

ADDRESS-IN-REPLY.*Presentation.*

The PRESIDENT: I desire to announce that, accompanied by members, I waited upon His Excellency the Lieut-Governor and Administrator and presented the Address-in-reply to His Excellency's Speech, agreed to by the House. His Excellency has been pleased to make the following reply:—

Mr. President and hon. members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-reply to the Speech with which I opened Parliament.

QUESTIONS.**RAILWAYS.***(a) Long Service Leave.*

Hon. J. J. GARRIGAN asked the Minister for Railways:

Can he inform the House—

(1) How many of the following employees of the Railway Department cleared long service leave in five years ended the 30th June, 1956—

- (a) drivers;
- (b) firemen;
- (c) guards?

(2) What was the cost of clearing this leave?

(3) How many will clear leave by the 30th September, 1956—

- (a) drivers;
- (b) firemen;
- (c) guards?

(4) What length of time has the longest outstanding leave been due in each grade?

The MINISTER replied:

- (1) (a) 498.
- (b) 123.
- (c) 176.
- (2) £166,000.
- (3) (a) 26.
- (b) Nil.
- (c) 5.
- (4) driver—2½ years.
- fireman—1½ years.
- guard—7 years.

(b) Sick Pay.

Hon. J. J. GARRIGAN asked the Minister for Railways:

In connection with the applicable awards can he inform the House—

- (1) What would be the total number of hours sick pay to which an employee of the Railway Department would be entitled under W.A.S. of R.E., and the E.D.F. & C. Unions from the commencement of accumulative sick pay to the 30th June, 1956?

(2) Is any driver, fireman or guard entitled to the maximum number of hours accumulative sick pay as at the 30th June, 1956?

(3) If so, what are their names and designations, and where are they stationed?

(4) If none has the maximum, what is the greatest number of hours accumulated, and what is the name, designation and station of this employee?

The MINISTER replied:

(1) 460 hours.

(2) Yes.

(3) There are three drivers and one guard in this category, but this is a matter for the individuals concerned and it is considered undesirable to make the information public.

(4) Answered by No. (2).

INTERNATIONAL MONETARY FUND.*Australian Representation at Meeting.*

Hon. E. M. HEENAN (without notice) asked the Chief Secretary:

Last Wednesday I asked the Chief Secretary certain questions relating to Australia's representation at the impending meeting of the International Monetary Fund to be held at Washington and he gave me certain replies thereto. I would now like to ask him, without notice: Is he in a position to elaborate on his previous replies?

The CHIEF SECRETARY replied:

Yes. Since that time action has been taken, and I can now give the hon. member some further information regarding this matter. Following his question asked last week, I took the matter up with the Premier. He, in turn, made representations to Canberra, and the following telegram is the reply that was received by him:—

Premier, Perth—Your telegram re representation at International Monetary Fund meeting (stop) Although Sir Arthur Fadden unable to attend Australia will be represented by delegation led by Sir Percy Spender.

Prime Minister.

BILLS (6)—THIRD READING.

- 1, Commonwealth and State Housing Agreement.
- 2, Licensing Act Amendment (No. 1).
- 3, Bills of Sale Act Amendment.
- 4, Wheat Marketing Act Continuance.
- 5, Criminal Code Amendment (No. 1).
- 6, Gas Undertakings Act Amendment. Passed.

BILL—AGRICULTURE PROTECTION BOARD ACT AMENDMENT.

Third Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [4.42] in moving the third reading said: A query was raised by Sir Charles Latham regarding Clause 2 and an amendment being made to another Act. It was stated that this might not be permissible under Standing Orders. I understand that there is nothing in our Standing Orders to affect the amendment contained in that clause. It is merely a saving clause and protects the rights of Government officers who are seconded to other posts or to boards. I am open to correction, but I seem to recollect that this very same procedure was followed in the Betting Control Bill which subsequently became an Act. So far as my inquiries go, the Bill is quite in order and is not an amendment of other Acts, although sections of other Acts have been amended by other Bills in the past. I can remember the Profiteering Bill which was repealed by the Prices Control Act. That is not unusual.

Hon. Sir Charles Latham: Being unusual doesn't make it right.

THE MINISTER FOR RAILWAYS: It is the practice. I understand no Standing Order is being infringed by Clause 2. A question was raised by Mr. Logan relating to the posts to be used in the new emu-proof fence. He was not sure whether the pine trees grown in that area would be suitable for use as posts or whether they would have a very long life. Inquiries have shown that some pine posts have been used in the rabbit-proof fence for over 50 years. In stations in that vicinity, pine fence-posts have been erected for over 30 years, and members have probably seen reports of this in last week's newspaper. I move—

That the Bill be now read a third time.

Question put and passed.

Bill read a third time and *passed*.

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

Report of Committee adopted.

BILL—EVIDENCE ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.47] in moving the second reading said: There are only two amendments of any consequence in this Bill. The first has been recommended by the Senior Puisne Judge, Mr. Justice Wolff, and is supported by His Honour, the Chief Justice. This proposal will bring the principal Act into conformity with the Matrimonial Causes and Personal Status Code, the provisions of which were also sponsored by Mr. Justice Wolff.

In 1924 a man named Russell, when petitioning for the dissolution of his marriage, gave evidence that a child born to his wife was not his, as at the time of conception he had not had relations with his wife. The divorce was granted; but on appeal to the House of Lords, the judgement was set aside on the ground that no party to a marriage was permitted to give evidence of non-access after marriage where such evidence proved or tended to prove that a child born during the marriage was illegitimate. This decision became known as the Rule in Russell and Russell. Apart from the hardships the application of this rule involved in other cases, it has been criticised and whittled away by other judicial decisions. Its unjust features, however, are still sufficiently awkward to cause dissatisfaction.

When the Matrimonial Causes and Personal Status Code was passed by Parliament the opportunity was taken, in Section 33, to abolish the rule so far as divorce proceedings were concerned. The Chief Justice and Mr. Justice Wolff consider that the rule should also be abrogated so far as other cases, apart from divorce, are concerned. This will bring Western Australia into line with other States of the Commonwealth and other British countries, such as New Zealand and Canada, where the rule has been abolished.

It will be noted that the Bill proposes that this amendment will take the place of Section 19, which was repealed when the Matrimonial Causes and Personal Status Code was passed in 1948, and which referred to a matter not associated with the amendment in the Bill we are now dealing with. When the Evidence Act was consolidated and reprinted earlier this year the section numbers were not altered, and therefore at present there is no Section 19 in the Act.

The other important amendment deals with the proving of the criminal record of an accused person. The amendment has been suggested by the Acting Commissioner of Police, who points out that a similar amendment was made to the New South Wales Evidence Act in 1954. At present, if a person accused in Western Australia of a crime has a criminal record elsewhere in Her Majesty's Dominions, and it is desired to prove this record, it is necessary to bring a police officer from the other State or country to give evidence of the accused person's previous convictions.

In many instances criminals admit their records, but this is not always the case; and, in a serious charge, considerable expense would have to be incurred in proving convictions elsewhere in the British Commonwealth. It would not be worth the expense to bring such evidence in a police court case; and therefore, in such instances, the bench would have to treat a hardened criminal from another State or country as a first offender.

The same thing applies within Western Australia. If a person charged at Broome, for instance, had been convicted previously at Albany, it would be necessary to send a police officer to Broome who was present when the case was heard at Albany. Although previous convictions in this State may be proved by production of a certified copy of the conviction, there is then always the possibility of difficulty in identifying the accused with the person previously convicted.

The only sure method of proof is to call a witness who was present at the prior proceedings. Such a witness, of course, might have died in the meantime, or not be available for some other reason. The failure to prove Eastern States or overseas convictions could be serious where a judge who desired to declare a person a habitual criminal was precluded from doing so because of the lack of strict proof of the man's convictions.

The proposal in the Bill is that prima facie evidence of previous convictions shall be proved if the accused person's fingerprints are identical with those taken at the time of the previous charges. An affidavit similar to that shown in the schedule to the Bill would be used. The fingerprints of the accused person would be reproduced on a card and sent to wherever the previous convictions occurred. A fingerprint expert there would compare the prints; and if they were identical, would return the card with a sworn affidavit which would be admitted by the court as prima facie evidence of previous conviction.

It being prima facie evidence, the accused could, of course, contest it, but the proved infallibility of the fingerprint system would make such action unlikely. The accused would, however, have the right to challenge the truth or accuracy of the statements made in the affidavit.

When the Bill was dealt with in another place, Hon. A. F. Watts, with the concurrence of the Minister in charge of the Bill, obtained an amendment limiting the use of the proposed fingerprint evidence to previous convictions obtained in Australia or New Zealand. When the Bill is at the Committee stage, I intend to ask for the deletion of this amendment.

Members will note that the Bill proposes to add a new Subsection (1a) to Section 47. Subsection (4) of Section 47 states that a conviction or acquittal in any part of Her Majesty's Dominions may be proved under the section. The amendment obtained in another place runs counter to this provision by restricting the fingerprint evidence to Australia and New Zealand. I understand the sponsor of the amendment was actuated by the thought that in some other countries the same expert attention as in Australia and New Zealand might not be given to the fingerprinting of persons and to the checking of fingerprints.

Police authorities in this State do not agree with this contention. The science of fingerprinting is attended to by experts in most countries of the world as it has proved an infallible method of identifying criminals. Of all the millions of fingerprints dealt with throughout the world no two have ever proved identical.

The Acting Commissioner of Police is strongly of the opinion that rather than restrict the original proposal in the Bill it would be better to extend it to include the 55 nations which are members of the International Criminal Police Commission or, as it is more familiarly known, "Interpol." The object of Interpol is to ensure the widest possible mutual assistance for the prevention and suppression of crime.

The 55 member nations, including Australia, subscribe to the cost of administration of Interpol, the headquarters of which is in Paris. As members can imagine, much valuable information and co-operation can be obtained through Interpol by a member nation. There was a case in this State of a migrant found guilty of a very serious offence. A request to Interpol disclosed that he had a shocking criminal record in Europe. This record, of course, could not be produced at his trial; but as a result, he will be deported on his release from prison.

The tremendous improvement in communications enables the modern criminal to travel rapidly between different countries. The use of fingerprint identification would help to restrict the activities of these individuals and would enable them to be more effectively punished.

It is considered that the proposal in the Bill should be returned to its original form as, until it can be extended to include all members of Interpol, it should be possible to provide by fingerprints, evidence of previous crimes in all other countries of the British Commonwealth of Nations.

Another proposal in the Bill deals with Section 56 of the parent Act. This section specifies that all courts and all persons acting judicially shall accept the signature on any judicial or official document of whoever holds the Commonwealth and State official positions which are detailed in the section. While the Commonwealth list includes "Minister of State," the State list does not include Ministers of the Crown. This was apparently an oversight, which the Bill seeks to rectify.

Another amendment proposes to correct an obvious mistake in Section 57 of the parent Act by inserting the word "production" instead of the word "proclamation." I move—

That the Bill be now read a second time.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

BILL—ENTERTAINMENTS TAX ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—CORNEAL AND TISSUE GRAFTING.

Second Reading.

Debate resumed from the 19th September.

HON. J. G. HISLOP (Metropolitan) [4.57]: This is a Bill of good intent, as was its forerunner two years ago. But it is of no more than good intent: it has no machinery. During the interval since I secured the adjournment of the debate, I have given considerable thought to what measures we might take to make it possible for this Bill to prove of great service to the State. As I go on, I will attempt to explain why I feel that it merely gives authority to an individual to leave his eyes or to leave tissues to be used for therapeutic purposes, without there being any method of organisation of the work that will be entailed.

If we read this Bill through we find that Clause 2 begins as follows:—

If any person, either in writing at any time, or orally in the presence of two or more witnesses, has expressed a request that his eyes or other tissues of his body be used for therapeutic purposes after his death

A request to whom? And to whom do the witnesses send knowledge of the fact that this person has agreed to leave his eyes or other tissues for therapeutic purposes? To bring it down to an absurdity, I could sign a piece of paper and have it witnessed by two people and then put the piece of paper in my drawer and nobody would know anything about it except the witnesses; and if they were not present at the time of my death, who would know I had agreed that my eyes or tissues should be so used?

There must be some organisation in this Bill or some institution appointed to which evidence of this kind will go and by which it will be maintained, possible in a statistical register. It is all very well for some member of the profession to know that someone is willing, after death, to allow his eyes to be used; but even that medical man may not be present at the time of the individual's death.

Hon. H. K. Watson: Or he might be like the Applecross doctor who announced himself as being available at only limited times.

Hon. J. G. HISLOP: That may be so. Therefore it seems that we must endeavour to devise some means by which this whole method of using tissues can be made practicable. The second reason against this Bill being a practicable one—although it is better worded than the previous measure

—is the fact that the person who is in legal possession of the body may authorise the removal of the eyes and other tissues unless he has reason to believe that the surviving spouse or some other surviving relative objects.

I doubt very much whether an individual having charge of a body would agree that such tissues could be removed without first contacting the surviving spouse or nearest relative and saying, "Do you object?" He might, of course, act on the presumption that he knows nothing about any objection by them, and he might agree to the removal of the eyes or other tissues. But I think he would be leaving himself open to a good deal of criticism from the surviving spouse or nearest relative were he to do so. Therefore I cannot imagine that he would do it without first approaching the surviving relative.

The other day I picked up a journal called "People," which is published widely in Australia. It is dated the 5th September and it deals with this subject under the heading of "Spare Parts for Humans." Just reading it casually, I noticed a reference to New South Wales. It says—

Since the passage of the Corneal and Tissue-Grafting Act in the New South Wales Parliament last year, corneal grafts may, in most cases, be made without relatives' permission, provided that nothing to the contrary has been written or expressed before death by the donor.

Apparently they have got over the difficulty in New South Wales of the body belonging to the person legally in possession after death, and the individual has a right to state that he wishes certain things to be done with his body and those wishes cannot be countermanded by a relative. We want something of that sort in this measure to make it workable.

I cannot imagine any medical man approaching, as he would have to do within a matter of an hour or two, a sorrowing person and asking whether he could remove the cornea of the deceased person. During the adjournment of the debate I have spoken to several medical men and their views are as emphatic about it as mine. They have stated that they would not go around asking sorrowing relatives whether they could remove the cornea of persons who had just passed away and for whom those relatives were sorrowing.

The correct approach is probably the same as that adopted in the Melbourne hospital. I have not had time to check up on these things during the adjournment; but so far as I can remember, from my days in the Melbourne hospital, a post-mortem examination was carried out unless the relative raised an objection within a limited number of hours.

This Bill might be altered in such a way that the person legally in charge of the body could authorise the removal of the

tissues unless the surviving spouse or other nearest relative objected within a short period—and that period could be whatever we wished to lay down. If the objection has to come from the relatives it is a very different story from requesting members of the medical profession to approach these sorrowing people and ask them for permission to remove the cornea or other tissue for grafting purposes.

Another difficulty that could arise because of the wording of the Bill relates to Subclause (6), which states—

In the case of a body lying in a hospital, any authority under this section may be given on behalf of the person having the control and management of the hospital . . .

Some members would say, from a reading of that subclause, that if a patient died in a hospital, the medical superintendent, presumably the officer in charge of the hospital, could give authority for tissues to be removed. But I think that, on reading it carefully, one would find that all that individual would be able to do would be to act as if he were the person legally in possession of the body and, again, he would have to approach the relatives for permission to remove the tissues.

In asking that there should be some sort of organisation, I want to stress the fact that it is my desire to ensure that in the passage of this Bill, if an eye or tissue is removed from a human being it is removed only because it will be used. I do not want this measure just to give the right to remove eyes or arteries, or something else, from a human being, and then find that adequate measures have not been taken to see that the tissues have been removed carefully and stored and later used for therapeutic purposes.

Hon. J. M. A. Cunningham: Would it be possible to store these tissues for any length of time?

Hon. J. G. HISLOP: Firstly, the tissues must be removed, very carefully; and, secondly, they can be stored for varying periods of time according to what the tissues are.

Hon. C. H. Simpson: Is there any length of time after which it would be useless to try to remove them?

Hon. J. G. HISLOP: Eyes should be removed within four hours after death, which emphasises the point I am making that any request to a sorrowing relative would have to be made almost immediately after the death of the person concerned—a very difficult thing to do. It is sometimes possible to approach an individual 12 hours afterwards and ask for consent to a post-mortem examination in order that some medical knowledge may be gained. But to ask an individual, within a few minutes of his losing a near relative, for

permission to remove certain tissues from the body would be extremely difficult, and many of us would refuse to do it.

These tissues, particularly in the case of eyes, should be used within 24 hours; therefore they can be stored from four to 24 hours. They slowly disintegrate and should be used, as I said, within a period of 24 hours. But they should be used as rapidly as possible, because the percentage of failures is quite high. The cornea, although it may take and heal on to the patient's eyes, might again become cloudy, as was the cornea removed, and therefore the operation, in such a circumstance, could be regarded as a failure. This would occur in 10 per cent. of the cases in very skilled hands; but the percentage would be much higher on the first few occasions when the operations were carried out.

In the case of arteries, these can be stored for considerable periods of time. But here is a matter of considerable interest. So far as the actual tissues of the body are concerned, this Bill will be a purely temporary one. While two years ago the profession was very keen that a Bill of this description should be passed, allowing the removal of such things as arteries, owing to the very great interest in the subject today a plastic material is used. This need not be stored and needs only to be sterilised; it can be joined together and it can have sections joined together at different angles. This material can be used quite freely in the human body, and this has been developed within the last two years.

The storing of arteries is an exceedingly difficult business because they must be stored at a fixed low temperature, and I am advised that there must be a high and low register thermometer attached to the preserving unit or instrument. If on going in in the morning one finds that the temperature has exceeded the fixed maximum or has gone below the low level, the whole of the tissues must be discarded. That is one of the reasons why artery removal and use has now gone out of fashion with the medical profession. It is much easier and better to use this new plastic material.

Therefore, so far as arteries are concerned, this Bill will be purely a temporary one and may, in fact, never be used. These new nylon fabrics are being so rapidly perfected that the provision in regard to body tissues in this Bill may never be used. There are other things which can be used, for example, cartilage and bone, and they can be stored for considerable periods of time. But one does want to know, from the moment one acquires them, where these tissues are, and therefore some sort of bank arrangement must be contemplated in this Bill.

I have been trying to work out an amendment which could be worded something along these lines, "The Minister may

authorise an approved institution to keep a statistical register and to provide a bank of tissues." That approved institution should be any teaching hospital which has on its honorary staff men capable of using these tissues. The Red Cross itself might, in addition to its blood work, decide to expand into the storage of tissues. But it seems to me that it will not be long before the need for tissues of the sort I have mentioned will not occur. It appears, however, that the use of cornea will still be required for some time because no progress has been made in regard to the use of an artificial one.

Hon. Sir Charles Latham: For how long can you keep these tissues?

Hon. J. G. HISLOP: I understand that arteries can be kept for months. They must be kept under certain conditions, and Dr. Rob in London has a bank of arteries ready for all road accidents in which arteries are crushed or torn. It would depend entirely on how many he was using, but they must be stored for some time because there must be an ample supply of arteries of varying sizes. We may be called upon to supply a main artery of the leg, or a smaller artery of the foot, or something of that nature, and those must be ready at the time for transplanting; that is why a move was made to these plastic materials.

The move has been made away from bone because, in certain cases, the acrylic material is used to support a fracture of bones. If one fractures one's hip in one's old age in a certain manner then one can only hope that it is fractured at such a point where it is possible to have an acrylic substitute screwed into a portion of the bone, and by the use of this acrylic material the time spent in bed afterwards is cut down tremendously. In a case of a fracture of the hip it is cut from six months in bed to four weeks.

Accordingly, the use of tissues themselves can be displaced from medical and surgical uses for a long time. But while they are required there should be an approved institution to which these tissues can be sent and stored. I would disapprove of any method by which tissues were removed willy-nilly without their being kept under really skilled and efficient conditions.

Another provision which might be added to the measure is that which relates to certain individuals who lose their lives suddenly in a motor accident giving permission before death for portions of their tissue to be stored and used to save the lives of other more fortunate accident cases than themselves. I feel certain that these people would be only too willing to give their consent.

Several lives would be saved by the transplanting of some tissue. Accordingly in an approved institution like the Royal

Perth Hospital or the Fremantle hospital it should be possible for the person in charge of the tissue bank to approach the coroner who could consult his medical officer and allow a portion of the tissue to be removed, because it is the tissue from a person such as that which would be most valuable for use in surgical cases.

Hon. Sir Charles Latham: That would have to be removed immediately after death, would it not?

Hon. J. G. HISLOP: Within four hours. In one clause there is a provision which states that when a body is likely to be the subject of a coroner's inquiry the authority for the removal of tissues should not be given if the party in power has reason to believe that there is to be an inquest. I think the coroner should be given power, after consulting the medical officer, to allow the tissue to be removed, in such cases where the medical officer thinks it should be done, without involving difficulties at the inquest; because, as I have pointed out, it is in such cases that the tissues would be of most service to those who needed them.

So it can be seen that whilst the Bill is filled with good intent it still needs some further machinery to make it more workable. If the Chief Secretary will give me a little longer, other members of the profession and I will attempt to put forward suggestions which would make the Bill a workable one, mainly in regard to the formation of a register; the maintaining of a bank by an approved institution; and giving the coroner himself some authority under this measure. Every member of the profession is grateful for the introduction of this Bill, because it is felt it will be of real use; and if we can help to make it more effective, then we would be glad to offer that service to this House through the Chief Secretary.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.20]: I desire to thank Dr. Hislop for what I would call a most intelligent address on this Bill. He said that the Bill was filled with good intentions. I would add to that remark that the Government is also filled with good intentions on this measure. It will give me great pleasure to accede to the request made by Dr. Hislop that we postpone consideration of the measure at the Committee stage for some days. I would also like to suggest, or request, that other members give serious consideration to the aspects in the measure; because, apart altogether from the medical phase of it, there are many human relationships involved which need consideration.

A couple of years ago, I think, we introduced a similar measure, but did not meet with any great success. I cannot remember the exact circumstances, but it was not passed. If members study the question at all, and think it is necessary to

do something along these lines, I would be glad to hear their suggestions and meet them wherever possible. I am not altogether happy with the Bill; indeed I am far from happy with it, because I do not think it goes nearly as far as it ought to make the provisions in it a success. But, like myself, I suppose the Minister for Health would be rather timid to come into this Chamber with a Bill which made it mandatory for this to be done. If that happened I can visualise the opposition that would be raised to such a measure.

I would, however, like the House to give serious consideration to this matter, because it is something that could be very vital. I daresay members have read in the papers the case of a lady who was taken from New South Wales to Melbourne where a corneal graft was made which I understand was most successful. At any rate, I have not read anything to the contrary. If it is possible to provide an Act that can be administered successfully I think it would be well worth while.

Reference was made by Dr. Hislop to a person signing in the presence of two witnesses. That appeared to him to be a loose method of doing things, and it is possible that some better method might be found in connection with the registration of persons who are prepared to give their consent. On the other hand, even if we make it official and effective, I do not think it would be wise to cut that provision out altogether. I think it might go in together with the suggestions made by Dr. Hislop.

Hon. Sir Charles Latham: There must be other States where this is used.

The CHIEF SECRETARY: I have no doubt that our Medical Department has made a thorough investigation into the matter.

Hon. Sir Charles Latham: Why should we make the start?

The CHIEF SECRETARY: It is necessary for someone to make a start.

Hon. Sir Charles Latham: There would be less experience of this matter here than in New South Wales.

Hon. J. G. Hislop: New South Wales passed a Bill relative to this.

The CHIEF SECRETARY: That is so. From what Dr. Hislop has said New South Wales is apparently able to do it without the permission of the near relative. I admit that is one of the weaknesses of our Bill. If a person has to be approached, particularly in the case of a cornea operation which has to be performed in a few hours, that phase of the Bill could be wrecked. I do not know of any person who would approach a relative within an hour or so of death to enable this to be done. But if we can evolve some other method whereby an individual could do

something regarded as legal, and his or her wishes could be carried out, that would be all right.

Hon. A. F. Griffith: There must be an English Act dealing with the question of which Dr. Hislop has spoken.

The CHIEF SECRETARY: I have no doubt there is; but whether such Acts are sufficient to make this matter 100 per cent. successful, I do not know. In this direction I do not think we would be game to introduce a Bill starting off where those people finished after many years of research. I trust that members will give serious consideration to this measure; there is no hurry about it. Let us think it over so that finally, when we do get something on to the statute book, it will prove of exceptional value to the State. I think we all realise the benefits that would accrue if we could get a worth-while measure on to the statute book.

Question put and passed.

Bill read a second time.

BILL—MUNICIPALITY OF FREMANTLE ACT AMENDMENT.

Second Reading.

HON. E. M. DAVIES (West) [5.28] in moving the second reading said: This Bill seeks to amend Act No. 19 and to confer on the Fremantle City Council additional powers relative to the opening, diverting, altering or increasing the width of streets and to amend Section 217 of the Municipal Corporations Act, 1906.

The legislation brought down and assented to on the 4th November, 1925, provided the Fremantle Municipal Council at that time with power to acquire land for the widening of streets. A similar Bill was also brought down and passed, giving the Perth City Council the same authority. An amendment was made to the Act relative to the Perth City Council which prevented a local authority from paying compensation for vacant land that it is necessary to resume for the purpose of widening streets.

Although the Act permits the local authority to acquire land for opening, diverting and increasing the width of streets, this provision is operative only in the case of land on which buildings are erected; it is only then that the Fremantle City Council is liable to pay the necessary compensation. Provision that is to be made under the Town Planning Act and under zoning that is now becoming law makes it necessary for the Fremantle City Council to strike new building alignments on several routes so as to conform with some of the arterial highways that will enter Fremantle. So it will be necessary and has been necessary to have certain new alignments struck so far as streets and roads are concerned,

and there are some cases where it will be necessary to resume certain vacant land for that purpose.

Under the existing Act we find power to pay compensation for vacant land, and the Bill now before the House seeks to assist in giving the power to the local authority to compensate those people from whom it was necessary to acquire vacant land for the purpose of street widening. That is all the Bill means. It adds further words to Subsection (4) of Section 5 of the Act, and will give power to the local authority to pay the necessary compensation where it resumes vacant land for the purpose of widening streets. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. A. F. Griffith in the Chair; Hon. E. M. Davies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 5 amended:

Hon. Sir CHARLES LATHAM: I am going to ask the hon. member to postpone this clause in order to let us have a look at it, as I think it amends another Act.

Progress reported.

BILL—LICENSING ACT AMENDMENT (No. 2).

Second Reading.

HON. N. E. BAXTER (Central) [5.33] in moving the second reading said: In introducing the Bill I do so with a desire to try to improve the Licensing Act, particularly as it relates to country hotels, so that we will have a better set-up in the country. From time to time we hear quite a number of complaints that the accommodation provided in country areas is not all that could be desired. In some instances, perhaps, there are factors which make this so. Most members will recall that I introduced a similar measure last year and explained the facts to them. However, for the edification of new members, I would like to go over some of those facts again.

In many country hotels today the bar takings are not great, as there is not a large bar clientele, and the costs of providing meals and running the house side of the establishment are out of all proportion to the takings from the bar from which the main profits are derived. If a hotel is situated where its residential section is not covered by a clientele of any size in the bar, the result is that those publicans suffer very considerable losses which cannot be made up in the bar takings. That position is growing throughout quite a lot of country districts in this State.

In addition, in many country towns there are two, three and up to six hotels where the bedroom accommodation is absolutely out of all proportion to requirements. For instance, at York there are four hotels which each night provide 60 bedrooms and the total normally required at that town would not be more than 10 per night. I regard it as rather an un-economic proposition that the hotels in that town are required at the present time to keep open 60 bedrooms every night of the year in order to provide nightly for 10 people.

For that reason this Bill places a discretionary power in the hands of the Licensing Court to enable it to make a decision on what accommodation is required. Clause 2 deals with an amendment to Section 50 of the principal Act and the amending Bill proposes to delete certain words which I would like to read to the House.

They are as follows:—

contain at least two sitting rooms and two sleeping rooms ready and fit for public accommodation, independent of the apartments occupied by the family of the licensee, and shall also be provided with sufficient places of accommodation in or near the premises for the use of the customers thereof, to prevent nuisances or offences against public decency, and with stabling sufficient for six horses at least, and a sufficient supply of wholesome and usual provender for the same.

In that section of the Act we have something which is out-moded, and that is the provision for the stabling of six horses and the provender for those horses. In these days of the motorcar, we would not see that number of horses in six years, yet it is necessary under the Act to provide stabling accommodation for six horses.

Hon. G. Bennetts: Is it insisted upon?

Hon. N. E. BAXTER: No, it is not insisted upon; but under the Act it is necessary that a licensee have it. It should not be left in the Act, so that the Licensing Court could insist on it.

The Chief Secretary: The court would last a long time if it did!

Hon. J. G. Hislop: They would not be termed garages?

Hon. N. E. BAXTER: The Act says they have to be there, and it is stupid in the days of the motorcar. That is not the main issue of the amending Bill. The main issue is to give the Licensing Court the right to decide what are the requirements of a district in relation to accommodation. It is much better to leave this entirely to the discretion of the Licensing Court, which would examine all the factors that are covered in this Bill.

Most of the hotels in the country were built many years ago, in the days of the horse and buggy or sulky, and provision was made in those days for travellers—who, at the very limit, travelled only 50 miles per day—to have accommodation at the end of their journey. However, today with the motorcar, the majority travel for 200 miles before nightfall, with the result that the intervening hotels over that distance get very little trade from the normal traffic. The wine-and-spirit travellers, the cigarette traveller—and even the brewery traveller—usually leave Perth on a Monday or Tuesday morning and their stopping place for that night is as far down as Narrogin. Therefore, the intervening hotels get none of that trade, but are providing accommodation which was originally there for that type of traveller.

Hon. J. G. Hislop: What would you do with the accommodation that exists now?

Hon. N. E. BAXTER: It could be closed up and this would mean a saving of expense to the licensee. If it were necessary during the year, for an event such as a golf tournament or a race meeting, this accommodation could be opened up for one or two nights and run by a temporary staff.

Hon. G. Bennetts: Why not leave the hotels as they are?

Hon. N. E. BAXTER: The hon. member does not realise that each of these rooms has to be cleaned every day and the bedding has to be looked after. If the rooms were to be left as they are, they would get into a disgraceful condition and the bedding would deteriorate very quickly.

Hon. Sir Charles Latham: How could you bring it into use once or twice a year?

Hon. N. E. BAXTER: It could be temporary accommodation when necessary. As the position is today, every bed in a hotel room has to be made up every day. If it were not, the police officer acting for the Licensing Court could put in an adverse report which could affect the licence at the end of the licensing period. It should be the right of the Licensing Court to have the discretionary power to decide the accommodation required in a country town.

Hon. J. G. Hislop: What is in your Bill to stop hotelkeepers turning the bedrooms into flats?

Hon. N. E. BAXTER: Nothing at all, and I do not think it would be undesirable. But there is not a great demand for flats in the country areas. Perhaps in some instances they could be let as flats, but I doubt if it would be possible to let a lot.

The Bill goes further and gives discretionary powers to the Licensing Court, upon application from a licensee, to dispense with the necessity of providing residential accommodation. I propose this because I feel that the accommodation side of hotels in the different country areas is absolutely overdone, and it becomes an

uneconomic factor. The country hotel today is part and parcel of our country life and if we are going to have a situation where a licensee cannot improve his hotel on account of his income being restricted by the big loss on the residential side, the position is going to get worse than ever.

Hon. G. Bennetts: The court may de-license one or two.

The Chief Secretary: How long would it last with each one paying £150 per year?

Hon. N. E. BAXTER: The Chief Secretary has referred to the fact that the Licensing Court may decide a particular licensee shall not have to provide residential accommodation, and he then has to pay an additional licence fee of £150 a year. If the Chief Secretary likes to amend that provision in the Bill to any other figure, I will be quite agreeable. I set that figure to see what would happen. We cannot set it at too large an amount until we know where we stand.

The idea of this fee is to provide a fund to subsidise those hotels that the Licensing Court has decided shall provide accommodation. Here I refer to places—perhaps out in the Goldfields areas—where, owing to the long distances involved in travelling from one town to another, it is considered necessary that residential accommodation should be provided. The fund could be used to subsidise those hotels which, in such circumstances, show quite a loss on the residential accommodation.

It was not meant to be an extra licence fee to create a huge fund to subsidise just any residential accommodation, particularly those hotelkeepers who make a handsome profit; it was merely to assist them over the period if they were showing losses. But the Bill is quite open to an amendment by the Chief Secretary or any other member who thinks that the additional licence fee of £150 is not enough.

The Chief Secretary: I do not suggest it is too high or too low. But how long will it stay in the Act if it does get in?

Hon. N. E. BAXTER: I do not see why it should not stay in there for good. I do not understand what the Chief Secretary is driving at. If the court decided that a hotel did not need to provide residential accommodation, there is no reason why it should not pay this licence fee each year.

Hon. H. L. Roche: Would not every hotelkeeper want to be in it?

Hon. N. E. BAXTER: Not necessarily; and if they all did, they would have to make application to the Licensing Court. It would be purely in the hands of the court to make the decision as to which hotels would be residential and which would not.

Hon. H. L. Roche: You say that the providing of accommodation is not a paying proposition, so it is going to be hard on the ones that have to provide it.

Hon. N. E. BAXTER: Where there are two hotels in a country town, and one is getting the whole of the business on the accommodation side, it would possibly make enough to cover the costs; but where the business is split between two hotels, neither gets enough.

Hon. Sir Charles Latham: Then one ought to be delicensed.

Hon. N. E. BAXTER: I do not agree with that. If they are delicensed, who is going to pay the costs? Have we today any fund that provides for paying the costs of the owners or the lessees? As far as I am aware, we have not. At one time we did have, but there is no such fund at the present time. If it were decided to delicense a hotel, surely the hon. member would not suggest that we say, "Your licence ends from today and all you have now is your building and furniture."

Hon. Sir Charles Latham: That applies to all businesses in places like the Gold-fields.

Hon. N. E. BAXTER: No. No one has power to close up any other business. But the Licensing Court, by what the hon. member suggests, would have the power to close one hotel and leave another open.

Hon. Sir Charles Latham: You want to go to Wiluna to see what effect it has had there!

Hon. A. F. Griffith: What do you think would happen if there were two hotels in a country town and both licensees applied under this provision?

The PRESIDENT: Order!

Hon. N. E. BAXTER: The hon. member has raised a question which I can quite easily answer. This being a discretionary matter, it would be entirely in the hands of the Licensing Court to decide what accommodation was needed after an examination of all the relevant factors. The court would say which hotel should be left as a residential house and which as a non-residential one.

Hon. R. F. Hutchison: That would be unfair and entirely impracticable.

Hon. N. E. BAXTER: There is nothing binding on the Licensing Court to declare either as non-residential. I say this is not unfair or impracticable; and the hon. member does not know the first thing about hotels.

The Chief Secretary: You are looking for trouble.

Hon. N. E. BAXTER: She has not gone into the possibilities of the Bill.

Hon. R. F. Hutchison: Swill houses!

Hon. N. E. BAXTER: If the hon. member went around the country and discussed this matter with the licensees of hotels she would find that the measure is both practicable and workable. It contains a further small amendment to delete the proviso to Subsection (1) of Section 50. The original proviso states—

Provided that the court may, if it thinks proper, by indorsement in writing upon its certificate, dispense with the said stabling accommodation or such part thereof as to the court may seem fit.

The amendment is to dispense with stabling accommodation. Seeing that under my proposal, stabling is taken out of Clause 50, the proviso becomes redundant. Subsection (2) states—

The Licensing Court may insert conditions as to further accommodation in its certificate, and any such conditions shall be deemed to be conditions imposed and binding on the licensee.

The next amendment proposes to delete the word "further" from that subsection. This is a reasonable amendment. The Bill contains another amendment, and that is to insert into the Act a new section to be known as Section 161A.

The Chief Secretary: Have you read it?

Hon. N. E. BAXTER: Yes. I framed most of this.

The Chief Secretary: Did you frame that one?

Hon. N. E. BAXTER: Seeing I framed most of it, I should be fairly well informed on it.

The Chief Secretary: Did you frame that one?

Hon. N. E. BAXTER: I framed the principle of it.

The Chief Secretary: You ought to hang it up.

Hon. N. E. BAXTER: I have a good idea of what the Chief Secretary is going to say, but he perhaps does not know as much about this as he thinks he does. The proposal is to insert a new subsection to provide that any two justices of the peace may, upon being satisfied by a police officer in charge for the time being of a district that he reasonably suspects any person of supplying liquor to a person prohibited as in Section 160 of the Act or to a person who is an aboriginal native within the meaning of the Act, order that no licensee may sell or supply the suspected person with liquor to be taken away from the licensed premises for not exceeding the space of one year.

I propose this out of my experience of police officers in the country districts. In all cases I would say they know who is supplying liquor to prohibited persons and

to aboriginal natives, but their difficulty is to catch up with the suppliers of the liquor. The reason I propose the amendment is to try to stop the known persons from having a free hand in supplying liquor to prohibited persons and to aboriginal natives. I have had experience of this in the country, and at all times I have done my best to assist the police officer in preventing the supply of liquor to such people; but it is a difficult task. I will tell members just how easy it is for people to get away with this.

A person will go to a hotel and buy wine or beer in bottles, go out into the bush or to a small park, sit down, and then walk away leaving the bottles behind. The next thing is that a prohibited person or an aboriginal native comes along and picks up the bottles, and away he goes. The police officers may be lucky enough to catch the prohibited person or aboriginal native, although they are not successful in many instances; but they cannot catch up with the suppliers, and that is my reason for introducing the amendment. This may not seem to be British justice, and that is perhaps what the Chief Secretary referred to.

The Chief Secretary: No, to what is printed there and what is meant.

Hon. N. E. BAXTER: I have explained what is meant; and that is, to give the police officers the right to try to stop these people from supplying liquor to prohibited persons or natives.

The Chief Secretary: It is the last three lines.

Hon. E. M. Heenan: You are giving the police officers a lot of power.

Hon. N. E. BAXTER: Yes, and I think they need a lot of power; but they are not getting it without the consent of two justices of the peace. I do not think this is an unreasonable power to give to police officers.

Hon. E. M. Heenan: There is no trial or appeal.

Hon. N. E. BAXTER: Let us have a look at Section 156 and see if it is comparable, in some degree, to what I have proposed. Section 156 provides—

Any police officer may seize and take away any liquor which he reasonably suspects to be hawked about or exposed for sale in any street, road, booth, tent, store, shed, boat or vessel, or in any other place whatsoever, by any person not holding a licence to sell the same therein respectively, and also every vessel containing or used for drinking or measuring the same, and every cart, dray or other carriage, and every horse or animal carrying or drawing the same, or any boat or vessel conveying the same.

Does that mention any trial? There is not even the suggestion that the police officer shall go to a justice of the peace to get a warrant or order to seize the liquor. If members want to draw parallels, here is one in the Act, and it is much more severe than what I have proposed in the amending legislation. I do at least suggest that the police officer in charge of the district shall have the consent of two justices of the peace; and I can say that no two justices of the peace would lightly give their consent unless they felt pretty sure that the police officer was warranted in the action he was taking.

This is a serious matter. The supplying of liquor to aboriginal natives, particularly, and to a lesser extent to prohibited persons, is going on all over the country. I believe our duty is by legislation to stop a felony before it is committed, and not to wait until after it is committed and then try to pick up the offenders. If, by this type of legislation, we can nip the trouble in the bud and stop suspected persons from supplying liquor, particularly to aboriginal natives, we will be doing a great service to the people and also to the police officers of the State. For this reason I think the amendment is entirely justified.

The Chief Secretary: Without trial or anything else you are going to allow—

The PRESIDENT: Order! I think the Chief Secretary can take up that point when he speaks on the Bill.

Hon. N. E. BAXTER: The Chief Secretary can do that, and I will answer him in full when I reply. I have discussed this with quite a number of people, particularly country people, and they feel it is what is required in the country areas to prevent aboriginal natives from being supplied with liquor. The whole question is a seething ferment of trouble all the time in the country. The sooner we can do something to stop the supply of liquor to aboriginal natives, the better off the natives and the State will be. I commend the measure to the House and move—

That the Bill be now read a second time.

HON. R. F. HUTCHISON (Suburban) [5.58]: I hope the Bill will not be agreed to. I am surprised that anyone would think that a licence should be given for a hotel without providing that accommodation shall be made available for the travelling public. The whole value of hotels in the country is to provide for the travelling public. We have enough swill houses, and drink is becoming a national calamity! I will never stand for the licensing of hotels just to supply drink. It is a dreadful proposition.

It was said by Mr. Baxter that I knew nothing about hotels. I know all about them. I have a daughter who has a leading tourist hotel in Kogarah in New South

Wales, and it is run to a very high standard. My daughter caters for about 7,500 travellers a year.

Hon. N. E. Baxter: She is lucky to have that number.

Hon. R. F. HUTCHISON: Before she went there travellers could not get accommodation in that town and no one would stop there. That is true in most of our country districts. The accommodation is dreadful.

Hon. N. E. Baxter: Where?

Hon. R. F. HUTCHISON: Around Three Springs; and it is no use members saying it is not. If we had a Bill before us which had for its objective the raising of the standard of accommodation in country hotels, I would have more regard for it. However, even to think of licensing hotels merely for the purpose of allowing people to drink in the bar without providing any accommodation whatsoever is dreadful.

The whole purpose of hotels should be to cater for members of the travelling public who seek accommodation. There are many people who do not avail themselves of the drinking facilities at the bar. All through the war years the cry put up by many of the licensees was that they could not get sufficient staff; but they will not be able to raise that cry today, because there is now plenty of labour available to staff their hotels. The sole thought nowadays seems to be that there should be provision only for the drinking public. If I had my way I would not even grant a licence to a wayside inn.

A great deal of talk is made about accidents and the tragedies that occur on our roads; but no one tackles the cause of them. There is no doubt that drink is the major cause of these road accidents, and it is a national calamity. I will oppose most strongly any talk of licensing public houses which do not provide accommodation for the travelling public.

HON. G. BENNETTS (South-East) [6.3]: I do not like any part of the hon. member's Bill. I hope I am not putting a spoke in his wheel, as it were, but I would not like to see members supporting this measure, because it has for its object the elimination of a certain amount of accommodation in our hotels. The Licensing Court could say, "There is enough accommodation provided in this hotel, but there should be two rooms kept open in the next one; two in the next one; and, say, two in the one at York," which the hon. member mentioned. That would probably be the extent of the accommodation which would be provided by each hotel.

In my opinion there is no need for such provision in the Act because, if members of the travelling public are rendered good service by any publican in the way of a good dining-room and adequate sleeping

accommodation, I am quite sure that the public will patronise that hotel the next time they are passing through.

The Chief Secretary: How are the hotels around Esperance way?

Hon. G. BENNETTS: At Norseman we have two beautiful hotels which cater for the needs of those who travel overland. Both of those hotels have wonderful tables and the accommodation they provide would be hard to beat in any part of the State.

Hon. Sir Charles Latham: They have a good reputation.

Hon. G. BENNETTS: Yes. Everything possible is provided for the comfort and convenience of travellers. People rush to go to these hotels because their accommodation is of such a high standard. The hotel accommodation at Esperance is also very good. The toilet facilities at that hotel have been renewed and modernised and the accommodation is first-class. In many of the hotels that I have visited, the toilet facilities have been sadly lacking and could have been greatly improved.

Should any licensee be complaining about the lack of patronage for his hotel accommodation, all he would need do would be to have linen and other necessary equipment ready should any traveller desire a room at his hotel; but in the meantime, when the rooms are not being used, the beds could have special covers placed over them and, as a result, they would not require so much attention.

Hon. N. E. Baxter: Who would shovel the dust out of the rooms?

Hon. G. BENNETTS: There would have to be a great many faults in a hotel if the rooms had that amount of dust in them. At present I am staying at the Melbourne hotel; and in days gone by, it did not have a very good name so far as its accommodation was concerned. The present licensee, however, has improved the room service to such an extent that it is now extremely difficult to get a room there. The facilities are of a very high standard and the licensee has every room open for occupation if necessary. Should a person ask for a room at that hotel and there is one available he is never told, "We are full up."

However, we all know that that is the answer received by many people who are seeking accommodation at hotels; and yet, very often, accommodation is available. I can quote one example of that. The licensee of the Swanbourne hotel is, I suppose, known as one of the best hotel-keepers in this State. During the Goldfields round he visited Kalgoorlie and I know he had to shift from one hotel because it would provide only bed and breakfast.

Many licensees today are not seeking patronage for their hotel accommodation. Their only desire is to cater for the requirements of the drinking public. I do

not think it is right that we should pass legislation which would allow licensees to make available only one or two rooms for the accommodation of members of the travelling public. If any licensee cannot provide adequately for the requirements of travellers, he should go out of the hotel business and get into something else.

Hon. N. E. Baxter: Who would compensate him?

Hon. G. BENNETTS: What about people in other forms of business? There are many who have walked out of their businesses and nobody has compensated them.

Hon. F. D. Willmott: What about the State hotels?

Hon. G. BENNETTS: That is another question. The hon. member has put me on guard.

The Chief Secretary: Don't even talk to him!

The PRESIDENT: Order, please!

Hon. G. BENNETTS: In the Merredin district the serving of natives with drink is an extremely sore point with me. Twelve months ago, during the Merredin show, I was visiting that town, and I saw a native who had his citizenship rights coming out of a hotel with a dozen bottles in his arms, including both beer and wine. He dropped two, and put on a bit of a stunt about that. However, he went on his way and, about an hour later, I saw a big crowd up the street and heard a great commotion; and when I had a closer look, I saw that one native was being taken away in the police vehicle and two other natives were running behind putting on a terrible show.

When I was speaking to the police sergeant about the incident, he said to me, "There you are! That native has every right to enter a hotel to get the drink and he comes out and gives it to others." However, the police have the right to find out who provides the liquor to those natives who are not lawfully entitled to have it, and they should deal with that person and put him in his proper place.

Hon. N. E. Baxter: You know as well as I do that they cannot catch up with them.

Hon. G. BENNETTS: Of course they can! If a person is providing liquor to natives, why could they not catch up with him?

Hon. E. M. Heenan: What eventually happened to your friend at Merredin?

Hon. G. BENNETTS: I do not know what happened to him; but the other native who was running behind the vehicle as it went along the street, was put inside, too.

The Chief Secretary: That was on election day, wasn't it?

Hon. A. F. Griffith: Didn't that occur outside the polling booth at Merredin?

Hon. G. BENNETTS: It may have been there. In my opinion the Licensing Court is doing a good job, and the hotels should continue to provide food and accommodation, as well as drink, to those people who require it; and if they cannot do so, they should go out of business.

HON. A. R. JONES (Midland) [6.12]: I am going to support the second reading of the Bill; and I commend the hon. member for introducing it, because it shows up some of the ridiculous features of the Licensing Act, and it forces upon us the need to consider the appointment of a competent committee to review all the provisions contained in the Act with the object of making it a first-class piece of legislation. The hon. member who introduced the Bill has pointed out some of the sections in the Act that cannot possibly apply today, and he has shown the need for a complete overhaul of the Act. If only to provide for the inclusion of this Clause 161A, I intend to support the Bill, because that clause would make it impossible for the native population and undesirable persons to receive liquor as they can at present.

Only one reason has been advanced by Mrs. Hutchison as to why she will not support the Bill. Whilst I cannot agree to many of the clauses contained in the measure, I think it is up to all of us to pass the second reading and deal with each clause on its merits at the Committee stage. Nothing but good can result from that. I do not want members to think I am trying to curry favour with hotel-keepers. I think that my previous criticisms of the way some hotels are run will assure members that I am not in favour of any hotel that is badly conducted, and there is no doubt that there are many of such hotels in the State today.

At the same time we have to be reasonable and make provision in the Act whereby the Licensing Court can go ahead and make its decisions on some foundation, because the law as it stands at present is just a farce. We cannot point a finger at the Licensing Court, because its members could turn to the Act and say "The Act provides this, that or the other." In my opinion if we appointed a committee to review the whole of the legislation and to draw up an Act which had for its provisions many of those which appear in legislation in other parts of the world, we would be doing something worthwhile. Mr. Baxter has awakened us to the fact that some action along these lines will have to be taken in the future. Surely there is nothing wrong in supporting the second reading of the Bill, because there are many good points in it.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. R. JONES: Before the tea suspension, I was saying a few words in support of the second reading of this Bill. Whilst one member raised a criticism to the effect that licences should not be issued to hotels just for the sake of allowing them to become "swill houses," or places for drinking only, I feel that there is a dividing line somewhere.

For instance, it was said that hotels in the metropolitan area should provide accommodation for people because at the present time accommodation is scarce. That is agreed; I think there is room for more hotels and for more accommodation in the city. But would the same thing apply to a hotel, say, 18 to 30 miles from Perth? I submit that it would be possible for weeks to go by without anyone in some places requiring accommodation. In my view it would be wrong for the Licensing Court to have to say to such a licensee, "You must provide a certain amount of accommodation in compliance with the Act at present."

As the sponsor of the Bill explained, it will not take out of the Act the provision that licensees shall provide that accommodation; it would be left to the discretion of the Licensing Court. That is surely a sufficient safeguard. Today the position is very different. As I pointed out, hotel accommodation 30, 40 or 50 miles from Perth is very little used by the travelling public, because if people from a greater distance than that mentioned were travelling to Perth they would do the journey in one day, while those leaving Perth for those same centres would travel more than 50 miles in one day. They would travel perhaps 100 to 150 miles from Perth and then seek accommodation at the hotels.

So the need for accommodation in the hotels which are nearer Perth does not exist in these days as in the days when we had to rely on train or horse transport. Only in exceptional circumstances, such as during a show or race meeting at centres like York or Toodyay would the accommodation in those places over and above the two or three beds normally required, be necessary.

It was said by Mrs. Hutchison that she would not give support to any measure which would enable a licensee to sell beer only, because he should have to provide accommodation as well. I say that she is not consistent. I would point out that although she did not support by act or words the other evening a Bill to enable a licence to be granted to premises without accommodation, she did not vote against it; actually she gave it support by not raising an objection. She needs to be consistent on these matters. All members should view this Bill as the position exists at present. I make a plea to those who have not spoken to try to see some virtue in the Bill and to pass the second reading; then an opportunity will

be given to consider the clauses, and those which are considered to be impracticable should not be passed.

There is one clause which we should consider seriously, as members who live in the country or have country districts in their electorates know full well. That relates to the native and half-caste population, which is becoming a big problem. As was said this evening, the Police Force has the right to do certain things, but members of that force are diffident about doing them, because groups of natives and half-castes are ganging up on them.

It is not unusual to hear of natives attacking the local police. On more than one occasion to my knowledge within the last six months that has been the case. We should give some measure of protection to members of the Police Force. That is at least a reasonable request and warrants a trial. I support the second reading.

HON. F. R. H. LAVERY (West) [7.36]: I commend the intention of the sponsor of the Bill, but I certainly do not agree with all that it contains. Dealing with essentials firstly: In regard to the point he made that in York 60 beds are available but on the average only 10 are used throughout the year, I would agree that is a correct statement. That would probably be the position in other centres close to this city. But what would be the position in centres like Wagin or Katanning, which are from 150 to 160 miles away?

Travellers leaving Perth at 4 p.m. or 5 p.m. would stay overnight at those places and the hotelkeepers would have no difficulty in filling their bedrooms. In the case of York, 60 miles away, only the traveller desiring to go there particularly would need a bed; whereas people travelling to Wagin, Katanning or centres further afield would seek accommodation at the more distant hotels.

I support the remarks of Mr. Jones in regard to the smaller centres very close to Perth. There is a very small hotel at Ravenswood, near Mandurah. It is very difficult to get accommodation in that hotel because it sets out to give service and to attract visitors.

Hon. A. R. Jones: That is classed more as a holiday resort.

Hon. F. R. H. LAVERY: That could be so.

Hon. N. E. Baxter: This Bill does not propose to close any such hotels.

Hon. F. R. H. LAVERY: I did not suggest that. The intention in the Bill is that it should be left to the discretion of the Licensing Court to decide whether any hotel shall close down the existing bedrooms. In hotels in the country where there is a surplus of accommodation, such as in Ravensthorpe, I should imagine there would be no great demand for bedrooms.

During a fortnight or a month in the year there might be a demand, but not at other times.

Hon. J. McI. Thomson: You are out of touch with Ravensthorpe.

Hon. J. M. A. Cunningham: That centre could do with another hotel.

Hon. F. R. H. LAVERY: On special occasions in the country there would be an influx of visitors and a demand for hotel accommodation. Would not this be the position in the hotels: Only one or two beds are made up even though there might be accommodation for up to 15, and the hotelkeeper would make up all the beds when he knew there would be a rush for accommodation?

As a lad, I worked in country hotels; and I know that the laundresses and the hotelkeepers had cupboards filled with linen, ready for any influx of visitors. If a hotel is in such a state of financial disrepair that it has to close its bedroom accommodation—especially in a State like Western Australia, which is growing—there must be something wrong.

While the intention of the mover may be all right I feel that the Licensing Court is the competent body to judge. If a licensee said to the court, "I have 10 bedrooms; but trade is very quiet at present, and I have only two beds made up. Here is the linen cupboard filled with linen ready for any influx," I should think the Licensing Court would view the position favourably and say "It is all right; there is nothing wrong in that." I therefore do not think that this Bill, which has been brought before the House for the second time, is needed.

With regard to the addition of a new section, I am of two minds. I appreciate that drink is made available to natives in the country, the same as it is made available to natives in the city—unlawfully. It is not the person who buys a few bottles of liquor, takes them away and hides them in the bush who should be caught up with, but the sly-grog dealer. The country stores which after dark open their doors to sell liquor to natives who have earned a decent cheque for shearing or root picking, need be caught up with.

Today such natives can accrue a fair amount of earnings and buy four or five bottles of liquor from the back door of some stores. I have seen this myself, and not in the distant past either. The intention of the mover to protect the natives from sly-grog dealers is to be commended, but I do not like the way in which that is being done. He has put the onus on two local justices of the peace, on the evidence of a police officer, to say that Bill Brown or someone else is known to be buying liquor at the hotels on behalf of natives, and therefore he should be put under the Dog Act for 12 months.

Hon. N. E. Baxter: That is not being put under the Dog Act.

Hon. F. R. H. LAVERY: If it is not, it is that close to it that it does not matter. Under the Dog Act a person may be prohibited from being served in a hotel because he has been found to be incapable of carrying his liquor. The person referred to in this instance is in a similar position, although he is carrying the liquor in bottles. Under the Bill, he will not be allowed to take any liquor away.

It was only a few short months ago that an amendment to the Licensing Act was passed in this House to make it possible for some people to purchase two bottles of beer on Sundays to be taken away. Although such a provision was considered necessary for the Goldfields, I do not think it is necessary to extend it to the native population. I go back to the point that I mentioned before, which is that we are always too ready to blame the natives.

It is claimed that the police officers in country districts have to be protected. We agree with that. But they have to be protected from the whites also. There are some good examples of the way in which whites are behaving around the city at the moment, where they have been involved in brawls. So why always put something in an Act to defeat the natives? Why not do something to uplift them and give them an opportunity of getting on in the world?

Hon. A. F. Griffith: Giving them alcohol does not do that.

Hon. F. R. H. LAVERY: That is not uplifting. I myself do not drink, but I would like a shilling for every pound I have spent on liquor in my life. I am definitely not in favour of closing beds in hotels. This is something that could easily be handled in the same way as any other business. If a greengrocer is not selling many lettuces or beans, he does not buy so many. The market works for itself. To refer to a point made by Mrs. Hutchison, a few years ago, the complaint was that there was no staff. But now people are looking for work.

Hon. L. A. Logan: They will not go to the bush.

Hon. F. R. H. LAVERY: Yes, they will.

Hon. L. A. Logan: They won't!

Hon. F. R. H. LAVERY: I think they will. I intend to support the second reading of the Bill, but I will certainly vote against the clause relating to beds in hotels, unless it is amended to make it practicable—and I do not think that can be done.

The time has come when we must try to induce people to go to country hotels. Some of them keep beautiful tables. It is a pleasure to go to hotels like that at Denmark and to occupy the bedrooms there or at places like Mukinbudin. There is nothing wrong with the hotels at those centres; it is the ones between that are

causing the trouble—the hotels the licensees of which desire only to sell drink. I do not intend to favour any legislation providing for drinking houses either in the city or in the country. We have one type of legislation to assist in that direction, and that is the legislation referring to wayside inns.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

MOTION—WAR SERVICE LAND SETTLEMENT.

To Inquire by Select Committee.

Debate resumed from the 18th September on the following motion by Hon. L. A. Logan:—

That a select committee be appointed to inquire into and report upon the war service land settlement scheme in Western Australia and to recommend such changes in procedure and methods as may seem desirable to ensure the early success of the scheme.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [7.47]: Consideration has been given to the motion. The arguments put forward in favour of it are by no means convincing. However, it is not the intention of the Government to oppose the motion, because the Minister feels that an inquiry would reveal that the scheme has made and is making good headway, and that the results so far will be found to be quite satisfactory from every point of view. There are always, of course, some settlers or potential settlers who could never be satisfied. Nobody could get 100 per cent., no matter at what he aimed; and it is thought that despite the good progress made by the scheme, no harm at all could come from an inquiry: in fact, it might do quite a lot of good.

Reference was made by Mr. Logan to a select committee which inquired into the scheme four years ago. He said that some of the complaints then raised had not been remedied and that the same disabilities were being suffered by settlers today. War service land settlers enjoy financial privileges which are not enjoyed by any other section of the community, and a statement that they are suffering disabilities does not necessarily mean they have disabilities more severe than those of other sections of the community. The matters which have been raised as disabilities can be rectified—if they exist—without a special inquiry.

The fact that certain conditions, particularly Government matters of finance, have not been altered since the first inquiry may indicate—and probably does—that these proposals were not acceptable to the authority providing the funds, or under the conditions of settlement as laid

down by the Commonwealth. If this is so, then a select committee can have little effect upon these aspects.

Exception is taken to the Minister for Lands refusing to hear the views of the deputation, but he did not refuse to do so for the reason that he did not wish to hear the views of the deputation. The Minister was prepared to meet the deputation and listen to its views in a sympathetic manner, but he was not prepared to be told that both Federal and State Governments had not honoured their undertakings to ex-servicemen, and particularly when one member of the deputation—which was by no means unanimous on this aspect—said that he would prove to the Minister that he had not honoured his undertaking. The Minister was prepared to listen to complaints and any suggestions for improvement in a sympathetic atmosphere, but was not prepared to argue on the bona fides of either the Federal or the State Government.

As the hon. member has based his case for an inquiry upon the items which were to have been discussed at the deputation, it would be as well to refer briefly to these items, some of which—as the hon. member has mentioned previously—were investigated at length by the previous select committee and have been either remedied or, as mentioned before, could not be put into effect because of overriding influences.

Mention is made that there are many settlers on substandard farms whose position—without some drastic alleviation—is hopeless. The inference is made that settlers being allotted farms at present should be allotted similar types of farms and at the same extraordinarily favourable valuations as those who were fortunate enough to have properties allotted to them in the earlier years after the war.

Incidentally, it was never envisaged or thought possible that these earlier lessees would so rapidly achieve prosperity, mainly through the high price of wheat and wool. However, we are all very glad they have. But it could not be reasonably expected that later lessees could obtain properties on such favourable terms. The term "substandard farms" is misleading, as farms which have not been finally valued or fully developed cannot be fairly compared with older-established farms. It is doubtful if any farm which has been finally valued and which has been fully developed can be found which would be "substandard."

During the build-up period between occupation and establishment—that is, to a stage where full commitments can be met—the lessee is not required to meet commitments beyond the earning capacity of his property when normally managed. Under this policy there should not be hardship on the lessee; and, in the event

of any special difficulty occurring, which through no fault of his own has upset his programme, provision is made for such case being specially considered on its merits.

It is agreed that in project areas—where farms are being developed from Crown lands—a lessee accepts such a farm prior to final valuation which cannot be made until the property is fully established; but he is protected by the economic provisions in the 1954 conditions stipulated by the Commonwealth in exactly the same way as for the earlier settlers under the economic clause of the 1945 agreement. The Minister is not prepared to agree that there has been any alteration in this safeguard to the settler.

The deputation's claim was that the cardinal principle of the scheme was that farms should be "written down" at the outset to a level at which the settler could make a reasonable living. It has never been possible in any agent State to put this into practical effect, as it meant delay in occupation of a farm until the farm had been fully developed to the standard agreed upon by the Commonwealth and the State, so that a final valuation could be made immediately upon occupation.

No one was more vehement than the returned soldiers themselves that this should be disregarded and that farms should be occupied before the completion of development, so that they might take advantage of the high prices ruling between 1948 and 1951. The same urge is being made as soon as a property has been developed to the stage where it appears that a living can be made even although full commitments are not possible at this stage. To enforce this provision would mean the cessation of development, and that no settlers would be placed on the land at all. The principle, however, of "writing down" the value of a property at final valuation to that which the property will meet—after taking into account the provisions of the economic clause—is still rigidly adhered to.

It is claimed that 90 per cent. of settlers applied for blocks under the 1947 conditions. Whatever percentage applied under the 1947 agreement the whole basis of the scheme is still the same today with the exception of the averaging clause. There is no variation of policy on farms on which there are further improvements to be effected, although it is agreed details of the work to be done are not now included in brochures.

In regard to the claim that valuations have had to be varied, there have only been a few cases and these have been due to minor errors which must occur in any big scheme and do occur in other than Government schemes. Farms are still allotted on opening values; the present-day opening values include a larger proportion of the cost than did the original which has no significance in view of the

application of the assessment policy. There was a short period at the commencement of allotment of project farms where opening values were not quoted until the end of the assistance period or one year after allotment.

In regard to the comment of the new lease being less favoured than the old one, the only difference of any consequence is the wording to permit of the averaging procedure, which has been insisted on by the Commonwealth Government and included in the conditions.

Irrespective of what the total cost of a property may be to the department, the lessee's rental is still protected by Clause 5 (5) and the 2½ per cent. of the total cost of the property less the purchase price of the structures can only be used as a rental where it comes within the economic limits. All properties on lease have an opening value and are interim valued from time to time as further developmental work is done; final valuation cannot be effected until the stage of establishment is reached.

Ex-servicemen on farms are either designates or lessees. The designates are in receipt of wages to effect improvements, and therefore have no equity in them. The lessee is fully protected for work which he does at his own expense whether the actual lease document has been issued or not, the lease notification being binding on both sides. The lessee has the right to appeal against any allegation of a breach of the covenant of the lease and the appeal board as constituted includes a representative of the Minister, a representative of the R.S.L. and a magistrate as chairman in accordance with the regulations tabled in the House.

Present policy does not allow a property to be transferred to the Rural & Industries Bank until it is fully established and able to pay full commitments. Properties which had been transferred to the bank prior to this policy, and which may not have been considered fully established, have since been examined and many have had the required work completed thereon. Under the reconstruction scheme which has been carried out in the dairy areas there is now no reason for a dairyman to claim that he is not being given an opportunity to farm successfully. In regard to tobacco farmers, all those, where there were any doubts in regard to their success, have now been transferred to sound farms in other branches of agriculture in which they had experience. Those remaining should be able to farm on a sound basis.

Priority has always been given to war service land settlement allottees in regard to purchasing surplus war service land settlement machinery. There would be no difficulty in regard to the request for the association to be informed. Rentals are necessarily higher for project farms than

many of the earlier purchased properties. There is no reason to give away the taxpayers' money beyond the point where the lessee is granted a rental for a sound farming property at a protected level, which ensures his being able to farm and obtain a reasonable standard of living. It should also be borne in mind that until the property can pay this amount satisfactorily his rental is based on the earning capacity of the property. Final valuations are effected as at the time of establishment and the factual carrying capacity of these properties is assessed by people having the required knowledge of agriculture.

The early policy of a concessional period did grant considerable assistance to the early lessee, but debts incurred during this period are still subject to review wherever they unduly prejudice the lessee's chance of success. In cases where there is a dispute under assessment the lessee has the right of appeal to higher authority, and these cases are inspected and judged on their merits. The position today is—

- (a) That all properties are brought to the agreed standard as between the State and Commonwealth authorities. Reconstruction and replanning have taken place to put this into effect.
- (b) Allottees are not granted lease conditions until the minimum carrying capacity of 500 sheep or 30 cows is reached. Commonwealth agreement is necessary in all cases and an independent check is made by a Commonwealth officer.
- (c) No lessee is transferred to the Rural & Industries Bank until he has successfully paid full commitments for at least one year.

The only work a man does on a holding which is not allowed for in his final valuation is the maintenance of the property; and when, as during the establishment period, this maintenance is excessive, he is compensated by virtue of the assessment policy.

Reference was made to the scheme being referred to as a confidence trick in some respects. The statement is a particularly unreliable one as it can be proved that men in the projects, in the main, are making steady progress and many have sizeable credits in their accounts. Moreover, a confidence trick can hardly be perpetrated by the State authorities while they are subject to constant checking by the Commonwealth.

Any lessee has the right to purchase his own stock and, as supposedly experienced farmers, they are responsible if they accept or purchase poor stock; but the department does supply a thoroughly experienced stockman to buy stock if the lessees request same. In regard to purchase at the wrong time, it is hard to believe the hon. member's

statement, as most good sheep men prefer to purchase off shears. Firstly, because better sheep are available, usually at the lowest price of the season; and, secondly, it is necessary to buy at this period to mate ewes, and to buy ewes already mated has always been risky. Furthermore, this is the first time I have heard this policy criticised by anybody knowing anything about sheep.

Hon. A. R. Jones: How can you judge the wool if they are off shears?

The MINISTER FOR RAILWAYS: I would say that anybody buying from a farm would know what type of wool was produced there. If the sheep came from a pastoral property the people purchasing would have no trouble at all in finding out what type of wool was grown there. I would suggest that in the case of sheep sold straight from any farm—that is, in the saleyards on behalf of a farmer—the purchaser would know what type of wool was grown.

Hon. F. D. Willmott: Sometimes it is because of the crook wool that it is in the saleyards.

The MINISTER FOR RAILWAYS: If the settler is doing his own buying it is his responsibility to assure himself as regards the type of wool he is likely to get. Surely that is reasonable! Unless, of course, one happened to be buying for meat, which is a different proposition altogether.

Hon. N. E. Baxter: To whom do they refer when they say "the hon. member's statement"?

The MINISTER FOR RAILWAYS: I think the reference was to Mr. Logan's statement; but I would not be sure, because only Mr. Logan and Mr. Baxter have spoken. I should imagine Mr. Baxter would know whether it referred to him.

Hon. N. E. Baxter: It was in regard to the observation concerning the purchase of sheep.

The MINISTER FOR RAILWAYS: However, there is a departmental stockman available to buy for the settlers if they so desire.

Hon. N. E. Baxter: That does not mean to say they get them any cheaper or dearer.

The MINISTER FOR RAILWAYS: The hon. member believes in sale by auction; and if a person has to buy by auction, he must pay the ruling market value. Surely the hon. member is not suggesting that people are paying too much, or that they are getting some crook stuff sold to them at auction sales! If they are, they may have an opportunity to correct that later on this year if some other legislation is placed before us.

The PRESIDENT: The Minister must not anticipate legislation.

THE MINISTER FOR RAILWAYS: I said that it may come along. The hon. member's proposal to purchase sheep in wool really amounts to a gamble in wool with the taxpayers' money. Those are the views of the Minister on that particular subject.

Lessees order their own superphosphate and the conditions of delivery are their responsibility. It is pointed out that all farmers have to take superphosphate some months before it is required and it is well known that not all farmers are satisfied with that set-up. But it is something that has to take place because of the transportation and because of the manufacturer's requirements to keep an even flow from the factory. Lessees, where capable, are encouraged to run their own properties and they are controlled by departmental officers only where there is any neglect to carry out the recognised agricultural practices necessary to ensure the uplift of the property during the establishment period. Furthermore, this procedure is necessary to protect securities which have been the subject of heavy advances.

The general tenor of the remarks of the mover of the motion tends to isolate a few individual cases and apply them to the whole scheme, whereas there are hundreds of experienced and capable lessees who are managing their own properties, and from whom no complaints are heard. The hon. member said that the Minister for Lands would not oppose the motion for the appointment of a select committee and construes this to mean that the Minister is not satisfied with the way in which his department is carrying out war service land settlement and would like to remedy any shortcomings.

Hon. L. A. Logan: I did not say that.

THE MINISTER FOR RAILWAYS: I can assure members that the Minister considers this is a most unjust assumption as he has found that the general administration of the scheme is carried out in a manner sympathetic to the settler and that, regarding the scheme as a whole—which is the only sensible way in which such a scheme can be assessed—he believes the difficulties have been met in a practical manner as they have arisen and that the State has been well served in the matter of war service land settlement.

It is clear from the remarks of the two members concerned that even at this stage, there is little understanding of the conditions under which war service land settlement must operate, and it was for this reason that he felt an inquiry might be of value. The Minister, during the last four years, has kept in close touch with settlers' organisations, the Returned Servicemen's League, and with the problems raised by his own staff, and there is no need for a select committee to inquire into the points which have been raised in this House.

During his speech Mr. Baxter made a statement that 1500 acres of virgin land cannot be brought to a carrying capacity

of 1500 sheep or, in other words, a sheep to the acre in 10 years, and that can hardly be taken seriously—

Hon. N. E. Baxter: Plus 100 head of cattle.

THE MINISTER FOR RAILWAYS:—as many cases can be quoted of land attaining more than a sheep to the acre in five years. Areas quoted at random are Esperance, South Stirlings, Many Peaks, Rocky Gully and many Great Southern farms, none of which is 10 years old yet. He further mentioned that the project farms were not economic propositions. The soundest rebuttal of this statement would be a study of the financial position of the lessees, as in all large schemes there will be a few individuals and a few properties that do not do as well as others. Against this I would quote South Stirlings farms, which are only a few years old but are already paying full commitments comfortably; and, furthermore, no lessee is required to meet full commitments until the property is in a position to meet this amount, and very definitely he is not required to do so at the time of occupation.

How a lack of the knowledge of procedure can be misleading is exemplified in the statement that "the Rural & Industries Bank refuses to advance on the security of these farms" as, in effect, the Rural & Industries Bank does not own the security and is only an agent advancing Commonwealth funds under the control of the Minister. Many farmers outside the scheme envy the assistance given to war service land settlement lessees, and no scheme will ever give every applicant all he desires.

The number of good farmers who are succeeding under this scheme, and the men who are not in the scheme but who want to be admitted, hardly supports the statement of failure as portrayed. The remarks of the member for the Central Province would create an impression, among those who did not know, that all war service land settlers have suffered extreme disabilities and failure. Hundreds of ex-servicemen are successfully operating developed properties or assisting in the development of properties under the scheme, and the fact that requests are still being received from men outside the scheme for their inclusion hardly supports his remarks.

In closing, I would like to remind members that a tremendous amount of verbal statements are made as to the principles underlying the war service land settlement scheme and what had been promised the ex-serviceman. However, the written word in the agreement is that ex-servicemen would be placed upon properties under leasehold conditions, and at a lease for the land, and at a price for structural improvements spread over 30 years, which would enable them to make a reasonable living. This is the basic scheme but it has been clouded in latter years by the further

offer of being able to purchase the freehold of the land if it is considered more advantageous than to continue paying the annual lease.

The duty of the Government is primarily to settle ex-servicemen on properties under leasehold conditions. The question of the conversion of these leases into freehold is an option that rests with the farmer; but provided the rental, together with instalments for structures, can be met as required in the economic clause, there would not be a case for "write-off". Where, however, the rent and instalments cannot be paid, the conditions provide for a "write-off", which would be borne by the Commonwealth and the State in the proportion of three-fifths and two-fifths.

Members can be assured that no property which has been finally valued—and there are some hundreds which have been dealt with—has had such a high valuation placed upon it that there is any doubt regarding the ability of an average settler under normal farming conditions meeting his commitments and eventually owning the structural improvements; in fact, with all wheat and sheep farms that have received final valuations, it would be difficult to find any that have not an equity of at least £3,000 in relation to market values.

The hon. member asked me to check some figures that were given in this House two years ago in respect of the number of locations leased under the 1947 regulations. At that time under the 1947 regulations there were 687 leases, or settlers to be allotted leases; 444 of that number still had not received any lease documents. I was asked to find out what happened to that 444.

At the present time the respective figures indicate that as at the 31st August, 1956, the number of leases occupied was 609 and the number under the 1954 regulations was 70, making a total of 679 leases in occupation now. Leases issued as at the 25th September numbered 436 under the 1947 regulations and six under the 1954 regulations. The balance outstanding are held up for various reasons. There are 78 leases awaiting signature or in the course of preparation; there are 54 leases that are subject to the action that is now proceeding relative to the mineral rights of the Midland Railway Company.

Members will recall that that case was decided only last year, and it held up all land transactions in that area. There are 42 leases pending the survey of roads to enable their area to be farmed. There are 63 leases awaiting various types of action but no mention is made as to what the type of action is. It is interesting to note that in addition to the number I have quoted, 59 lease documents have been issued and since cancelled, owing to lessees vacating or being transferred to other farms.

I have not got any other information in regard to the 1947 leases to which the hon. member referred, but I think that these figures show quite clearly that the leases are being issued as rapidly as possible. They cannot be issued until the farm gets to the stage where it will keep the settler. Some are held up, however, for the various reasons I have mentioned.

As I said earlier, the Minister is not opposed to the appointment of a select committee. Both he and the officers of his department feel that the inquiries of the select committee will probably show that the war service land settlement scheme generally has proved to be quite satisfactory. But as I said before, it is not possible for everybody to get 100 per cent. of what he requires. There will always be those few who cannot be satisfied, or would not be satisfied in any circumstances, not through any fault of the settler, but merely because the land or the locality or other circumstances that may exist would not make a satisfactory proposition in any case.

HON. L. A. LOGAN (Midland—in reply) [8.23]: I do not wish to delay the House very long, but I would like to make one or two observations in reply. During his speech, the Minister for Railways said that I had suggested that the reason the Minister for Agriculture did not intend to oppose the select committee was that he was dissatisfied with the progress of the scheme. Had the people who provide his notes for the Minister read my speech correctly, they would have found that I made no such imputation. I said that the Minister was not opposed to the appointment of a select committee; and I added that it was the correct attitude to adopt, because if there were any shortcomings in the scheme, the Minister would like to know what they were. I said he would probably find there were no shortcomings. I do not like being accused of something I did not say.

When introducing this motion the other evening I said I would leave it to the members of the House to decide whether the Minister had done the right thing or not. I did not accuse him of anything. I pointed out that he had refused to receive the deputation because of the first paragraph on the written agenda. I did say that if the deputation had withdrawn that paragraph it would have weakened their case, and I still maintain that would have been so. I am afraid the Minister did not read my remarks correctly.

I know that in a gigantic scheme like this there must be some shortcomings; there must be a few growlers; and, of course, there must be a few who make a success of it. All we want to do is to ensure that the same mistakes are not made over and over again. Apparently some of the past mistakes are being repeated; otherwise these complaints that I receive

would not be made. Only today I received a letter from Mt. Many Peaks which contained almost all that I said when introducing my motion. Those settlers know that the motion has been moved in the House, and they have indicated the disabilities they are suffering. I do not propose to read the letter, but members can rest assured that the disabilities mentioned in it will be brought before the select committee.

In his speech, the Minister has outlined the scheme as it was originally intended to be. Unfortunately, however, it has not been carried out in that manner; because if it had been, this motion would not now be before the House. The wrong construction was also placed on my remarks relative to a confidence trick. I said it was a remark made by a certain settler, but I did not like the phraseology of it; nor do I. I think the Minister should have another look at what I said.

He also said that those anomalies which were present during the inquiry made by the select committee in 1952 could not be altered because the controlling authority—the Commonwealth Government—had not agreed to alter them. What I would like to know, and what the settlers would like to know is what advances were made to the controlling authority to have those conditions altered. I think we are entitled to know. If this State puts up a case for alteration in the conditions, then it is only right that those conditions should be put very forcibly to the controlling authority.

Mention was made of buying sheep off shears. That was a complaint made at the meeting and I pass it on for what it is worth. I know, and most farmers know, that, before shearing, the farmer goes through his flock and culls his ewes while they are in the wool. They are no good and he puts them on the market. Accordingly when one buys ewes off shears one buys those that have been thrown out of the flock as unsuitable.

I can mention many occasions on which farmers have bought sheep with six months wool just as cheaply off shears and so saved six months grazing. That may not be a general complaint. It was one made in passing and it could relate to a few others; I do not know. A select committee could, however, find that out.

It was a very weak answer which the Minister gave in regard to superphosphate, because very few farmers were forced to take super before Christmas of last year. To say it is the farmer's own responsibility is, I think, misrepresentation of the case. No farmer with a one-ton truck is going to order 30 tons of super to arrive on his farm in one hit. So it was somebody else's direction which caused that to be done.

I would like to make mention of a paragraph relating to one property, which reads—

Two hundred and ninety-five acres of old pasture which is part cleared to a very poor standard; approximately 505 acres of new part-clearing most of which has been strip cleared and will need considerable further work done to bring to a standard suitable for the establishment of pasture.

Further on it says—

When planned works are completed and pasture established on the 800 acres it will carry 1,500 sheep and 100 head of cattle.

The other night when Mr. Baxter mentioned 1,500, I think he had in mind 800 acres, and that is where he made his mistake.

I desire to read also the following statement:—

One of the main causes for the high estimated cost of development is the sums of money that have already been expended to bring the properties to their present stage.

There are several causes for this excessive expenditure for a small intrinsic return, the main ones being:

- (a) Inefficient bulldozer operations, both from the point of view of the time taken to clear the country, and the method by which it was cleared. The result was most unsatisfactory, and now required further expenditure almost equal to that already spent to produce the desired standard. Some of the work can be described as an experiment which proved unsuccessful, but in the main inefficiency is the greatest cause.

Who is paying for the inefficiency? Is it the general taxpayer or the settler? The letter goes on to say—

- (b) To a lesser degree, but contributing to (a) was the bad supervision given by the foremen entrusted to oversee the work. Two such men were appointed, the second after the first had been sacked, but he himself was no improvement, and much of the damage was done before the appropriate authority could dispose of his services.

I do not want to divulge from where those remarks have come, but think that probably the Minister knows. They are the facts, and surely that in itself is sufficient to show there is some cause for discussion along with the other things I have mentioned. The Minister has stated he

does not intend to oppose this select committee, which I honestly hope and trust will bring in a finding that the scheme is working 95 per cent. I think everybody in Australia would be happy about it; because, with 95 per cent. the scheme is working very well.

If the evidence discloses that that is what is going on, I can assure the Minister that is what will be in the report; and I told the settlers at Wagin they had to prove their case, otherwise the verdict would go against them. So far as I am concerned, I have had six months with a petrol inquiry, and I have no ambition to go on with another unless it will be worth while. I can assure the Minister the finding will be based on the evidence given and on no other. As the Minister is not opposing this motion, I do not intend to delay the House any longer.

Question put and passed.

Select Committee Appointed.

On motion by Hon. L. A. Logan, select committee appointed consisting of Hon. F. D. Willmott, Hon. G. E. Jeffery and the mover, with power to call for persons, papers and documents, to adjourn from place to place, and to sit on days over which the House stands adjourned, the proceedings of the committee to be open to the public and the Press; to report on Wednesday, the 21st November.

MOTION—JURY ACT.

To Inquire by Select Committee.

Debate resumed from the 19th September on the following motion by Hon. A. F. Griffith:—

That a select committee be appointed to consider and examine the Jury Act, 1898-1953, and to recommend such amendments as may be considered necessary or desirable in the light of present-day conditions and requirements, particularly with respect to—

- (a) qualification, disqualification and exemption of jurors;
- (b) the question as to whether, and if so, on what conditions, women should serve on juries.

HON. R. F. HUTCHISON (Suburban) [8.37]: I am going to oppose the appointment of this select committee. I am wondering why the hon. member has moved for one in this case. I have read his speech. He says he wants the committee to inquire particularly in respect to (a), qualification, disqualification and exemption of jurors; and (b), the question as to whether, and if so, on what conditions, women should serve on juries. I suspect a deeper motive than the appointment of

a select committee to find out the qualification, disqualification and exemption of jurors etc. Quite frankly I think this is a move to prevent discussion on the Jury Bill which will be coming here. There seems to be a spate of motions for select committees being moved in this House at the moment. They are a waste of time—and a waste of money, if it comes to that.

The Jury Act has been on the statute book for a number of years, and several Bills have been brought forward in an endeavour to give women the right to serve on juries. We do not want a select committee to inquire into that. I have been reading the Jury Act; and I do not know how a select committee would serve any purpose unless we are going to alter a basic system that has been set up and has served all this time. Whether that system is good, or bad, or just is for the individual to decide. But the hon. member has not given any indication as to what he would do to alter this Act; and I contend a select committee would not do it either.

The social question in regard to the right of women to serve on juries has grown in strength; and there is a lively agitation at the moment for a Bill of this kind to be passed. I think it is about time we progressed a little in this House. We have wasted a lot of time over the years, but something has got to be done sooner or later; and why we cannot think a little sooner here, I do not know.

It is recognised that the social atmosphere is changing, and that women are taking their place in public life. To allow them to be eligible for jury service is one of the justices that should be done to enable them to give full service in the way they are capable of giving it in our society at the present time. I have discussed this question very widely since last session, and I find that there has been built up among the women's organisations a very great resistance to the actions of this House which cause this matter to be discussed here so often. Frustration is also felt by these women's organisations in not being allowed to usefully serve society as they should do.

Hon. J. McI. Thomson: You should welcome it.

Hon. R. F. HUTCHISON: I do not know what purpose is to be served by this select committee. I think it is another attempt to stop the Bill which is to come before this House. I think the hon. member should have the courage to stand up and discuss a Bill of this kind on its merits and not devise ways to frustrate it. I think that it is competent for members when preparing to defend or oppose a Bill to do some research. I know I always do so, before speaking to the debate on a Bill before the House.

Hon. J. McI. Thomson: You would not think so, sometimes.

Hon. R. F. HUTCHISON: I should say that would apply to the speeches of the hon. member. I have read carefully the sections which enable subjects of Her Majesty to serve on juries; and although they may be archaic—so is the jury system itself—what are we going to put in their place?

It is quite competent on the part of the hon. member who put forward this suggestion for a select committee to do a little research and bring something to this House. He never brings anything forward unless it is destructive. It is easy to destroy, but not so easy to be constructive. We should be ready to do something in this place which is constructive, as that is our duty. We should do the research and give very valid reasons why a select committee of this nature should be brought forward or established.

The question as to whether—and if so, on what conditions—women should serve on juries is neither valid nor a reasonable excuse to ask for a select committee. The hon. member also talked of a man between the ages of 21 and 60 years residing in the said colony who has within the colony either in his own name or in trust for him real estate to the value of £50 free of encumbrances, etc., being liable to serve as a common juror. That has gone on, and that is how people are chosen to act as jurors. If members are not satisfied with that, why cannot we bring down an amendment to the Act and do something positive and progressive? What we want is that women shall serve on juries on the same basis as men do.

I cannot reason out how 100,000 women are to be put on the jury list when only 6,000 males are on it. Why would the authorities put 100,000 women on the list when today they evidently compile a list of 6,000 names? I would say that there would be both men and women on the jury list, and that it would still be kept at 6,000 names if that is what is needed. There must be some reason why that is done. The motion is a smoke-screen to have the subject delayed, because it is getting so important, and there is such pressure that members do not want to face up to debating the Bill that is coming forward.

Hon. A. F. Griffith: What pressure?

Hon. A. R. Jones: We never hear it mentioned.

Hon. R. F. HUTCHISON: The hon. member also went on to say—I am using his speech because it is the only way I can show that there is nothing in asking for this select committee. It seems to me to be a waste of time and of public money when we are going to debate the issue. This is simply a way of getting out of that debate. The hon. member spoke about

something that Dr. Evatt said when he was a High Court judge. I have looked through these remarks and I find that they have nothing whatever to do with the Bill that is coming forward—

The PRESIDENT: Is the hon. member anticipating legislation or is she debating the question before the House?

Hon. R. F. HUTCHISON: I am speaking on the motion before the House. I am disputing that a select committee is necessary. I say again that this is a wide social question. In another place a member of the Opposition brought down a Bill to allow women on juries. If a member of the Liberal and Country League thought it was necessary to bring down a Bill to allow women to go on juries, I do not know what the objection is here. This has become more and more of a public question, and it should be treated on its merits. I see things done here to camouflage and get around the question instead of our debating it as men and women, and—as legislators should do—with dignity and reason. That is how we should legislate, and not go on the lines—

The PRESIDENT: The hon. member should not cast a reflection on the vote of this House.

Hon. A. R. Jones: She cannot speak without doing that.

Hon. R. F. HUTCHISON: I do not mean to.

Hon. A. F. Griffith: She does not mean to, but she does.

Hon. R. F. HUTCHISON: The hon. member who has just interjected is always destructive when he speaks, and he has nothing constructive to offer in place of what he criticises. That is why I oppose the appointment of a select committee. I am suspicious about it, and I do not think I will be proved very wrong. Without trying to cast reflections in any way, Sir Charles Latham was benign and smiling when he said he knew I was anxious over this question. He knows that quite well. When he was ready to back up the select committee, I might have been more suspicious, and I do not mind everyone here knowing it.

Hon. Sir Charles Latham: I have not attempted to speak on it.

Hon. R. F. HUTCHISON: Why should we be wasteful with our time?

Hon. Sir Charles Latham: You are wasting a good deal now.

Hon. R. F. HUTCHISON: No, I am not. I am saying that the request for a select committee is nothing more than a subtle attempt to defeat the Bill which I know is coming forward, and in which I and many other people are interested. I want to see the reactions to it. I have a solid backing from the women of this State to

get for them this privilege of serving society as they should and as they are capable of doing.

Today men and women stand shoulder to shoulder in public confidence; and if it is good enough for them to take their place in other avenues of service, it is good enough for them to take it in the halls of justice. There is no place more favourable for the use of women's services than the halls of justice in the State. As I said when I was speaking to the Jury Bill last year, no one ever sees anything wrong in an all-male jury trying cases of men and women; but some people always see wrong if it is proposed to put women on a jury. The High Court of England has commended the work of women on juries.

I hope the House will not agree to the select committee but will allow the legislation to come forward, when we will have an opportunity to debate it on its merits; and we will see, this time, whether we can bring out the reasons why it should go through, because it is an important matter to me. I oppose the motion.

HON. G. C. MacKINNON (South-West) [8.53]: I support the motion for the somewhat unusual reason that I consider it a most constructive move. When dealing with matters like juries, it is not just a case of doing some research into an Act, but it seems it is also necessary to do some research into the basic principles and history of jury service.

In this matter we have to ask ourselves what purpose a jury serves. There is in the House a member who is a lawyer and who would be more capable than I, probably, of elaborating on this theme. But suffice to say that juries in the main were originally designed to bring forward the point of view of the reasonable man; and, through him, apply to the law the public opinion and the common viewpoint.

The previous speaker confused us somewhat, because it was hard to know whether she was discussing the motion or an Act to place women on juries. When she spoke of 100,000 women and 6,500 men, it would appear that the main aspect of the question which escaped her notice was that relating to the disqualifications which at present have a major bearing on jury service.

The figure of 6,500 men on the jury list, mentioned by Mr. Griffith, comprised those men who have been placed on the list out of a limited percentage who have the right to be on it.

Hon. A. F. Griffith: There is a much smaller number listed than the number entitled to serve.

Hon. G. C. MacKINNON: One of the major disqualifications applies to people who hold a position of profit under the Crown. Originally these people were few in number; and it was reasonable that they should be excluded because, in many instances, in the early days of the colony,

the Crown was a major participant in court actions. There were no large groups of Government employees in that category then.

Doctors were disqualified from jury service for the obvious reason that, with a shortage of doctors, they might be required on a matter of life and death, and therefore would have to leave the jury. Pharmaceutical chemists were excluded for the reason that an urgent prescription might be required. Policemen, members of Parliament, and all the services were excluded for more or less obvious and good reasons.

Hon. G. Bennetts: Railwaymen too?

Hon. G. C. MacKINNON: They are employed by the Government, are they not? Since the Jury Act was originally passed until today we have seen a great increase in Government employees who are classed as holding a position of profit under the Crown. We now find a somewhat ludicrous position in Bunbury—to quote a town. The basic historic importance of the jury is that it shall present the view of the reasonable man and give a good cross-section of the public's view on the application of the law in specific cases. In Bunbury we have juries limited to lumpers and shop assistants—waterside workers and shop assistants, with a small smattering of business managers, who are few in number.

Why is this so? It is because the bulk of the people who would otherwise be eligible for jury service are railway employees and S.E.C. workers. Those two organisations are the largest employers in the municipality. Therefore our jury lists are markedly reduced to waterside workers and shop assistants.

Hon. G. Bennetts: Then they would appreciate a few women on the jury.

Hon. G. C. MacKINNON: Let me develop this for a moment. I do not wish anyone to imagine that I imply that they are unsuitable for jury service, because one famous advocate defined a reasonable man for jury service as a fellow who mows his lawn in the week-end, in his shirt sleeves. In other words, he is the ordinary chappy who is not expert in any particular subject.

Hon. L. A. Logan: Who applies a little logic.

Hon. G. C. MacKINNON: Yes; and that is balanced out when we have a number of them.

Hon. A. F. Griffith: People with logic would be those employed by the S.E.C. and Railway Department.

Hon. G. C. MacKINNON: I am not arguing that they have not any logic. They may be the most logical people in the world. Hiding in their ranks might be some of the greatest philosophers on earth; but by the effluxion of time and

the growth of the Government as an employer, we have lost too many people from jury service because of the specific disqualification concerning a position of profit under the Crown. No one coming within that disqualification can serve as a juror. I am not saying women are hardly done by. I do not suggest that; but surely I can quote a town to make the position a little clearer. I have plenty of historic basis for this. Parables have been used for a long time as a method of teaching, and I quote Bunbury as an example. The same percentage would probably apply—perhaps a greater percentage—in Perth where valuable and intelligent people are lost to jury service.

The Chief Secretary: The select committee will overcome that difficulty.

Hon. G. C. MacKINNON: The select committee could, quite reasonably I suppose, frame the necessary amendments to the Act with a view to widening it. It seems unreasonable that an Act should remain in force which specifically denies those people who hold a position of profit under the Crown the right to serve on a jury, when originally, when the Act was first drawn, people occupying a position of profit under the Crown came into the category of Ministers of the Crown and high officials. At that time we did not have large numbers of S.E.C. linesmen or P.M.G. employees. There was not that vast army of Government employees at that time, and therefore the percentage of people occupying positions of profit under the Crown was extremely small.

I have dealt with this disqualification and the exemption of jurors and how, through the growth of Government employees, we have gradually got a smaller and smaller percentage of people who are eligible for service on a jury.

Hon. R. F. Hutchison: The hon. member is against women serving on juries.

Hon. G. C. MacKINNON: I would not know about that, because I have not been here long enough. Obviously, it has been called to the attention of everybody by this proposed legislation—I feel I am forced to mention this, Mr. President, but at the same time you will probably rule that I am out of order—

The Chief Secretary: No, the hon. member is speaking on paragraph (b).

Hon. G. C. MacKINNON: Very well. I will refer to paragraph (b). This deals with the question of whether women should serve on juries. This subject has been spoken of widely on numerous occasions. I hear much more about it in this House than I do in women's organisations, or in my electorate. I have not been tackled on the subject on any occasion. If we are going to have this greatly reduced field from which we can draw male jurors, it is going to be extremely difficult to get a balance of women serving on juries.

From what has been said on the subject tonight, it would appear that anyone who follows the same line of politics as that with which I am associated is definitely against women on juries. The hon. lady member is jumping to conclusions, because she would not have any idea of what my views are on the subject.

The Chief Secretary: She would have a pretty good idea.

Hon. G. C. MacKINNON: The Chief Secretary has not the foggiest idea of what my ideas are.

The Chief Secretary: I have a few.

Hon. A. F. Griffith: The Chief Secretary thinks that because members of the Labour Party are committed to an idea members of other parties are in the same position.

The Chief Secretary: It has been so up to date.

The PRESIDENT: Order, please!

Hon. G. C. MacKINNON: The Chief Secretary is jumping to conclusions and so is Mrs. Hutchison; but that is beside the point. In referring to the basic historic requirements of juries, I point out that there must be a balance to present the reasoned view of the public. Quoting the Municipality of Bunbury again as an example, there we have a district where there are many people employed in shops, and the jury list is reduced to the names of waterside workers and shop assistants. Therefore, it is only logical that, to maintain a reasonable balance, we must restrict women jurors to the wives and girl friends of waterside workers, and to the wives and girl friends of shop assistants; otherwise we would lose our reasonable balance.

Hon. R. F. Hutchison: Why?

The PRESIDENT: Order, please!

Hon. G. C. MacKINNON: Let me see if I can reduce this to simple terms. The whole basis of the jury is to have a reasonable balance of views from various members of the community. Ideally, we do not want experts.

Hon. N. E. Baxter: Do you think you would do better if you had a blackboard?

Hon. G. C. MacKINNON: No; I am merely calling on memory. The system of jury service was decided upon by a group of men who were not called experts in the first place. The whole idea of a jury is that we must have a reasonably balanced body of people.

Hon. R. F. Hutchison: Women have reasonable balance.

Hon. G. C. MacKINNON: I entirely agree with the hon. member. If we have a community with a male population of, say, 5,000, and through the disqualification provisions in the Act we eliminate 4,000,

we thus leave 1,000 of those people available for jury service. Then because of the peculiarities of those disqualification provisions, there are only two major categories of employees, which means that if we are to have a fair and reasonable balance between men and women we should, in all fairness, eliminate 4,000 of the women in that town and thus leave only 1,000 available for jury service.

The Chief Secretary: Why?

Hon. G. C. MacKINNON: To be fair. Very well, I will reverse the position. Let us say we have a town which is comprised of 5,000 men and 5,000 women. By virtue of the disqualification provisions in the Act, we limit the men available for service to 1,000. We do not apply any disqualifications or limits on the women, and so we admit the whole 5,000 to be available for jury service.

Hon. R. F. Hutchison: Why? You only want 1,000 on the list. Why not have 5,000 men and 5,000 women available for service?

The PRESIDENT: Order, please!

Hon. J. G. Hislop: This is a wonderful example of why women should not be on a jury.

The PRESIDENT: Order, please! The hon. member may proceed.

Hon. G. C. MacKINNON: Taking cognisance of the interjection and in an endeavour to help the hon. member understand the position—

The Chief Secretary: We cannot see the Bunbury outlook.

Hon. G. C. MacKINNON: I am not talking about Bunbury. Let us call the town Dermalarky. I do not care what we call it. The whole purpose of the jury system is to maintain a reasonable balance among representatives of the community who are serving on a jury. The lists of jurors have become lopsided. We are denied the views and opinions of many persons by virtue of the fact that they happen to be employed by the Government and not by, say, Bill Jones. Therefore, that facet of the jury system needs review.

So far as paragraph (b) is concerned, the main problem would appear to be that, at present, we have a list of 6,500 males. It may be possible to increase that number to 12,000, 20,000 or 50,000; but even if the men were available, it would not be possible, because of the many disqualifications, to increase that number. However, even if there were 50,000 men entitled to be put on a juror's list at the present time in the metropolitan area, there must be a reasonable balance between the list of a jury; and therefore they should be limited, by similar disqualification. Otherwise we would have two women to one man serving on a jury.

The question of whether women are more intelligent than men is beside the point. Let us say that women are twice as intelligent as men. The fact that we have two women to every male serving on a jury would make it unbalanced. It would not be a reasonable cross-section of the community because there would be two women serving to every male. That is the position as the Act stands at present. That is why the Act definitely needs a complete and thorough overhaul. I support the motion.

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

House adjourned at 9.12 p.m.

Legislative Assembly

Tuesday, 25th September, 1956.

CONTENTS.

	Page
Questions : Railways, (a) speed restrictions and re-sleeping	1023
(b) freight on perishables, Perth-Adelaide	1023
Chamberlain Industries, (a) tabling of report of committee	1023
(b) discipleship of Premier	1023
Crabs, number caught in Swan Estuary, 1954 and 1955	1023
Housing, contracts let on deferred payment basis	1024
Eggs, export to United Kingdom and Asian countries	1024
Bills : Pig Industry Compensation Act Amendment, 1r.	1024
Entertainments Tax Act Amendment, 3r.	1024
Health Act Amendment, 2r.	1024
Profiteering and Unfair Trading Prevention, 2r.	1025
Commonwealth and State Housing Agreement, returned	1068
Licensing Act Amendment (No. 1), returned	1068
Agriculture Protection Board Act Amendment, returned	1068
Bills of Sale Act Amendment, returned	1068
Wheat Marketing Act Continuance, returned	1068
Criminal Code Amendment (No. 1.), returned	1068
Gas Undertakings Act Amendment, returned	1068

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