of the department said to the natives, "Why should you have to apply for something that is yours by right of birth? It will be only a dog collar around your neck." It is the department's fault for telling the natives to take that stupid attitude. Up to that time they had been proud to apply for citizenship rights, and had that same attitude continued to exist, I am sure that more than 1,000 of them would have had their citizenship rights today.

The Minister said that the objection previously has been in regard to voting and liquor. I will read one portion of the report from which the Minister quoted which deals with voting. It is as follows:—

> The incongruity of extending the franchise to an aboriginal living on the Canning Stock Route or, in fact, to a tribal native anywhere, has often been pointed out.
>
> However, such a right would surely do him no harm. He would know nothing of his new privilege, and though he would be legally required to enrol, it is improbable that he would have anything to fear for some time to come . . .

We are trying to bring the natives in as citizens and expecting them to live up to the law, and then we propose to disregard them.

The Hon. H. C. Strickland: There is part of the Bill that protects them.

The Hon. L. A. LOGAN: How many of these people are to be protected, and how many are not? Who will decide which of them are to be protected?

The Hon. H. C. Strickland: The magistrate.

The Hon. L. A. LOGAN: Are we going to take a roll of 21,500 natives in Western Australia—a complete roll if this Bill becomes law—and then scratch off those who are to revert to the position of protected natives?

The Hon. H. C. Strickland: You vote for the Bill and we will show you how it will be done.

The Hon. L. A. LOGAN: The report continues—

> Although natives in settled areas would be required to enrol—

in the settled areas, that is—

> it is unlikely that they would all be expected to do this immediately upon their becoming eligible. It seems that a good deal of commonsense is employed in the application of the Electoral Acts and that a reasonably gradual process of enrolment would be permitted.

That shows that these people are not ready to be enrolled. The implication is there. Surely if we are going to bring them to that stage, they should comply with the laws and conditions which govern the white man. We cannot have two laws.

The Hon. H. C. Strickland: That is what you have today.

The Hon. L. A. LOGAN: That is for purposes of welfare, otherwise they could not obtain it. What happens to a white man whose family is destitute? Can he be given assistance under the Native Welfare Act? His cobbers help him out.

The Hon. H. C. Strickland: He is helped out by the Social Services Department.

The Hon. L. A. LOGAN: He is helped out by his cobbers. On the one hand we want to put these people on the roll, and on the other we want to disregard them. It does not make sense. There are so many of them that it would be impossible for them all to be placed on the roll. If they were put on the roll they would not know that they were enrolled, or what to do.

The Hon. F. R. H. Lavery: How many of our electors know what to do when they are enrolled? How many voted at the last Legislative Council election?

The Hon. L. A. LOGAN: I understand a lot of the hon. member's cobbers did not vote for him on the last occasion. The Minister said that the drink problem did not cause much trouble. I would like to read from a report by the Commissioner of Native Welfare. The heading is, "Crime" and it reads as follows:—

> Offences committed by natives in the sub-district during the year under review continued to be mainly associated with drink. The position may be set out as hereunder—

Court	Offences by Natives	Offences by other than Natives against the Act and Regulations
Kalgoorlie	93	22
Boulder-Fimiston	4	1
Coolgardie	32	1
Esperance	16	9
Leonora	9	2
Menzies	—	—
Southern Cross	20	—
Bullfinch	—	—
Laverton	8	—
Norseman	7	—
	189	35

> All the offences against the Native Welfare Act, 1905-1954, by persons not natives were for supplying liquor to natives.

The Hon. J. J. Garrigan: That is the position on the Goldfields; what happens in Geraldton?

The Hon. L. A. LOGAN: When dealing with the question of liquor the report says—

> The Committee considered these three objections specifically and formed the opinion that although some increase in the incidence of drunkenness might follow universal citizenship, this increase and any disturbances which did ensue would be of a relatively temporary nature and could be dealt with in the normal way.

I have discussed this problem with a good many policemen throughout my Province, and every one of them has said that he fears what will happen in the first few months if this Bill becomes law. One of them told me that he would pack up and walk out.

The Hon. F. R. H. Lavery: What was his fear?

The Hon. L. A. LOGAN: He was afraid, because these men know a little about the game.

The PRESIDENT: Will the hon. member kindly address the Chair and not the interjector?

The Hon. L. A. LOGAN: Yes, Mr. President, as far as I can, I will.

The Hon. F. R. H. Lavery: What I want to know is—

The PRESIDENT: The hon. member will have an opportunity of making his speech.

The Hon. F. R. H. Lavery: I will get chucked out on this Bill; I do not mind.

The Hon. A. F. Griffith: You will not be chucked out on the Bill, but on your ear.

The Hon. L. A. LOGAN: There are in Western Australia 138 native reserves, containing in all 28,500,000 acres. There are 60 camping areas around the towns and cities, and 50 sanctuaries for nomadic natives. The natives now total 21,500. I understand that 6,000 of them are beyond the confines of civilisation. As I asked earlier, who will be competent to say which of these natives will have citizenship rights, and which of them will be protected natives? Are we going to place every native on the roll, and then scratch off those who are to be protected natives?

The Hon. G. C. MacKinnon: There will be some funny names on that roll.

The Hon. J. J. Garrigan: There are some funny names on it now.

The Hon. L. A. LOGAN: I now come to an important part of this Bill; it is one to which the Minister should give some thought. In my summing up of this measure, immediately it becomes law a number of natives now living on reserves, and who are not called protected natives, will have to leave those reserves, as will all the children in missions who are not classed as protected natives. If we look at Section 15 of the Act we find the following:—

> It is an offence against this Act for any person other than a native to enter or remain, or be within the boundaries of a reserve for any purpose whatsoever—

According to that Act these people have to live up to our conditions and liabilities and accordingly they are not allowed on any native reserves; nor are they permitted to live in the missions because every mission is on a native reserve. That is what the Bill does.

The Hon. H. C. Strickland: The Bill takes that out.

The Hon. L. A. LOGAN: As I have said that is exactly what the Bill does. If it becomes law all natives who are not classed as protected natives will have to get off the reserve.

The Hon. H. C. Strickland: You can amend it.

The Hon. L. A. LOGAN: That shows how much thought has been given to this matter. I say it is quite illogical. I would also refer members to Section 16, and to Section 47 which deal with cohabitating with natives. All the Bill does is to put in the words "or protected natives."

The Hon. H. C. Strickland: Look at Clause 17 of the Bill.

The Hon. L. A. LOGAN: I have done so. Clause 17 does exactly what I have said; it merely adds the words, "or protected natives." But already having given these people the status of citizens it means they are not allowed on a native reserve. On the one hand we say they are citizens, and on the other we say they are protected natives.

The Hon. H. C. Strickland: Not all; you did not listen when I introduced the Bill.

The Hon. L. A. LOGAN: I do not follow it; it does not make sense. In the city there is a place called Bennett House which is set aside for natives—for native women in particular. Over the last 12 months, some 269 cases were looked after at that institution, but the total revenue from those people amounted to only £32.

If Bennett House is to be used by protected natives only, and not by those classed as citizens, what will the latter do? Where will they go to receive care? At present they have somewhere to go, but if this Bill becomes law they will be deprived of that.

I could go on right through the Bill to point out that today natives have some chance of obtaining protection and welfare, but if the Bill is passed they will be deprived of that protection. Section 4 of the Act states as follows:—

> There shall be a Department under the Minister to be called the Department of Native Welfare, and to be charged with the duty of promoting the welfare of the natives, providing them with food, clothing, medicine and medical attendance, when they would otherwise be destitute, providing for the education of native children, and generally assisting in the preservation and well-being of the natives.

The provision was introduced to give the natives a chance to improve their lot, yet the Minister has said that their lot has not been improved. Surely with the establishment of missions throughout Western Australia and with the provision of good types of housing for the natives, action has been taken to uplift them and to fit them for citizenship. For the Minister to say that nothing has been done is too silly for words. If present day natives were to take a pride in themselves as those in past times have done, many more would have citizenship rights at present.

I want to refer to a conclusion arrived at by the Commissioner of Native Welfare in his report. This is at distinct variance with the report submitted by the special committee. This was what Mr. Middleton or one of his officers had to say—

> The more time we spend among our coloured people the more we realise how great is the need for welfare work among them. More and better homes are needed on reserves, and simple

> basic furniture, too, is urgently required. In far too many homes beds and bedding are inadequate and there is a pathetic lack of culinary and table ware.

Yet it is intended to take away the existing right to provide welfare to natives, except for those who are classed as protected.

The Hon. H. C. Strickland: You cannot read the Bill.

The Hon. L. A. LOGAN: Of course I can. No one can tell me in the Queen's English that a native should have the same rights and privileges, and be subject to the same liabilities as natural born subjects, and yet be able to obtain all the benefits which are provided at present. It seems that the Minister cannot read the Bill. The report to which I have referred goes on to say—

> We feel that this foundation must be laid on the native reserves, as the step up from the humpy to a State Housing Commission home is far too great for the majority at present. It is unfortunate that even the hardest working types are seldom free of debt, and rarely have enough money for things we consider so necessary, although they readily throw away the little money they have on what we would term foolish extravagances.

The Hon. H. C. Strickland: What are you quoting?

The Hon. L. A. LOGAN: I am quoting from page 8 of Mr. Middleton's report. These are not my submissions, but his.

The Hon. H. C. Strickland: What would you do with the school teachers and footballers who are living in the city? Would you deny them their rights?

The Hon. L. A. LOGAN: I would not deny anyone his rights. They have a right to the advantages of citizenship if they use them in the right way. I believe that we can go a long way in helping natives to attain citizenship by setting a target date and by deciding that all natives born after a certain date will become citizens, if they are not full blood.

The Hon. H. C. Strickland: We heard that suggestion decades ago.

The Hon. L. A. LOGAN: The Government has not introduced a Bill along the lines of that suggestion, yet it has had the opportunity to do so.

The Hon. H. C. Strickland: That is somebody else's idea.

The Hon. L. A. LOGAN: It may be, but I do not think it is a bad idea. If one cannot get one's own idea through, one could accept somebody else's idea.

The Hon. H. C. Strickland: Why did you not try out some of those ideas?

The Hon. L. A LOGAN: I am not a member of the Government. If I were, I certainly would not let any officer of a department belittle the rights and privileges of natives. That attitude would have to be changed considerably. On the question of reserves, the report had this to say—

> Natives on these reserves feel, for the first time, that some material physical aid has been given to them. The rebuilding of their humpies with secondhand but good corrugated iron, making them into weatherproof huts with doors and stoves and shutters has improved their outlook more than any other single item. Such a dwelling erected on the inviolate sanctuary of a reserve is, at this stage, as much as most natives want.

The Minister says that is not enough and we have to give them more. He says we have to give them citizenship status so that they can live in the same way as we do. I believe that only the evolution of time will solve this problem, but we can help time by uplifting natives to the required standard. The Minister has said that the missions are doing a wonderful job. I believe that up to a point they are, but in one respect they are falling down. The missions will take in a native child until he is 16 years of age while the Government is paying a subsidy of 30s. a week, but when the subsidy ceases the child has to leave.

The Hon. H. C. Strickland: The subsidy is 40s. a week.

The Hon. L. A. LOGAN: At that stage of the native child's life he loses all connections with the past. He has been brought up in the ways of the white men, but the State is not ready to accept him. What does he do? He becomes idle and disorderly. We have to find some means to cover such children between the ages of 16 and 21. Then we can give them citizenship rights without any problem. Because native children are not cared for between 16 and 21 years of age, trouble arises. If we can develop some plan—

The Hon. H. C. Strickland: If!

The Hon. L. A. LOGAN: —to look after the children between those ages so that they would have the right environment we would get somewhere with them.

The Hon. H. C. Strickland: Help us in some way.

The Hon. L. A. LOGAN: Employment would have to be found for many of them. The Minister has said there were some 3,000 of them. The rapid increase in their numbers, as mentioned by the Minister, was brought about by the granting of child endowment.

The Hon. H. C. Strickland: That is some part of citizenship.

The Hon. L. A. LOGAN: Because of that grant the native population is increasing rapidly.

The Hon. H. C. Strickland: Surely you would not deny them that grant!

The Hon. L. A. LOGAN: In regard to housing the special committee had something to say on page 66 of its report. It said—

> In view of the large number of native families living in grossly substandard housing, the outcome of the Housing Commission's scheme is, to date, somewhat disappointing. It cannot be denied that the basic reason for this is that the majority of these natives have not yet reached the economic or social standard necessary to take their full place in the ordinary community.

Yet the Bill asks for citizenship rights to be extended to them.

The Hon. H. C. Strickland: The committee said a portion of them.

The Hon. L. A. LOGAN: The majority of them.

The Hon. H. C. Strickland: That is a portion.

The Hon. L. A. LOGAN: Mr. Middleton's report had this to say on page 39—

> As a general rule the native families in these towns are concentrated on native reserves. From their camps and huts on the reserves the men go forth to their jobs and on completion of same or at weekends return to the reserves. It would be a fairly accurate guess to say that approximately 85 per cent. of the native population of my district live most of the year on the native reserves. Their living conditions are only too well known to need repetition. I feel, therefore, that it is on these reserves chiefly that every effort to improve the housing and living conditions of natives should be made.

I agree. The Minister has asked for suggestions, and that is one of them. Every native reserve in Western Australia should have improved camping facilities, septic installation, showers and other amenities. Mr. Middleton's report continues—

> The Department is planning to achieve this objective in two ways: (1) by providing facilities in the shape of a water supply and lavatory, laundry and ablution facilities on reserves and (2) modest housing of the type known as "Geraldton Hut" cottages, named after the prototype first built on the Geraldton native reserve. As yet there has been no finance available for the construction of these modest homes on reserves in my district.

The Government could quite easily have made more money available for this purpose if it was so intent on helping the native to improve his status. Much more could have been done. On page 15, Mr. Middleton had this to say in regard to housing—

> Because of the employment situation those natives occupying State Housing Commission purchase homes found themselves deeply in arrear at the end of the year. The above statement must be qualified by the fact that among the natives occupying S.H.C. purchase homes are some who fail for more than lack of finance. I refer to those to whom the change from camp to modern homes was too great a step and failed to make the necessary adjustment. In some respects, the housing scheme was too ambitious and one cannot blame too harshly those natives who failed.

The Commissioner says that the step was too great for them to take. They were not ready for it, and so I am wondering how many of these people, if this Bill became law, would be protected natives, and how many would not.

From these reports it would appear they are not ready and we are only just wasting our time and, in my opinion, more natives could get citizenship rights by applying tomorrow, if they wanted to. We will see what the Select Committee had to say in regard to the education of these natives on page 38—

> It is the considered opinion of the Committee that progress towards complete integration will be slow and that education alone will not achieve the desired end. In fact, it is felt that in existing circumstances education tends to make the growing native conscious of his inferior status, and more resentful of the discriminating treatment to which his people are subjected.

I have no hesitation in saying that this state of affairs has been brought about by the department.

The Hon. F. R. H. Lavery: The Education Department or the Native Welfare Department?

The Hon. L. A. LOGAN: The Native Welfare Department. On page 14 of the Commissioner's report is the following statement in regard to employment:—

> However, some easing of the recession is now evident and with the help from the hundreds of fettling jobs thrown open by the W.A. Government Railways, more than half the formerly jobless are now employed. One effect of these hard times has been to highlight the nomadic nature of some of the natives and the reliability of others. This latter group can always expect to get work in the future but the former group must find themselves almost complete outcasts.

They have only themselves to blame for that and nobody else. It means it is their way of life and we are trying to alter it. They do not want it altered but are quite happy in their present existence, moving from place to place. They are brought up that way.

The Hon. H. C. Strickland: Are you satisfied with it?

Th Hon. L. A. LOGAN: If they are, why should we—

The Hon. H. C. Strickland: They are our responsibility.

The Hon. L. A. LOGAN: Provided they receive the proper care when they want it, why should we—

The Hon. H. C. Strickland: They are Parliament's responsibility.

The Hon. L. A. LOGAN: I know that. That is why this legislation is being discussed. Still dealing with employment, the following statement will be found on page 78 of the Select Committee's report—

> It is estimated that in the South-West area there are some 700 able-bodied native men, mostly part-aborigines. Many of these have insufficient skill or aptitude to give them an even chance of regular work, except in times of increased seasonal activity.

This is a disturbing situation, but one which should be obviated in the future by more extensive training. That is why we need to give them the opportunity to come up to the required standard.

The Hon. L. C. Diver: Who are we to believe? One says to educate them and the other says not to.

The Hon. L. A. LOGAN: The commissioner's report has something to say with regard to the medical side, as follows:—

> In regard to payment by natives for hospital and medical attention there would appear to be a certain lack of responsibility on the part of natives generally towards meeting their financial obligations for services rendered. The result of this is that doctors and hospitals, understandably, are becoming disgruntled at the prospect of meeting never ending demands on their time and resources with little, if any, prospect of recompense.

Surely that means that these people are still in need of welfare, help and assistance. It cannot mean otherwise. I do not think there is any need for me to read any more extracts. I have read enough to prove that nearly all the way through the Commissioner's report he states that there are few of these people ready to be taken in as citizens. They need welfare, education, and improvements to their reserves, and I say again that under this Bill, if passed, all those natives now living on the reserves who would not be classed as protected natives and all those children living in missions, would immediately have to leave to comply with the Act as it is at present on the statute book. There is nowhere for these people to go, and, unless we are going to do something about it, exactly what I forecast will come to pass. For these reasons I oppose the Bill.

On motion by the Hon. A. F. Griffith, debate adjourned.

Sitting suspended from 9.39 to 10.3 p.m.

HEALTH EDUCATION COUNCIL BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. F. J. S. WISE (North—in reply) [10.3]: I appreciate the humanitarian approach to this Bill which was indicated in the speeches of the hon. Mr. Diver and the hon. Mr. Heenan. Some doubt was expressed by the hon. Mr. Logan as to whether the Education Department and the Health Department could not carry out the objectives outlined in this measure rather than give statutory authority to a new body such as the Health Education Council.

I would point out to the hon. member that the Education Department is mainly, but not altogether, concerned with administering teaching in the schools, and that the Health Education Council is concerned with educating and influencing the entire community in regard to health standards and rules. As I proceed I shall endeavour to show to the hon. member just how wide is the ambit of the operation of the present non-statutory body, and of the intended functions and activities of the council—as pointed out in the Bill—if this measure is passed.

Neither department, either separately or conjointly, could reach the people in the manner that the Health Education Council is now reaching them and will continue to reach them when the Bill becomes law. The Health Education Council will not take over any of the functions or duties of the Health Department but will supplement the activities of that department in a practical way by awakening the public to basic health matters. I intend to refer, at some length, to the remarks made by the only other speaker to the Bill, namely, the hon. Dr. Hislop.

I take exception to one comment made by Dr. Hislop. He stated that he doubted whether the hon. member who introduced the Bill knew any more about it than he did. I class that as arrogant presumption. As one who, for 25 years, in one legislature or another, has had the privilege of introducing hundreds of Bills—some of which have had a very important effect on the life of the community and on the functioning of the State—I resent very much the suggestion that Bills at any

time introduced by me are introduced carelessly or, at the least, with the attitude implied by the hon. gentleman.

For the benefit of all, including the hon. Dr. Hislop, I point out that there is certainly some confused thinking on the functions of the Health Department, and the present functions of the Health Education Council and its proposed functions and duties. It should not be necessary to point out—but I do—that the main organisation safeguarding public health in this State is the State Department of Public Health; an official Government department which could be termed a central health authority. It acts in conjunction with local governing bodies—both municipalities and road boards—throughout the State, to give effect to the administering of the Health Act and the regulations proclaimed under it.

That department labours under difficulties for the reason that although it is basically an administrative body it is often hampered by prejudice—very often unwarranted prejudice—which is so many times revealed against official attitude or against Government departments. There are ex-Ministers in this Chamber who know full well that one of the difficulties or administration, especially in departments where controversial public matters are handled, is to overcome the prejudice against official views—however sound they may be—and against Government departments.

Nevertheless, the Health Department performs very important functions and it is a very effective medium in the control of health matters which, professionally, are governed by the department in connection with the prevalence of many diseases which are due to bad water, lack of sanitation, contaminated food and many other causes which are directly associated with its normal function, and yet detached from its wider operation in dealing with hospitalisation.

There are other diseases and conditions which can be said to come more under the control of the individual citizen rather than a Government department or indeed a Government. Some change is needed to help the people to help themselves and to teach them how to safeguard their health and, indirectly, the health of their neighbours. That is the basic principle of health education. The importance of that principle has been acknowledged by the World Health Organisation which set up a department of health in Britain, where a central health council operates.

The essential advantages of giving to this council statutory authority are indicated in the Bill itself, the purpose of which is to define its functions, outline its powers and clothe its body with authority by granting it a constitution, and to confer upon it the independence which is sought by the present body which I referred to when introducing the Bill. The members of this council are very responsible citizens and in our community they could be called senior people. At the moment they are acting in an honorary capacity and are quite prepared to continue doing so. They are independent of thought, they represent many organisations and they are free thinkers. They are anxious to serve the community; they are anxious to serve in a manner by which, although they are responsible to a Minister they will not be responsible to a department, or the civil servants in that department.

Therefore, in answering only to the Minister, with no political sentiment involved, no-one can suggest that there is political bias, significance or import in the Bill. It is merely an instrument brought forward to give effect to the requests of an authoritative body which, in spite of what has been said in this Chamber, has done an excellent job and rendered a great service to the community. The basic strength of the health education agency lies in the confidence it can instil in the minds of parents or in the mind of the ordinary man in the street.

It has shown the qualifications necessary to awaken the mind of the public on these matters which are really outside the scope of a health department. It has brought these matters before the public in a simple and effective way. This has been done by people who have co-operated with men of influence and consequence in the medical profession, and these people, as I mentioned before, have been co-opted in order to get information as to the desirability of certain functions of this council in regard to accepting action and publicity, and bringing before the public, important aspects affecting the health of the whole community.

These things were not lightly entered into. They were based upon the activities of the world health organisation experts. Following the lead and advice given from that authority, the first State to advance in this connection in Australia was Queensland. This Bill is, to a degree, based upon the experience of, as well as the very foundation laid down in, the Queensland Act. As the first health education organisation established in Australia, the Queensland organisation has earned an Australia-wide reputation; and indeed our own, even though without statutory authority at the present time, has attracted attention from overseas in certain activities.

The hon. Dr. Hislop stressed the point that his interpretation of the provisions of the Bill would mean that it would be overloaded with Health Department representatives, but I would point out to him that if this Bill is properly examined,

in an unbiased way, it will be seen that the council draws from the university, the British Medical Association; it draws from the various professions and from those able to assist it in every avenue of publicity; and it draws upon outstanding people in the community to awaken public interest, not with fees, but by free advertising in all sorts of ways. It will put over matters of great public interest.

To say that the council will be dominated by the Public Health Department and tied completely to the Health Department—they were the words used by the hon. Dr. Hislop—is entirely fallacious. I will admit that professional health officers are better equipped and experienced than others in dealing with health subjects, but neither of them are so endowed to put forward in a practical manner to reach the public the views as expressed by those in charge of the publicity of the various matters that will be and have been handled by this council. Of course their advice will be taken and not only respected but accepted. A conference will take place to consider whether this approach or that approach is practicable and the panel of medical men available to this council—the sort of people who have substantially, yet voluntarily, given this council assistance in the past—we feel will accept again the responsibility, not only of being co-opted, but of giving advice on technical matters to be presented to the public in the proper manner.

The warning given by the hon. Dr. Hislop in regard to cancer publicity was, to say the least of it, quite unnecessary. The council, at one of its regular meetings held last year, discussed this disease and appreciated the very point that the hon. Dr. Hislop made. Indeed, it was for this reason that the Health Education Council was reluctant to accede to the request of the Anti-Cancer Council to undertake publicity in support of the anti-cancer appeal. It is to the credit of this body that it refused to accept that responsibility. It has no intention to inflame the public mind with fear in any publicity method. It rather induces people to believe that advantages will accrue, just as they did with the campaign in connection with poliomyelitis.

I cannot understand the suggestion that certain methods of compulsion might be used in the activities of this council. Aspects of compulsion are far removed from any of its activities. It wishes to avoid any attitude of compulsion, and wishes to place before the people, through the media contained in Clause 6 of the Bill, such representations as will inspire public confidence in this organisation, detached from a department and only responsible to a Minister, acting on its own authority statutorily given. It will inspire public confidence and give to the people the reaction which the present council is seeking. It will be able to say that gifts may be accepted and donations will be put to the purpose for which they are given.

It is thought in the council at the moment that there is no opportunity for it to give to the public that feeling of co-operation that should exist as between a group of expert individuals and authorities; people qualified to disseminate information; people able to assist, without any cost, in the reaching of the public in a very effective manner.

I was very disappointed at the attempt to belittle the work of this council in connection with the salk vaccine, because a considerable prejudice had to be broken down in the public mind through this organisation—a prejudice of the serious effects of a defective vaccine used in America. There was also the fear of the disease and the fear of the consequences of immunisation. I suggest to the hon. Dr. Hislop that that campaign was effectively handled by this council, which deserves every credit. The council was asked to deliver lectures on 60 different occasions to ease the public mind, and to clarify the position in that particular regard.

The council, in seeking this authority, is asking Parliament to add to its members; to give to it the right to use on its committee, people whose names I outlined when introducing the Bill, or the designation of the authority they would represent, to form a body, guided by the medical profession, and yet versed in the ability to put important matters of this kind properly before the people.

Some reference has been made, during the debate on this Bill, to the State Health Council, which must not in any way be confused with this body. The State Health Council is a body with a great majority of medical men who meet irregularly and advise the Government on health and hospital policy. The Health Education Council meets regularly to consider matters which affect family life in the close association of health matters which touch the family very closely. So it will continue to act. It is not a new departure for a body or entity to take over any function of the Health Department. It is an organisation which deserves not censure or criticism, but the approbation of every member of our community.

I am quite sure, if it is given the opportunity to function and this legislation is passed, it will not be something that is irrevocable; it is not the law of the Medes and Persians; it is something in the hands of Parliament. The Bill is for the establishment of an organisation to extend goodwill through the community.

This council orginally had £12,000 voted to it by the Treasury. In the intervening years its expenditure has gone down to £6,000, this year. Its staff has not increased; it still has three people doing all the office work which is necessary for such

a body to function, and it is not contemplated that that number will need to be increased. Therefore, I confidently commend this Bill as one which will enable a body of people, acting voluntarily, to give to the community an additional service to that which has already been given by the present voluntary organisation.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. F. J. S. Wise in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Interpretation:

The Hon. J. G. HISLOP: The castigation which was possibly intended for me was rather a dud, but I am glad that my arrogant presumption did stir the tiger to tell us something of what this organisation is doing. In order to protect the council, we have to take some of the loose wording from the definition. In the community, there are many people who are concerned about controls, particularly controls in matters of health. Methods of health control vary from time to time, and what is accurate today may not be accurate tomorrow. Many people also remember that methods of compulsion have been used in the past. For this reason the words "other aids" in the definition cause concern to not a few people who have communicated their fears to me.

It is better to have a definition which will give the people the feeling that the council is purely an educational one. When the Minister introduced the Bill in another place, he mentioned that the council would be of much greater use to the community were it divorced from the Health Department. In order to ensure that the council does receive the entire blessing of the community, we should be careful in the wording of the definition of its powers. I believe the definition I am about to suggest will make it perfectly clear that this body is interested in the education of the public in health matters. I move an amendment—

> Page 2—Delete all words from and including the word "teaching" in line 14 down to and including the word "health" in line 18 and substitute the following:—
>
> > all commonly accepted methods of education: press, radio and television, and of and through voluntary organisations of persons but does not include compulsion of person or persons for any purpose whatever.

The Hon. F. J. S. WISE: I am afraid I cannot accept the amendment as being more explicit or more useful than the one in the Bill. The definition in the measure clearly defines, in a broad sense, what health education means. It is far better for the definition to be wide than specific, so that every agency may be used by the council in its promotion of health education.

Why has the hon. Dr. Hislop introduced the word "compulsion"? Compulsion is not contemplated, nor does the Bill provide for compulsion to be exerted. The definition in the Bill, based on experience under a similar law in another State, should be left as it is. I oppose the amendment.

Amendment put and a division taken with the following result:—

Ayes—7

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. J. Cunningham
Hon. L. A. Logan	*(Teller.)*

Noes—19

Hon. G. Bennetts	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. G. E. Jeffery	Hon. H. K. Watson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. F. J. S. Wise
Hon. J. Murray	Hon. E. M. Heenan
Hon. H. L. Roche	*(Teller.)*

Pair.

Aye.	No.
Hon. L. C. Diver	Hon. G. Fraser

Majority against—12.

Amendment thus negatived.

Clause put and passed.

Clauses 4 and 5—put and passed.

Clause 6—Offices of Council:

The Hon. J. G. HISLOP: I move an amendment—

> Page 3, line 6—Delete the words "Under Secretary for Health" and substitute "Epidemiologist of the Department of Public Health of the State."

When introducing this measure in another place the Minister made it quite clear that this Health Education Council was not to be a separate department of the Public Health Department but rather that it would be a body, which, divorced from the Public Health Department, would create for itself public support. I feel that the number of representatives from the department are too numerous and would carry a considerable amount of weight beyond what is required when matters were discussed by the council.

I think it would be extremely difficult for the man who is acting as the executive officer of the Health Education Council to find that the actual administrative

officer, the Under Secretary for Health, was present and I believe that the man who is really required on this council is the man who has already done so much work with it—Dr. Snow, the State epidemiologist. This man's name was associated frequently with the Salk vaccine campaign, and I feel that if Dr. Henzell and Dr. Snow were the two representatives of this department on the council, no other representatives would be required. As I said, it would be very difficult for the executive officer if the Under Secretary was always present at meetings because of course he would have to take second place to that senior officer.

I feel that the amount of control by the Health Department should be as little as possible. Dr. Henzell and Dr. Davidson are at present representatives nominated—the Under Secretary does not go along to the meetings—and all that the department wishes to convey to the council could be conveyed by them.

At this stage I would like to make a personal statement in reply to something that was said when the hon. member replied to the second reading. Firstly, that the request to this council to undertake publicity was, I feel quite certain, made while I was out of the State because I did not take my seat on the Anti-Cancer Council until I returned. But why I mentioned cancer at all was that almost the first words uttered by the Minister, when introducing the Bill in another place, were these—

> This is a Bill which I hope will cause no controversy, because I feel sure it will prove of great benefit to those suffering from cancer.

The reason I included compulsion was that many people fear that some day in view of the compulsion, it would be introduced and there is that fear in the public mind. In order to make sure that this council does gain public support—and the public is suspicious of it at the moment—then I suggest that the actual number appointed by the Minister should be just sufficient to convey to the council the desires of the council and the schemes which it desires the council to undertake and put before the public.

The Hon. F. J. S. WISE: We are dealing with the subparagraph of this clause which provides for the appointment of ex officio councillors—not nominee councillors nominated by various organisations and institutions—who are to act in an advisory capacity. The Under Secretary for Health, who is the ex officio councillor mentioned in the Bill, is a very essential nominee. He is the only lay person nominated by the Minister and has interdepartmental contact in connection with any matter which may arise within the council, and he is fully equipped to handle questions, whether related to any department of the State or any body outside. The hon. Dr. Hislop's substitution of the epidemiologist of the department, who in this case is Dr. Snow, is provided for, I would point out, in another part of the sub-clause which he is endeavouring to amend. I would suggest that although it is my intention not to oppose all the amendments proposed by the hon. Dr. Hislop, this one and the next, are two that he might well leave alone. In the first place this first one provides, as I say, for the only lay nominee of the Minister, a man high in the public service; a man associated inter-departmentally with all matters likely to arise.

The next amendment provides that the nominee on some occasions may be one associated with child health, industrial hygiene, mental health, or other aspects of health requirements, from whom this council might need advice during its meetings. This sub-clause is deliberately framed in this way to get the benefit in the widest way of the experience of these skilled people rather than confine it to one. I feel sure that it would be wrong and restrictive to accept this amendment and give the council the services of several instead of one expert.

The Hon. J. G. HISLOP: The hon. Mr. Wise has stressed from time to time that this body is to have a direct approach to the Minister and that the executive officer of the council shall be free from the Department of Public Health. That is the basis upon which the council is to assume public support; yet its meetings are to be weighted by the commissioner and by the fact that there are four members from the Department of Public Health. If he desires the public to believe that the council is not governed by the Public Health Department, he should have as few senior officers of the department as possible on this council; because it can co-opt whoever it likes and seek advice wherever it likes. We should not have five people dominating the affairs of the council.

The Hon. E. M. Davies: It would be five out of 16.

The Hon. F. J. S. WISE: Four people—four categories—are mentioned in this subclause. The hon. Dr. Hislop wishes to delete one and effect substitution in the case of another; but there are only three of these people associated with the Public Health Department. The other is an officer of the Education Department and I suggest that one could identify him; the officer who is active in the National Fitness Council; and for the other three, although it is intended that in another subparagraph the nominee of the Minister all be deleted, to meet the hon. Dr. Hislop's fears I would be prepared to accept an amendment on his amendment

to safeguard the position. I would be prepared to say that the nominee of the Minister should not be a public servant.

Amendment put and negatived.

The Hon. J. G. HISLOP: In view of events to come, I propose to move my amendment in the knowledge that the sponsor of the Bill will move a further amendment. I move an amendment—

> Page 3, line 12—Delete the words "one shall be a nominee of the Minister."

The Hon. F. J. S. WISE: To safeguard the position against what the hon. Dr. Hislop fears, could we not add after the word "one" the words "not being a public servant"? That would give opportunity of selecting an outstanding person of high public repute to act and be nominated by the Minister, and would not clutter up the committee with public servants.

The Hon. J. G. HISLOP: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. J. G. HISLOP: I move an amendment—

> Page 3, line 12—After the word "one" insert, "not being a public servant."

Amendment put and passed.

The Hon. A. F. GRIFFITH: I propose to move an amendment in line 32. The hon. Dr. Hislop's next amendment is aimed at removing the words "the State executive of the Australian Labour Party" and inserting in lieu the words "trade union's industrial council." Would he, instead, move to insert the words "A representative of the employees, nominated by the Minister"? I suggest that, because the words "trade union's industrial council" might not be a complete answer so far as they are concerned.

The Hon. F. J. S. WISE: There is no doubt in my mind that the clause, as printed in this particular, should remain. The State Executive of the Australian Labour Party consists of delegates appointed by every district council of the party in Western Australia; and those representatives would come from every part of the State.

The CHAIRMAN: Order! Before I allow discussion to continue I should like to know from the hon. Mr. Griffith if he intends to move an amendment.

The Hon. A. F. GRIFFITH: I thought the hon. Dr. Hislop would move it.

The Hon. J. G. Hislop: You have the wording so move it yourself.

The Hon. A. F. GRIFFITH: Very well. I move an amendment—

> Page 3—Delete all words after the word, "a" in line 32, down to and including the word "Party" in line 34, and substitute the following:—
>
> "representative of employees nominated by the Minister."

I think it is bad in principle, and practice, that we should write into any legislation the name of a political party in this State. I think it would be undesirable to use the name of the Liberal Party, the Country Party, or any other party in legislation such as this. If the amendment is agreed to the Minister can nominate a representative of the employees to be a member of the council; and I think that is all that is desired.

The Hon. F. J. S. WISE: I oppose the amendment. The State Executive of the A.L.P. knows what talent it has within its ranks, and I feel that it should be allowed to nominate a representative, even though it may be the same person whom the Minister would nominate to represent the employees. I would prefer to retain the present wording of the Bill.

The Hon. J. G. HISLOP: The only reason I had for placing the amendment I have on the notice paper, is that a representative of the Trade Unions' Industrial Council would be a counter to the employers' representative. I want someone on this council who has a knowledge of industrial accidents, and a nominee of the Trades Unions' Industrial Council would have such knowledge. The type of person I would like to see nominated is the workers' representative on the Workers' Compensation Board. I do not mean that that man should be appointed but somebody like him who is well versed in industrial accidents, because I take it that industrial accidents, and accidents in the home, will be one of the main concerns of this body.

I do not think it would be wise to place on this council a person whom the public thinks is a member of a political organisation. The Employers' Federation is not associated with the Liberal Party, as a body, and that is why I wanted someone quite apart from the A.L.P. to nominate the employees' representative.

The Hon. F. J. S. WISE: I cannot accept the point of view that there is a public aversion to someone belonging to a political organisation being placed on a council such as this. There has been no public resentment against the constitution of many instrumentalities in this State such as the Market Trust, and others, upon which there are nominees from the A.L.P. and the Employers' Federation. In an endeavour to divorce this council from any political bias, there are representatives from both sides of politics as well as people who have no political prejudices at

all. I repeat that I hope the provision will remain as it is and that one member will be a nominee of the Australian Labour Party.

The Hon. C. H. SIMPSON: As a result of past experience of the trends of political bodies, and bearing in mind the acute crisis that occurred in the railways a few years ago, I am inclined to favour the amendment. In the public's mind the Australian Labour Party has a fairly active association with its counterpart in other States. Whilst it can be said that it is a political council, the liberty that is granted to the Minister would enable him to make a satisfactory choice. If I were given the liberty to choose a nominee I would nominate Mr. Gough, because he is an extremely fair and competent man. I would point out, however, that the T.U.I.C., which was suggested by one hon. member would be more political than the Australian Labour Party.

The Hon. A. F. GRIFFITH: The hon. Mr. Wise has emphasised that the Government desires that this council shall be free of politics. The object of the amendment is to strike out the words "Australian Labour Party," because, in the same way, I would not expect the Liberal Party to insert in legislation such as this, the words "Liberal and Country League." If the Committee accepts the amendment it will leave the Minister free to select the best possible man in any circumstances. It could be that the man whom the hon. Mr. Simpson has named would not be on the State Executive of the A.L.P., and therefore the Minister would be unable to choose him in accordance with the Bill as it now stands.

In any case, surely it is bad to write the name of a political body into legislation. If it has been done before, as suggested by the hon. Mr. Wise, it still does not make it right and proper.

The Hon. F. R. H. LAVERY: The members of the State executive are union delegates to district councils and they represent over 50,000 people. Those district councils each nominate one of their members to sit on the State Executive on which are included members of all branches throughout the State. Those branches are comprised of people who follow Labour principles but who are not necessarily members of a trade union. Therefore, the Australian Labour Party represents many persons who are not associated with the trades union movement. The hon. Mr. Griffith's objection to the present wording in the Bill has no substance. If we are to confine the selection of the appointee to certain individuals I would agree with the hon. Dr. Hislop that Mr. Cole should be appointed.

The Hon. G. E. JEFFERY: I oppose the amendment and support the clause as printed. The member who is nominated does not necessarily have to be a member of the State executive of the Australian Labour Party. The Bill merely states that he shall be a nominee of that party. Mr. Richter, who is the workers' representative on the State Electricity Commission, was never a member of the State Executive of the Australian Labour Party, but he carries out his duties very satisfactorily. When I worked in industry I was always very suspicious of anyone appointed as a workers' representative who opposed my interests.

It is not a question of who shall nominate the member, but that the worker himself shall nominate him; and we will get close to that objective if we accept the clause as printed. I think the hon. Dr. Hislop thought he would achieve what this clause will achieve when he made his suggestion. We should let the worker choose his own representative. The only reason why the Australian Labour Party has been mentioned is that it represents the greatest number of workers in this State.

The Hon. H. K. WATSON: It is news to me to learn that the Australian Labour Party is a non-political body.

The Hon. F. J. S. Wise: I think the hon. member was referring to the council.

The Hon H. K WATSON: I am afraid I have been under a grave misunderstanding for many years if that is so. However, I do not think there is any doubt that the Australian Labour Party is a political body. It makes levies for political purposes. If the nominee is to be a workers' representative I will not object to his being a representative of the Labour Party.

He goes on as a representative of the employee. There is no objection to that. The fact that he may be a member of the Australian Labour Party is incidental. But here the principle is that he shall be a nominee of the Australian Labour Party. In support of his case, Mr. Wise referred to the Metropolitan Markets and said that there was a representative of the Australian Labour Party there. The truth is that the markets Act makes no mention of the Australian Labour Party. It provides what the hon. Mr. Griffith desires, namely, that the trust shall consist of five members, one of whom is to be a representative of the producers and one a representative of the consumers. It so happens that the representative of the consumers is a member of the Australian Labour Party, but it does not say that member shall be nominated by the Australian Labour Party. I support, the amendment.

The Hon. E. M. HEENAN: The idea in this Bill is to have representatives from a wide section of the community. I am concerned that not many of them come from the country or the Goldfields. Some

of them should come from these areas, because the problems there are different from those associated with this part of the State. The Western Australian executive of the Australian Labour Party is used to representing that section as a counter to the section represented by the Western Australian Employers' Federation; on the one hand the employers, and on the other the workers. Surely it is wise to have all the employers and all the workers in the State backing this scheme.

It is important to have a proper representative of employers, and the way to get it is by appointment from their organisations. If he is so appointed the whole community will surely say, "There is a man who voices the views of the employers of Western Australia." Which body is more representative of the workers than the State executive? There are representatives from the Goldfields, the South-West and all over the State. If they select a man he will be the workers' representative and will be beyond question. The workers will then not question his appointment. It would be a pity to alter this in any way, because it would mean a lessening of respect and support for the representative. For those reasons I hope the slight prejudice against the mention of a political party will not sway the better judgment of hon. members who will recall that a workers' representative chosen from that quarter cannot be questioned. Surely he will evoke the confidence of the workers of the State.

The Hon. G. C. MacKINNON: The hon. Mr. Jeffery said that the workers would prefer to elect their own representative. But he knows, as does any financial member of an industrial union, that many workers do not look on the representative of the State executive of the A.L.P. as being their particular representative. At times they do not even look upon their union officials with any high regard. Not all workers are of the same viewpoint politically or in any other way. The amendment does not specify how the man shall be chosen originally. Because the Minister nominates the man, it does not stop him from asking for a name to be given by any particular body he likes. I do not see why he should not do this where he feels it ought to be done.

The Hon. A. F. GRIFFITH: We have heard a good deal about presumption. It is presumptuous to assume that the Western Australian Employers' Federation represents one political section; and equally presumptuous to assume that the Australian Labour Party represents one political section. If we refer to the amendment moved by the hon. Dr. Hislop, on the advice of the hon. Mr. Wise, we find the words "one not being a public servant shall be a nominee of the Minister." Whom will the Minister choose? It could be anybody. He could be chosen in any manner the Minister thinks fit, and so he can under these conditions. The Minister can say to the Trade Union Council or the Australian Labour Party, "Give me a nominee to go on this council."

Amendment put and a division taken with the following result:—

Ayes—15

Hon. C. R. Abbey	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. R. C. Mattiske
Hon. G. C. MacKinnon	*(Teller.)*

Noes—11

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	*(Teller.)*

Pair.

Aye.	No.
Hon. L. C. Diver	Hon. G. Fraser

Majority for—4.

Amendment thus passed.

The Hon. F. J. S. WISE: I move an amendment—

> Page 4.—Delete all words after the word "a" in line 4, down to and including the word "(Incorporated)" in line 6 and insert in lieu the words "representative of employers nominated by the Minister."

The reasons for this amendment are obvious.

The Hon. A. F. GRIFFITH: The hon. member says the reasons are obvious, but he did not give any. The previous amendment dealt with the writing into the legislation of the name of a political party. The term "Executive Council of the Western Australian Employers' Federation (Inc.)" has no reference to any political party, and certainly not to any party to which I belong. I suggest that it is facetious for the hon. member to move this amendment.

The Hon. H. C. STRICKLAND: When the hon. Dr. Hislop moved the amendment to delete the A.L.P. from the clause it was done with the idea of offsetting the employers' representative against the employees' representative. There can be no argument at this stage when an amendment is moved to balance the scales.

The Hon. G. C. MacKINNON: From the remarks which have been made it would appear that every member of the Employers' Federation is a member of the Liberal Party. In fact that is not the case, because I know of one resignation from this body put in by a person who had received endorsement for the Labour Party. He has been a labour supporter for years and has been a member of the Employers' Federation because it is not a political body in the same sense as is the executive of the A.L.P. I am prepared to support this

amendment but not on the ground that the Employers' Federation is a political body.

If I am an employer and like to send in my money, I can be a member of the Employers' Federation, but I do not have to contribute to the funds of any political party. I have been a member of a union, but I have stood up at union meetings and objected to having to contribute to the Labour Party.

The Hon. H. L. Roche: Just as well you did not live in Hobart

The Hon. F. R. H. LAVERY: I have yet to hear from the hon. Mr. Wise anything about any political party. He said this amendment was obvious as a result of one previously carried on a division.

Amendment put and a division taken with the following result:—

Ayes—15

Hon. G. Bennetts	Hon. L. A. Loton
Hon. E. M. Davies	Hon. G. C. MacKinnon
Hon. J. J. Garrigan	Hon. H. L. Roche
Hon. E. M. Heenan	Hon. H. C. Strickland
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. D. Teahan
Hon. F. R. H. Lavery	*(Teller.)*

Noes—11

Hon. C. R. Abbey	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. R. C. Mattiske	*(Teller.)*

Pair.

Aye.	No.
Hon. G. Fraser	Hon. L. C. Diver

Majority for—4.

Amendment thus passed.

The Hon. H. K. WATSON: It seems to me that we might reconsider—either on recommittal or otherwise—the whole of this clause. The name of the Perth Newspaper Proprietors' Association appears in the clause. The hon. Mr. Wise may have the same objection to that association as he has to the Employers' Federation; and in order that drafting might be uniform perhaps it should read, "one of the Perth newspapers, nominated by the Minister."

The Hon. J. G. HISLOP: I move an amendment—

Page 4—Delete Subclause (4) and substitute the following:—

> The Council shall elect a councillor to be Chairman of the Council to hold office for two years and be eligible for re-election. If the Council fails to appoint a chairman from amongst its members the Minister shall appoint a chairman who, if not a councillor shall become a councillor for the term of his office which shall be similar in term to that of a chairman appointed by the Council. A chairman so appointed by the Minister shall be eligible for re-election by the Council.

The Hon. F. J. S. WISE: I intend to support the amendment. I think an authority of this kind should have the right to select from within its own members the chairman of the council.

Amendment put and passed.

The Hon. J. G. HISLOP: I move an amendment—

Page 4—Delete Subclause (5).

I feel that in a body of this size deputies are not required. There will be a large number of people on this council and if many deputies were present at meetings it would disturb the continuity of the form of the council. There are sufficient members on this council to justify the deletion of deputies. If this council is to be of value to the community I think the original members should attend as continuously as possible.

The Hon. F. J. S. WISE: This subclause deals with ex officio members, and it is very desirable to retain the clause as it is printed. One reason which I gave is to substitute, or have as deputies, people of differing interests in the medical profession. It could occur that one important ex officio member might be absent from the State on public duties, and it is as necessary as it is in other organisations to provide for a deputy and that is the object of this clause which I hope will be retained in its present form.

The Hon. J. G. HISLOP: I would like to draw attention to the fact that the Commissioner of Public Health has, I believe, under the Health Act, the right to appoint a deputy to attend on his behalf on any committee or council on which he may hold office, and surely we are not going to extend that to the other members of the Council who are nominated as ex officio members. Subclause (5) (a) does not mention ex officio members but only mentions "chairman and other councillors." Then it goes on to say, "A person is not eligible for appointment as deputy by the body." It is quite clear to me that the whole of Subclause (5) makes provision for deputies for everyone on the council.

The Hon. H. K. WATSON: I hope the hon. Dr. Hislop will persist with this amendment, because it does seem to me that with a committee of that size, the members should be active. If there are to be 15 members and 15 nominees it could be an extraordinary situation and I think the number should be confined to the actual members I have nominated. I think it would be too unwieldy altogether if nominees were included.

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

Ayes—12

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray

(Teller.)

Noes—14

Hon. G. Bennetts	Hon. L. A. Loton
Hon. E. M. Davies	Hon. H. L. Roche
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. F. R. H. Lavery

(Teller.)

Majority against—2.

Amendment thus negatived.

The Hon. J. G. HISLOP: I move an amendment—

Page 4, line 24—delete all words in paragraph (a) and substitute the following:—

> The bodies mentioned in Subsection (3) of this section shall nominate to the Minister when he so requests or when a vacancy occurs in accordance with Subsection (8) of this section a member of the respective body to become a councillor.

I have included this amendment because I believe—and I was supported in my belief when the hon. Mr. Wise stressed the importance of the people who constitute this council and the importance of the bodies which it would represent—that they should have the right of nominating their own members.

The Hon. F. J. S. WISE: I can quite understand that there is something objectionable about the wording of this clause and, although it may not be included as it is phrased, there could be objection to the Minister determining the manner in which an outside organisation should select its representative. The words proposed to be included by the hon. Dr. Hislop—on deletion of this subclause—are not in any way objectionable to me, and therefore I do not intend to oppose the amendment.

Amendment put and passed.

The Hon. J. G. HISLOP: I move an amendment—

Page 4, lines 36 and 37—Delete the passage "in the manner determined, or."

Amendment put and passed.

The Hon. J. G. HISLOP: I move an amendment—

Page 5—Add after subclause (7), paragraph (a), the following proviso:—

> Provided that in the case of the initial appointments of nominee councillors the Minister shall appoint the nominee councillors of the first eight named bodies mentioned in subsection (3) of this section for a period of three years and the remainder for a period of two years. In all future appointments the provisions of section six, subsection (7) (a), shall apply.

This will ensure continuity of action by the council.

Amendment put and passed.

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

Page 5, Subclause (8)—Add a new paragraph to stand as paragraph (g) as follows:—

> (g) he absents himself from three consecutive meetings without leave of absence.

The Hon. H. K. WATSON: What would be the position if a member was absent but was represented by his deputy?

The Hon. A. L. LOTON: I intended that the original member should get leave of absence.

Amendment put and passed.

The Hon. J. G. HISLOP: I move an amendment—

Page 6, line 11—To delete the word "Eight" and substitute the words "Seven nominee."

I do not think it is too much to ask that seven nominee members out of 13 be present, in order to form a quorum.

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

Clauses 7 to 11—agreed to.

Clause 12—Council may invest money forming part of the fund:

The Hon. J. G. HISLOP: I wish to make it clear to the hon. Mr. Heenan that it is the object of the education council to operate throughout the country. It has already done so and Corrigin was the scene of activities for the home accident prevention scheme. It is the ultimate intention to have committees and subsidiary bodies functioning throughout the State.

Amendment put and passed.

Clauses 13 to 17, Title—agreed to.

Bill reported with amendments.

ADJOURNMENT SPECIAL.

THE HON. H. C. STRICKLAND (Minister for Railways—North): I move—

That the House at its rising adjourn till 2.15 p.m. today.

Question put and passed.

House adjourned at 12.10 a.m. (Thursday).