reading speech. I asked him what method would be employed to fix prices; but he was in the frame of mind at that stage that he did not want to answer. He said he felt sure I would have an opportunity of expressing my opinions on this matter when I spoke on the Bill. I now have that opportunity; and I want to say that one cannot help but admire the Chief Secretary's method of not answering a question when he does not want to. I feel sure, however, that this question must exercise the minds of all members, particularly those who do not favour the reintroduction of price control. The question is: What is the method by which the prices commissioner will fix prices?

Is there to be employed any method different from that used during the period when price control operated in this State? If there is not—the Bill certainly does not suggest a different method—the method to be employed must be plainly and simply a cost-plus basis. Where on earth does such a basis of price fixing get anyone? The price-fixing commissioner would, in the first instance, simply provide a formula upon which manufacturers could operate; and from time to time, according to the cost of manufacture, the prices of commodities would be altered to provide the maximum prices. To my mind that is obviously a most unsatisfactory state of affairs. In conclusion, I do not think the present is the time to be reverting to what we have had to put up with for a number of years in the past. We, who oppose this Bill, believe in free enterprise and a free community—

The Chief Secretary: I hope you will express that view on the next measure.

Hon. A. F. GRIFFITH: We believe that the law of supply and demand must prevail. We believe whole-heartedly that it is not the duty of Parliament to interfere with the courts of law or the Arbitration Court. I will vote against the second reading.

On motion by Hon. G. Bennetts, debate adjourned.

House adjourned at 4.2 p.m.

Legislative Assembly

Thursday, 16th September, 1954.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

TECHNICAL EDUCATION.

(a) As to Status of Lecturer-in-Charge "Trades."

Mr. JOHNSON asked the Minister for Education:

Is it possible for the lecturer-in-charge "trades" to become principal of a technical education establishment? If not, why not?

The MINISTER replied:

The position of principal of a technical education establishment is advertised and appointments made in accordance with regulations. Any teacher with the necessary qualifications may apply.

(b) As to Definition of "Related Subjects or Trades."

Mr. JOHNSON asked the Minister for Education:

What is meant by "related subjects or trades" in regulation 205b?

The MINISTER replied:

In some courses it may be advantageous to group together those trades or subjects having related subject matter or skill or

in their application, e.g., furniture trades —including wood machining, chairmaking, french polishing, and woodcarving; or dressmaking (including designing), and millinery (including french flowermaking).

(c) As to Salaries of Instructors.

Mr. JOHNSON asked the Minister for Education:

Why are the salaries and allowances of the instructor-in-charge, West Perth annexe, higher than those of other instructors-in-charge?

The MINISTER replied:

The duties and responsibilities of the instructor-in-charge, West Perth annexe, are greater in that he, "in addition to the normal duties of instructor in charge, shall take charge of stores, transport and maintenance." In addition, this instructor has only four weeks' annual leave instead of that taken by other instructors-in-charge (regulation 205 (c)).

(d) As to Apprentices Attending Technical Establishments.

Mr. JOHNSON asked the Minister for Education:

What are the numbers of apprentices in each trade attending each of the various technical establishments?

The MINISTER replied:

Perth Technical College:

Baking	34
Pastry cooking	17
Boilermaking	105
Coach building	40
Coppersmithing	9
Furniture (166); wood machining (66)	232
Electrical	429
Engineering	285
Motor mechanics	427
Moulding	35
Panel beating	85
Patternmaking	18
Plumbing	171
Radio	19
Sheet metal	71
Vehicle trimming	17
Welding	49
French polishing	37
Spray painting	30
Aircraft	30
Ladies' hairdressing	161
Men's hairdressing	22
Printing—	
Composing	87
Machining	59
Linotype	4
Stereotyping	6
Tailoring (first year only)	16
Total	2,495

Midland Junction Technical School:

Blacksmithing	8
Boilermaking	57
Car and wagon building	100
Carpentry and joinery	100
Coppersmithing	4
Electrical fitting	14
Mechanical fitting	198
Moulding	8
Painting	14
Plumbing	4
Sheet metal	3
Trimming	7
Turning and iron machining	64
Watch and clock repairs	1
Wood machining	4
Total	586

Fremantle Technical School:

Blacksmithing	18
Carpentry and joinery	219
Coppersmithing	1
Engineering	116
Leadburning	2
Plumbing	57
Sheet metal	16
Shipwrights	21
Total	450

Leederville Technical School:

Carpentry and joinery	579
Bricklaying	89
Painting and decorating	156
Plastering	54
Stonemasonry	3
Wood machining	51
Total	932

Eastern Goldfields Technical School:

Blacksmithing	3
Boilermaking	17
Carpentry and joinery	40
Car and wagon building	2
Electrical fitting	46
Mechanical engineering	76
Motor mechanics	26
Painting	12
Panel beating	1
Plumbing	14
Welding	2
Total	239

Collie:

Electrical	7
Millwrighting	3
Carpentry and joinery	12
Engineering	6
Motor mechanics	12
Total	40

These classes are at present being organised at the new school.

RAILWAYS.

As to Welshpool-Bassendean Chord Line and New Marshalling Yard.

Mr. HEARMAN asked the Premier:

(1) Has he seen a report in "The West Australian" of the 4th September of the annual meeting of shareholders of Hadfields (W.A.) 1934 Ltd., in which the chairman indicated that the Bassendean-Welshpool chord railway line project had been abandoned?

(2) Is this report correct in respect to the chord line?

(3) Can he say what the Government's intentions are in relation to the chord line?

(4) Can he say whether the new marshalling yard proposal at Bassendean has also been abandoned or give any other information about this project?

The PREMIER replied:

(1) Yes.

(2) No.

(3) and (4) Consideration of the chord line and marshalling yard proposals has been deferred until the report on town planning has been received from Prof. Stephenson.

CAR PARKING, CITY.

(a) As to Members' Privileges.

Mr. JAMIESON asked the Minister for Lands:

Is it the intention of the Lands and Surveys Department to grant car parking privilege for central city parking, to all private members, or only to private members owning cars No. SW.2 and IR.144?

The MINISTER replied:

I regret there is insufficient space in Irwin-st. reserve to permit this. The two permits concerned have been withdrawn.

Although this came to my notice only when the question was asked yesterday, and I had no knowledge of it at all, I feel that some effort should be made to provide car parking space for members of Parliament, whether they happen to be ex-Ministers or not, so that they may carry out their normal business activities in the centre of the city. At present, due to the necessity to find space for departmental cars, the department and myself agree that no more space should be provided as has been done in the cases mentioned. I hope that in due course further land will be made available so that members will be able to take advantage of what I consider to be their right—parking space for their cars to enable them to carry out their public business.

Mr. Oldfield: You will have to get the permission of the member for Canning before you do that.

(b) As to Names of Permit Holders.

Mr. CORNELL (without notice) asked the Minister for Lands:

Adverting to question No. 4, in the name of the member for Canning, will he make available to the House the names of those persons who hold permits to park vehicles in the area referred to?

The MINISTER replied:

I feel sure that the two members concerned, who are actually innocent in this matter, would not mind my mentioning their names.

Mr. Cornell: I want the names of those who hold permits to park in that area.

The MINISTER: I see. I will get them for the hon. member, but I cannot supply them to him without notice.

(c) As to Fairness of Question.

Mr. OLDFIELD (without notice) asked the Minister for Lands:

Apropos Question No. 4, does he agree that it could hardly be described as a fair question, but rather one emanating from a person who could be described as a "nark"?

Mr. SPEAKER: I do not think the Minister need answer that question.

BUNBURY ESTUARY.

As to Pollution, Sewerage Scheme, etc.

Mr. GUTHRIE asked the Minister for Works:

(1) In view of the bad pollution of the Bunbury estuary, does he intend to take any action to honour the promise of the previous Government that if pollution occurred when the block was placed in the estuary, it would be corrected?

(2) If a sewerage scheme is a solution to the problem, when will this work be done and at what cost to the local authority?

(3) Has the Government taken any action to ascertain the outflow of the drains that discharge into the estuary and the cost of installing a pumping unit to discharge the effluent over the breakwater?

The MINISTER replied:

(1) Yes.

(2) The effective solution of the problem is to incorporate discharge from existing drains—excluding stormwater— with a sewerage scheme. Owing to limitation of funds, no scheme or estimates have yet been prepared for Bunbury.

(3) Outflow of drains has been investigated. Discharge over the breakwater is not practicable except in relation to a comprehensive sewerage scheme.

WATER SUPPLIES.

As to Departmental Rates.

Hon. D. BRAND asked the Minister for Water Supplies:

What was the surplus, or deficit of the Metropolitan Water Supply, Sewerage and Drainage Department accounts for the year ended the 30th June, 1954, in respect to—

(a) water rates;
(b) sewerage rates;
(c) drainage rates?

The MINISTER replied:

(a) Surplus—£22,056 10s. 3d.
(b) Surplus—£22,870 4s. 3d.
(c) Surplus—£20,064 6s. 6d.

CHILD WELFARE.

As to Subsidised and State Homes.

Hon. D. BRAND asked the Minister for Child Welfare:

(1) To what extent does the Government subsidise homes accommodating delinquent children in this State?

(2) Does the Government contemplate providing further State homes for the above purpose?

The MINISTER replied:

(1) The Government subsidises the Seaforth Boys' Home for delinquents by paying a guaranteed amount of £50 per week for up to 20 inmates and an additional 53s. 1d. per week for all inmates in excess of 20.

To this is added 5s. per week per child for pocket-money and an allowance of £20 for clothing on admission is given.

For delinquent girls the Government pays 15s. per child per week to the Home of the Good Shepherd, of which 2s. 6d. per week is given to the girls on discharge as pocket-money.

(2) There is no State home for delinquent children, but active steps are being taken to find a suitable property on which to establish a training school for delinquent boys, and also a remand home.

ARBITRATION COURT.

(a) As to Statement by Mr. Johnson Regarding President.

Hon. Sir ROSS McLARTY (without notice) asked the Premier:

(1) Does he agree with the following statements by the member for Leederville in this House last evening when that member in commenting on the president of the Arbitration Court said, amongst other things—

(a) That the president of the court was ultra vires the Act under which he stands charged with his job and did not act in accordance with evidence which is, and was, available to the court.

(b) It did not make a just decision on this occasion because the evidence is clear and well known to all, and is readily available to anybody who cares, as a judge should care, or believes in justice and truth. That man has neglected his duty.

(c) If the judge knew his Act, he would not have asked for evidence. There is no doubt in this.

(d) He is acting like a spoilt child.

(2) If the answer is "Yes," what action does he propose?

(3) If the answer is "No," is any further action contemplated in respect of the hon. member's adverse comment on a member of the judiciary?

The PREMIER replied:

(1) I have no knowledge at present as to whether the president of the court is ultra vires the Act in connection with the course of action he adopted concerning the application made recently to the court covering the cost of living adjustments to the basic wage. In referring to the other points also raised in No. (1), I myself perhaps would not have used some of the language which was employed. My own view is, and I propose to expand on this when the House debates the basic wage motion next Wednesday, that Mr. Justice Jackson approached the problem on grounds which were not in my view the logical and proper grounds upon which to approach the question.

The Minister for Housing: Hear, hear!

The PREMIER: I offer no criticism of the president himself. He would make his approach on grounds which he thought to be completely proper and with regard to that I have no comment to make. I think members of Parliament are free, however, as are members of the general public, to criticise an approach if they think the approach is wrong; or to criticise the decisions of the Arbitration Court. I would offer no objection to criticism along those lines, provided it was legitimate and provided it was couched in terms which might be regarded as reasonable.

What I have already said provides, I think, an answer to Nos. (2) and (3).

Mr. Hutchinson: No.

The PREMIER: What else does the hon. member want?

Mr. SPEAKER: I would suggest that the practice that has grown in this Chamber of late years of one member criticising another through the medium of asking questions has gone beyond a fair thing. If put on the notice paper, some of these questions could possibly not be allowed. Members who ask questions could just as easily bring up the matter in debate, if not personally, through members of their own party. I hope this practice will not be pursued in future. If members wish to ask questions of the nature of the one just asked, in order to

give everyone a fair chance of summing up their propriety, I think they should be placed on the notice paper.

(b) As to Opinion Expressed by Premier.

Hon. A. V. R. ABBOTT (without notice) asked the Premier:

Would it be reasonable for me to ask the Premier, in view of the fact that he says there is no objection to criticism so long as the language is reasonable, whether he approves of the language used when referring to a judge, that he was acting like a spoilt child? Would the Premier consider that reasonable?

The PREMIER replied:

The member for Mt. Lawley did not quote what I said correctly.

Hon. A. V. R. Abbott: I tried to.

The PREMIER: I think the hon. member was probably much more concerned with trying to put an hon. member on this side of the House in the blue than he was in correctly stating what I said.

Hon. A. V. R. Abbott: I did not try to put you in the blue.

The PREMIER: The hon. member would certainly be busy.

Hon. A. V. R. Abbott: I would, too.

The PREMIER: I said I thought that any member of Parliament, as well as any member of the general public, would be entitled to criticise a particular line of approach by the Arbitration Court to a problem, and would be entitled to criticise any decision made by the court, provided the language employed in voicing the criticism might be considered reasonable.

Hon. Sir Ross McLarty: But you did say you would not use this language yourself.

Hon. A. V. R. Abbott: I asked you whether you considered this reasonable, that is all.

The PREMIER: I would not set myself up as the supreme judge of what is reasonable.

Hon. A. V. R. Abbott: Not as Premier?

The PREMIER: I simply said previously that I would not have employed some of the language that was employed in regard to the extracts set out in the question asked, without notice, by the Leader of the Opposition.

NARROGIN SCHOOL OF AGRICULTURE.

(a) As to Future Use of Teaching Facilities.

Hon. V. DONEY (without notice) asked the Minister for Education:

(1) Because of the absence of official information regarding changes likely to affect the high school and the School of Agriculture at Narrogin, will he give the House an assurance that the well-known and up-to-date facilities for the teaching of practical farming at the last-named institution will be as fully availed of in the future as in the past?

(2) Is it to be assumed that the intention of his department is to teach general scholastic subjects at the high school to certain selected Narrogin School of Agriculture pupils?

The MINISTER replied:

These questions apparently arise out of the fact that in the Narrogin township a high school has been built. I am not going into details; I do not think the hon. member would expect me to. But the other day I was asked a question, without notice, by the member for Greenough; and I had no knowledge of any objection to what the Education Department was alleged to be proposing to do. Speaking from memory, I think that at the Narrogin School of Agriculture there is a parcel of land of about 2,500 acres. Recently, the Narrogin High School was built, and will be in full occupancy next February.

A question has arisen as to whether the Narrogin School of Agriculture will proceed as hitherto, regardless of the existence of the high school; or whether the School of Agriculture grounds will be regarded as a wing of the Narrogin High School, which I hope will be referred to in future as the Narrogin Agricultural High School. At this stage, I am not going to blow hot and cold because somebody lodges a formal objection to what the department proposes to do.

Hon. V. Doney: My questions were not in the nature of an objection.

The MINISTER: I am not saying that the hon. member is objecting. But apparently the Old Boys' Association has objected. If there are to be—and there will be—very highly trained teachers at the new Narrogin High School; and if the Government and the Education Department can assure the people of this State that the standard of education there will be at least equal to that hitherto imparted to students at the present School of Agriculture, and an assurance can be given that there will still be an agricultural bias in regard to education in the Narrogin district, I do not see that anybody can violently object to the proposal of the department which, in the final analysis, would be in the interests of agricultural education in this State. As a matter of fact, the position has not been closely gone into at present, though a number of rumours are current. I was told only half-an-hour ago that it was understood the Government was going to dispose of the whole of the property known as the Narrogin School of Agriculture.

Hon. A. V. R. Abbott: Some of it.

The MINISTER: At this stage I am not going to give an assurance one way or the other. My own personal opinion is that there may be a reduced area in which the students will get their agricultural training. It may be advisable for the Education Department to use 700 or 800 acres of the 2,500 acres as a breeding station for supplying agricultural colleges which have been set up at Pinjarra, Denmark and Harvey and, possibly, elsewhere later on. It might be advisiable with the concurrence of the Agricultural Department, to pass the balance of the land over to that department for use as a research station. I am not saying that that is absolutely definite. Consideration is being given to the proposal, and, as soon as anything is final after due consideration I shall be happy to advise the hon. member.

Mr. SPEAKER: I have no knowledge of whether the Minister was making a speech or replying to a question; but I hope members will confine their questions without notice to something that Ministers have a reasonable chance of replying to. Otherwise, it seems to me that I shall have to insist on members giving me copies of the questions they intend to ask without notice. I do not want to limit discussion, but questions being asked are such as no Minister can be expected to reply to without refereence to his department.

(b) As to Disposal of Farm Land.

Hon. D. BRAND (without notice) asked the Minister for Agriculture:

(1) Did he see a letter by L. C. Snook in this morning's paper with regard to the Narrogin School of Agriculture, in which he said—

> Apparently there is a move afoot to sell most of the farm land and turn this centre for training practical farmers into an appendage of the district high school?

(2) Can he give an assurance to the House that he will prevent, as far as his authority is applicable, any endeavour to sell the land until such time as a very thorough investigation has been made into this move?

The MINISTER replied:

(1) I did not see the letter in the paper.

(2) Before any promise was made on such a matter, the Minister concerned should first of all make sure that what the department proposed was right and proper. All the assurance I can give this afternoon is that I will make an investigation of my own into this matter to see just what is proposed, how far it would comply in general terms with what is required of the educational facilities there, and how much they would be affected as a result of the sale or disposal of land. I do not know anything about it myself, and prefer to make inquiries, without making any promise one way or another.

(c) As to Relationship to High School.

Hon. A. V. R. ABBOTT: (without notice) asked the Minister for Education:

The Minister said it was intended that the School of Agriculture should be used as a wing of the Narrogin High School, which would provide education with a bias towards agriculture. Do I understand that it is intended merely to attach the college as a wing to the high school so as to give boys who live in the country some knowledge of agricultural pursuits; or is it intended to be used as a specialist school—as is the case now—for training farmers?

The Minister for Education: Is what to be used?

Hon. A. V. R. ABBOTT: The School of Agriculture. Is it to be merely a wing of the high school, giving general education with a bias towards agriculture; or is it to be used as a specialist school for teaching agriculture?

The MINISTER replied:

I think I should ask that this question be put on the notice paper. I do not want to be critical, but it is evident that the member for Mt. Lawley is well and truly off the beam. The actual position is that there is a very fine modern building in Narrogin, which will be in all ways a high school, and not only an agricultural high school. The property known as the Narrogin School of Agriculture will be retained, in large measure, for agricultural education purposes; but the boys from the Narrogin School of Agriculture, which is only four miles from the new high school, will go there and enjoy social contact with other students, and will receive a general education as well as training in agriculture. If there are any further questions on this matter, I invite members to put them on the notice paper.

BILLS (2)—RETURNED.

1, Potato Growing Industry Trust Fund Act Amendment.

2, Criminal Code Amendment. Without amendment.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [2.45] in moving the second reading said: This is a small Bill to amend the principal Act, the title of which is—

> An Act to provide for appeals in respect of promotions by persons permanently employed by or under

the Crown; and for the establishment of a promotions appeal board to hear and determine such appeals, and for other incidental purposes.

The object of the Bill is to include in its provisions, authorities such as the Transport Board and the State Electricity Commission. A number of instrumentalities are already mentioned in the Act and come within the definition of the word "department." The definition of "department" in the Act is—

> "Department" means any department under the administration of a Minister of the Crown in the Government of the State, and includes every State trading concern, the Fremantle Harbour Trust commissioners, every harbour board, every Government hospital and every Crown instrumentality the employees whereof are remunerated with moneys (other than grants) appropriated by the Parliament of the State to the purposes of such Crown instrumentality. Where two or more departments are administered by the same Minister or where a department is divided into separate sub-departments every one of such two or more departments and every sub-department aforesaid shall for the purposes of this Act be deemed to be and be treated as a separate and distinct department.

The Civil Service Association recently made representations to the Premier for the purpose of having other instrumentalities brought within the provisions of the Act. It specifically mentioned the Transport Board because it was doubtful whether that authority came within the definition of "department." Only recently, of two permanent employees of that department, one was promoted and the other, whose application was unsuccessful, made approaches in regard to appealing against his fellow worker's promotion. On examination, it was found to be doubtful whether the State Electricity Commission was legally bound by the provisions of the Act.

All the Bill seeks to do is to include, specifically, the State Electricity Commission and the Transport Board in the definition of "department"; and also, in order to provide for future possibilities or emergencies, it contains the provision that the Governor may declare any other instrumentality as a department within the scope of the Act. Therefore, should any permanent employee coming within the purview of the Act, feel aggrieved at the promotion of someone else, he may take the opportunity afforded him by the provisions of this measure to appeal against the promotion. Last year Parliament passed an amendment in connection with the Tramway Department. Prior to that time, if of two tramwaymen who worked on wages, one was promoted to a position in which he would be regarded as an officer of the department and thereby come within the jurisdiction of the Tramway Officers' Union, the unsuccessful one had no authority to appeal.

The amendment passed in 1953 provided that the Governor could declare that special circumstances existed which enabled the aggrieved party to appeal against the promotion of his fellow-employee. This provision still stands. The only objects of the Bill are to grant to the employees of the State Electricity Commission and of the Transport Board, the right to appeal under the Act, and to give to the Governor the right to declare any other instrumentality, that he feels disposed to so declare, as a department under the Act. I move—

> That the Bill be now read a second time.

On motion by Hon. L. Thorn, debate adjourned.

BILL—NATIVE WELFARE.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR NATIVE WELFARE (Hon. W. Hegney—Mt. Hawthorn) [2.52] in moving the second reading said: I am very pleased to have this further opportunity to introduce a measure having for its immediate object the removal of many restrictions that exist in the Act and which, in my opinion, should have been removed a long time ago. For the benefit of members generally, I may say that the Bill follows substantially the one which was introduced last year with a few main exceptions.

There is an old saying that there is nothing in a name, but the measure last year provided that the name be altered from "native" to "aborigine." There seemed to be so much opposition by members to the Bill, and so many of them seemed to take umbrage at the change of name that I have, after due consideration, decided, in the interests of the natives for whom we are trying to do something, to leave the name as it is at present. The Act will be known as the "Native Welfare Act."

In every other State and in the Commonwealth, the legislation with respect to aborigines does not refer to natives, but to aborigines. However, to save some argument and to try to lessen some of the prejudice which was engendered during the debate last year, the name has been left as it is. Henceforth in my remarks I shall use the term "native." If the Bill last year had passed it would have meant, because of the definition of "native" it contained, that quite a number of people

who are now regarded as natives would be regarded as full citizens, and consequently would not be subject to the restrictions imposed by the Electoral Act.

It has been decided to leave the definition as it is, but I might explain that the Government in no way intends to deviate from its ultimate object of granting full citizenship rights to all members of this community, whether they be white or coloured. In due course I hope that attention will be given to a desirable amendment of the Electoral Act to liberalise some of its provisions and so remove some of the restrictions in regard to people who today are called natives.

The Minister for Housing: I do not like that word "liberalise."

The MINISTER FOR NATIVE WELFARE: In the sense I mean it, it would enable a number of people, who are now denied what is generally regarded as full rights of citizenship, to enjoy the same rights, freedom and privileges as I do. I make that explanation to indicate to members, and to the public generally, that it is not the intention of the Government to forget what its ultimate policy is.

Another provision which has been left out of the Bill that was included in last year's measure, is the one referring to the supply of liquor. Last year's measure sought to repeal Sections 49 and 50 of the Native Administration Act. Section 49 refers to the reception by a native of liquor; and Section 50 refuses any person, who is a native in law, the right to enter licensed premises, except a person who has a permit in writing from the commissioner to act as an employee on particular licensed premises. The departure this year is that it is proposed to leave Section 49 as it stands, but to repeal Section 50.

What I have outlined are some of what I would say are the major alterations as compared with what was proposed last year. For the benefit of members, I shall try briefly to explain what the Bill proposes to do, and the reasons for the action of the Government. I have mentioned that the definition will remain the same. If I refer, shortly, to the present Act, members will get a fair idea of what we propose to do in that the Act contains a section dealing with the restriction on the movement of natives on account of the danger of leprosy.

The section dealing with this phase is quite a long one but, briefly, it restricts the right of a native to travel from any point north of the 20th parallel to any point south of the 20th parallel, and the 20th parallel of latitude is approximately 170 miles north of Port Hedland. It is only in exceptional circumstances that any native is allowed to travel from north of the 20th parallel to the country south of it. There are instances where drovers from the Kimberleys or from Anna Plains, north of the 20th parallel, come down to Wiluna or Meekatharra with cattle and those native employees are under strict supervision and must return whence they came. It is proposed to leave the leprosy provisions as they stand, but with some modification for the purpose I have mentioned.

It will be noticed that under the provisions of the Bill the Minister may allow people to travel from any point north of the 20th parallel to the south for purposes of employment or education or for any other reason which is considered desirable and necessary. I think I related last year an instance regarding a pearling boat from Broome, with certain natives among the crew, which ran short of water and wanted to call at Port Hedland, which is south of the 20th parallel, to replenish supplies. I was approached in order that the vessel might be allowed to call at Port Hedland but the Act, as it stands, precluded me, as Minister for the time being, from issuing the necessary permit.

That position is anomalous and should be cleared up. If the amendment contained in the Bill is agreed to, it will enable the Minister to use his discretion in an emergency such as I have referred to. I am giving these examples to show the situations that can arise under the present Act. Only recently a girl of 15 years of age at the Church of Christ Mission at Roelands wanted to go to relatives at Fitzroy Crossing, and, believe it or not, no less than three Ministers had to give the matter due consideration in order to enable that girl to travel to Fitzroy Crossing without being accosted there by a representative of the law and refused permission to return south of the 20th parallel.

Thanks to the Education Department and to the missions, rapid advances are being made in the education of natives north of the 20th parallel and where an occasion arises and the circumstances are appropriate, facilities should exist to enable such people to come to the south and to the metropolitan area for purposes of further education.

Hon. Sir Ross McLarty: Do I understand the Minister to say that this amendment would give natives complete freedom of movement?

The MINISTER FOR NATIVE WELFARE: No. I am glad of that interjection. The Bill also provides that the people to whom I am now referring shall, if necessary, submit themselves for medical examination. There is that safeguard and so I do not think—

Hon. Sir Ross McLarty: Other than that they will be given complete freedom of movement, I take it?

The MINISTER FOR NATIVE WELFARE: Yes. I might add that the present provision relating to leprosy will remain, but we want to repose in the Minister authority to provide for situations such as

I have mentioned. In those circumstances, the persons concerned will be subject, if necessary, to medical examination.

Another section which it is proposed to repeal is that relating to the removal of natives to reserves. On reading Section 13 of the Act, members will notice that there is a rigid restriction provided in relation to the removal of natives to reserves. I would like to impress on members that we do not want to make this measure an Act that will impose restrictions on the natives, but rather one providing for their welfare. I will now refer to the fact that this provision in the Native Administration Act is already fully covered in the Health Act. If it is found that in the interests of the health of the community a native should be removed to hospital or to a reserve, action will be taken not under the Native Administration Act, but under the Health Act. It is suggested that these people should not be subject to any more unnecessary restrictions than white people are.

The next provision is a corollary of the one I have just dealt with. I refer to the compulsory examination of diseased natives, which at present is dealt with in the Health Act. Any action in regard to the examination of diseased natives is not taken under the Native Administration Act, but under the Health Act. A further provision which is a machinery one and appears to be redundant, is that under the Native Administration Act, 1905-47, relating to apprenticeships made under the Aborigines Protection Act of 1886. Members will agree that any person who was apprenticed in 1886 would have served his time by now, and it is therefore suggested that this provision might be deleted.

I come now to a section of the Act which it is hoped will be repealed, as it has caused a great amount of frustration, hostility and dissatisfaction among natives as well as among their employers. I refer to Section 19 of the parent Act which deals with the employment of natives. The present provision is that no native is to be employed without a permit from the Commissioner of Natives Affairs or his representative, but that does not apply to any person over the age of 21 years or any person of half-blood or less who does not live after the manner of the original inhabitants of Australia. In practice, to conform to the law, no prospective employer can employ any able-bodied young man who is a native at law and who is under 21 years of age, without a permit. Neither can he employ any person who has five-eighths native-blood—a preponderance of native blood—even if he is over the age of 21 years.

Mr. Nalder: Can a native take on a contract?

The MINISTER FOR NATIVE WELFARE: I hope to legislate for that under this Bill. As a layman, I would think that a native who was given a specific contract by an employer would remain a native at law and the employer would still need to obtain a permit, but I am open to correction there. Whether the fact that he was an independent contractor would absolve the employer from the provisions of the Act, I do not know. But, as there is doubt about it, provision is made in the Bill that the protection afforded to those regarded as employees will also apply to those who may in future be termed independent contractors. I might add that this restriction on the employment of natives is irksome to the employers. I have no hesitation in saying that in the back country there are some people who are regarded as natives at law, but who are employed by the Railway Department at award rates of pay, and I am pleased to say that the department does not obtain permits for them from the Department of Native Affairs. These men are paid award rates, and there is one Government department which does not conform strictly to the law—

Hon. Sir Ross McLarty: The same applies to the Public Works Department.

The MINISTER FOR NATIVE WELFARE: That is so, and I will deal with that matter in a moment. Where such a worker is injured the Railway Department pays him compensation in accordance with the law. The same applies to the Public Works Department, particularly in the northern portion of the State. I have said before and I now repeat that people of half-blood or less, and of between half and full-blood, form a substantial portion of the labour force in the North, a number of them being employed by the Main Roads Department and on the wharves in that part of the State. Many of those men would refuse to have permits taken out for them. The departments concerned have made a practice of employing these men—they are members of the appropriate unions—and paying them the appropriate award rates. If the men are injured, they are entitled to benefit under the provisions of the Workers' Compensation Act.

Hon. A. V. R. Abbott: Are they illegally entitled, or not?

The MINISTER FOR NATIVE WELFARE: I will deal with that when touching on Section 37 of the Act. At the moment, I am referring to the issue of permits. There are many young men in the northern wheatbelt and on the Great Southern who at 18 or 19 years of age are first-rate shearers and who, being under 21 years of age, come under these restrictions and are not supposed to be employed without a permit.

The Minister for Lands: There are some at Pinjarra.

The MINISTER FOR NATIVE WELFARE: They are scattered throughout the countryside. The Education Department

has one schoolteacher who, if he were of little more than half-blood, could not be employed without a permit from the Department of Native Affairs. Members can see how ridiculous the present position is. There may have been justification for provisions of this nature 49 years ago when the legislation was introduced, but conditions have changed entirely since then, and I suggest it is time we brought this legislation up to date and repealed the section dealing with the issue of permits in order that these people may be employed.

It is proposed to repeal Section 22 also. It will be found that this measure—I was chided for the same thing last year—is necessarily one in which repeal will loom largely. If members take time to study the provisions of the legislation, it will be found that section after section restricts the rights of natives and it is with that in view that we are endeavouring to repeal a number of sections which are now outmoded. At present, under the law, no native is to be employed on an ocean-going vessel. That is a precis of the present Section 22 of the principal Act.

There are men who are natives at law working on the pearling luggers and travelling from Broome to Darwin. Those are ocean-going vessels, but under the law the employer is breaking the law in employing the men without a permit. Most of these natives were educated in Broome or Derby and do not like these restrictions. They want the right to work on the pearling vessels should they wish to do so. Another section deals with penalties for the unlawful employment of natives and I repeat that the Railway Department, the Public Works Department, and the Main Roads Department are actually unlawfully employing natives.

We have reached the position where the Native Affairs Department is supposed to sue another department because it is unlawfully employing natives. I hope that that section will be repealed. The three clauses following deal with agreements made between employer and employee. At present they must be attested, signed and witnessed by a justice of the peace. If members will read the relevant provision it will be seen that it is entirely outmoded. These people do not want all these agreements drawn up. They want these restrictions removed.

I propose to read a provision in the Act to indicate the restrictions that have been imposed on this section of the community, and the time is overdue for them to be removed. They refer, in general, to permits, provisions of awards and agreements, and the rights and obligations of an employer and, similarly, the rights and obligations of an employee. Without going into the political side of the question, members know the restrictions in the Industrial Arbitration Act with regard to the rights of employers and employees. Section 27 is one that should be repealed as soon as possible. It reads as follows:—

> Any native who, without reasonable cause, shall neglect or refuse to enter upon or commence his service, or shall absent himself from his service, or shall refuse or neglect to work in the capacity in which he has been engaged, or shall desert or quit his work without the consent of his employer, or shall commit any other breach of his agreement, shall be guilty of an offence against this Act.

I invite any member of this Chamber, from among all the statutes that adorn the walls outside, to obtain one Act and point out to me where such a provision applies to the people whom we call white in this State. The Education Department is spending practically the same sum of money per head on that section of the native community that comes near enough to being classified as quadroons. They have grown up in the community and taken their place in the industrial life of the State and yet, under this law, we say, "If any of you leave your employer without his permission you are committing an offence against this Act."

Hon. A. V. R. Abbott: Did not that relate to permits in those cases where the department wanted complete control?

The MINISTER FOR NATIVE WELFARE: I am not going to read the section again.

Hon. A. V. R. Abbott: I have read it.

The MINISTER FOR NATIVE WELFARE: If a native leaves his employment without the consent of his employer he is committing an offence against the Act. I was speaking to a representative of the International Labour Office recently and I am sorry to say that this section of the Act has been discussed in the councils of that organisation. I understand representations have been made to the Commonwealth Government on the matter. I suggest that if members closely studied this provision, they would agree with me that there is no justification for it. There is no provision in any industrial Act which imposes the same penalty and restriction on the white community.

Hon. A. V. R. Abbott: As far as I am concerned nobody would argue that.

The MINISTER FOR NATIVE WELFARE: I am pleased to have that assurance. There has been opposition to removing some of these restrictions.

Hon. A. V. R. Abbott: Not to that one.

The MINISTER FOR NATIVE WELFARE: All right. I will anticipate in advance the attitude of the member for

Mt. Lawley to that provision and I will not labour the question. By the next clause it is proposed to repeal Section 31 of the Act, which refers to agreements that may be cancelled by the protector. Another modification of the Act is proposed which has relation to the conveyance of a native back to his place of employment by his employer. For the benefit of the member for Katanning, I point out that in this clause it is also proposed to include independent contractors. There may not be many cases affecting them, but I think we ought to safeguard the position overall. If there is an obligation on an employer to carry out his responsibility to convey an employee back to his place of employment, he should not be allowed to sidestep that obligation by assuming the role of a contractor.

Hon. Sir Ross McLarty: Is this obligation on the employer irrespective of the time that he has employed the native?

The MINISTER FOR NATIVE WELFARE: Speaking from memory, yes.

Hon. Sir Ross McLarty: He might have employed him for only one week and perhaps have to pay for his transport back to Fitzroy Crossing.

The MINISTER FOR NATIVE WELFARE: The position is covered in Section 33 of the Act now. This is really an attempt to clarify the position.

Hon. A. V. R. Abbott: Now that you are attempting to completely free a native as far as his employer is concerned, do not you think that this section ought to be repealed, too?

The MINISTER FOR NATIVE WELFARE: No. It must be realised that he may be an employee of a person who is engaged by a principal. I will instance one type of employment. A native may be employed by a drover and cattle could be lifted at Roy Hill, which is 340 miles north of Meekatharra. A native engaged at that centre could go to Meekatharra with the cattle and the obligation is on the employer to bring the native back to his own country.

Hon. Sir Ross McLarty: That is fair enough.

The MINISTER FOR NATIVE WELFARE: If that relationship existed, an employer might say, "I do not have to do this because I am not an employer; I am a contractor."

Hon. Sir Ross McLarty: They will now have freedom of movement. A native might be employed for only a week and then say, "I want to go back home." What is the position of the employer then?

The MINISTER FOR NATIVE WELFARE: I think it will be found that the employer is bound now under Section 33.

Hon. A. V. R. Abbott: But an employee cannot leave his employment until his contract is completed. That is the law at present.

The MINISTER FOR NATIVE WELFARE: The Bill provides that the services must be completed. If the hon. member reads the Bill he will find that that is so. That clears up that position.

Hon. Sir Ross McLarty: Yes.

The MINISTER FOR NATIVE WELFARE: The relevant clause appears on page 13 of the Bill and it reads as follows:—

> Where a person engages a native, whether as an employee or an independent contractor, under such circumstances that the native is required to carry out services at a place more than fifty miles from that where the native ordinarily lives, the person, at his own expense, shall provide, when the native has completed the services, for the return of the native to the place where he ordinarily lives.

Hon. Sir Ross McLarty: I think we ought to clarify the wording, "when the native has completed the services."

The MINISTER FOR NATIVE WELFARE: I do not think there will be any violent opposition to it because that is the practice today.

Hon. A. V. R. Abbott: Should not the native be returned to the spot where he was engaged? Would not that be reasonable?

The MINISTER FOR NATIVE WELFARE: Probably that would be the same place.

Hon. A. V. R. Abbott: Probably it would. However, that would be a reasonable provision, but not this one.

The MINISTER FOR NATIVE WELFARE: That will not lead to a great deal of contention. I think it would be found that he would live in a district. The employer might have to convey him either a longer or a shorter distance in such a case. However, for the present the main thing is the principle underlying the clause until we reach the Committee stage.

Another clause in the Bill is important. It relates to Section 19 and the sickness and accident fund. At the moment the position in regard to the administration of native welfare in this State is most unsatisfactory. Under the Act at the moment, an employer has to take out a permit to employ natives and he has also to pay into the sickness and accident fund. Because of the migratory, casual and seasonal nature of the employment, in many instances it has been impossible for the Native Affairs Department, at all times, to ascertain when some natives

come within the jurisdiction of the sickness and accident fund or when they are outside of it.

The same applies, in a large measure, to employers, as was mentioned by the member for Mt. Lawley when I was referring to Section 19 which deals with the position. I said that when natives were employed on work in the same way as men employed by the Public Works Department, they would be entitled to compensation. Under the Workers' Compensation Act no restriction is placed on anyone with regard to receiving compensation, provided he comes within the term "worker." However, under the last subsection of Section 37 of the Native Administration Act an employer who holds a permit to engage a native is not liable to pay compensation to the native or his dependants under the provisions of the Workers' Compensation Act, provided he pays a few shillings a year into the sickness and accident fund.

On this question I have received correspondence from the Farmers' Union, among others, urging that the natives be brought within the provisions of the Workers' Compensation Act. Therefore, I think it is high time that the restrictions imposed on natives by not being allowed to enjoy the benefits under the Workers' Compensation Act should be removed. I will not mention his name, but an employer on the Midland line, without holding a permit, employed a native who was entitled to be engaged and that native met with an injury.

As he had not taken out a permit, the employer was not entitled to take out an insurance policy under the Workers' Compensation Act, and he was thus obliged to pay the full amount of compensation to the native himself. If this restriction on natives is removed, it will permit them to be brought within the provisions of the Workers' Compensation Act. That would apply to those employers who take out a permit to employ a native and who pay into the sickness and accident fund. If the permit system is abolished and this restrictive section in the Act is removed, all employers of natives will be entitled to cover their employees under the provisions of the Workers' Compensation Act.

Hon. A. V. R. Abbott: Will that provision apply to natives doing a little house service in the North-West?

The MINISTER FOR NATIVE WELFARE: Yes, if they are employees.

Hon. A. V. R. Abbott: What if they render only a little house service?

The MINISTER FOR NATIVE WELFARE: If they are paid 10s. or 15s. a week with board, which is included as part of the wages, they would be entitled to benefits under the Workers' Compensation Act, but that is not the point. The main reason is that they will be entitled to hospital and medical treatment. Natives engaged in pastoral occupations can be seriously injured; they can lose an arm, eye or leg; but under the present set-up they will get nothing. If they are injured, they must live by the good grace of the station, the employer, or they receive assistance from the Government or native mission.

If a native is injured in the course of his employment, surely no one will argue that he is not entitled to the same benefits as any white employee. There is a provision in the Act, just as there is in the Workers' Compensation Act, that when a worker dies as a result of the injury, the Workers' Compensation Board or the insurance company is not bound to hand over the £2,000 or so involved to the dependants of the deceased worker. The amount can be paid in instalments, and in the Bill it is proposed that the Commissioner for Native Affairs be the custodian of any such money for natives, and he will be given the right to pay the money out as he sees fit.

Hon. A. V. R. Abbott: This will raise many questions about the marriage of natives to determine the dependants.

The MINISTER FOR NATIVE WELFARE: We need not worry about working that out at the moment. I can appreciate the import of the interjection, but I think a start must be made. Another clause proposes to repeal the section which prohibits persons from frequenting native camps. The anomaly arises when a native is granted citizenship rights. Under the present law he will not be entitled to enter a native reserve to visit his father, mother, brothers or sisters. That section is too restrictive. Other difficulties also arise. Prospective employers of natives, pastoralists and others may desire to engage some native employees, and may seek to interview them by going into a native reserve. For so doing, a prospective employer can be fined.

Another clause seeks to repeal the section dealing with the removal of camps from townsites. There is no longer any necessity for such a restriction. The Health Department has officers in all parts of the State, and it can take action under the Health Act if there is any infringement by natives. As I did last year, I propose to read the next section which the Bill proposes to repeal. I would like to give the reasons for this provision. Section 42 of the Act would be amusing were it not so serious. It is aimed at those who are classified as natives and I am surprised that it has remained in the Act for so long. It says—

> Any justice of the peace or police officer may order any native found loitering in any town or municipal district, or being therein and not decently clothed, forthwith to leave such town or municipal district.

Any native neglecting or refusing to obey such order shall be guilty of an offence against this Act.

Has any member from the Great Southern, North-West or the Midland electorates, seen any man or woman regarded as a native under the law, ill-clothed in any municipality or town? Has anyone seen a native with less clothing on, than on some white men living in the suburbs of Perth, who on Sunday mornings, when clad in a pair of shorts, mow their front lawns? I do not say there is anything radically wrong with a man mowing a lawn, other than to ask his wife to do it. I have not seen any native, from Darwin to Albany, insufficiently dressed.

Hon. A. V. R. Abbott: This section does not apply only to any native badly dressed. Other reasons are given.

The MINISTER FOR NATIVE WELFARE: This is what I want to impress on members: This same law does not apply to the member for Mt. Lawley.

Hon. A. V. R. Abbott: I am not saying it should. I am asking what the section means.

The MINISTER FOR NATIVE WELFARE: It means what it says, that any justice of the peace or police officer may order off any native found loitering in any town or municipality.

Hon. Sir Ross McLarty: The police can order a white man out of town if they think he is loitering.

Hon. A. V. R. Abbott: Or order a man out of town who has no means of support.

The MINISTER FOR NATIVE WELFARE: That is altogether different.

Hon. D. Brand: The police can order a white man off if he is loitering.

The MINISTER FOR NATIVE WELFARE: A white man can loiter in the streets of Perth, but if he is not offensive it is very unlikely that the police will accost him.

Hon. D. Brand: Does the Police Department agree with this amendment?

The MINISTER FOR NATIVE WELFARE: I do not know. I say, without any apology, that Section 42, which I have just read, should not be included in any Act affecting natives, if the same provision is not in any Act affecting whites.

Hon. A. V. R. Abbott: That is not comparable.

The MINISTER FOR NATIVE WELFARE: I would invite information and evidence if it is to the contrary. Has any member seen a native in any town indecently dressed?

Hon. Sir Ross McLarty: No. On occasions the police find natives loitering with the idea of getting liquor. They would order the natives to move on, as they would any white man who is loitering.

The MINISTER FOR NATIVE WELFARE: But the latter is subject to the white man's law. It is proposed to delete Section 43 relating to prohibited areas, because it is redundant. I do not propose to go into this section in detail. Members on reading it will agree that there is room for alteration. It is also proposed to repeal Sections 44 and 45, which deal with native females. The Act says that no females shall, after sunset, be found within two miles of any creek used by pearling vessels. The only place where such a thing might happen would take place where there are no police or native welfare officers stationed. The section is outmoded. That section is not enforced because all native females living in Broome are breaking the law because there is a creek within two miles.

Hon. D. Brand: Do you not think it was originally inserted for the protection of natives?

The MINISTER FOR NATIVE WELFARE: I do not deny that, but I am suggesting that this section has been found to be unworkable. Last year or the year before I mentioned the case of a coloured woman meeting a young man in Fremantle. It was established that Fremantle harbour was a creek. Reference was made to that case. This shows us the extent to which this section could be applied.

It is proposed to repeal Section 46 dealing with marriage of natives. Under the Act, no native is permitted to be married without the consent of the Commissioner for Native Affairs, and any clergyman who solemnises such a marriage without ensuring that there is a permit from the commissioner for Native Welfare, also commits an offence. They consider they should not be compelled to apply to the commissioner or anyone else for a permit. We propose to amend Section 47 by deleting the words "or who travels accompanied by."

Hon. A. V. R. Abbott: Do not you think you might have considered repealing that section?

The MINISTER FOR NATIVE WELFARE: Consideration was given to repealing it, and the matter might be dealt with in stages. The reason why we suggest this amendment is that the section could prove embarrassing to a young quadroon and a young man keeping company in all good faith if one of them regarded as a native in law were accosted.

Hon. A. V. R. Abbott: Do not you think you are offering a tremendous temptation in those circumstances? Why not repeal the whole section?

The MINISTER FOR NATIVE WELFARE: I invite comments from the member for Mt. Lawley and from other members when they speak on the second reading. I suggest that we do this in stages. Embarrassment might be caused to young

people. I do not say that this would be likely to occur in many cases, but it has happened.

Hon. A. V. R. Abbott: I think you should either leave the section as it stands or repeal it.

Sitting suspended from 3.46 to 4.10 p.m.

The MINISTER FOR NATIVE WELFARE: I come now to a section to which I referred at the opening of my remarks—Section 49. This provision restricts the right of any native to obtain liquor and it is an offence for any person, other than a native, to supply liquor to any native. Last year it was proposed to repeal that provision but, as I said earlier, it is not intended on this occasion to alter it in any way. Substantially the same provision is in the Licensing Act.

But the next section, Section 50, of the present Act refers to the right of natives, or the lack of the right of natives, to enter licensed premises, and this Bill provides that Section 50 shall be repealed. The section, as it now stands, reads—

> (1) Any person being the holder of any licence under the Licensing Act, 1911-1922, for the sale of spirituous or fermented liquors who shall permit or suffer any native not exempted from the provisions of this Act to remain in or loiter about his licensed premises shall be guilty of an offence against this Act.
>
> (2) Any native not exempted from the provisions of this Act who enters, remains on, or loiters about premises in respect of which any such licence is held shall be guilty of an offence against this Act.
>
> Provided that this section shall not apply to any native employed on the licensed premises under a permit granted by the commissioner.

A position has arisen, and it will be accentuated as time goes on, in connection with members of the native community. It must be appreciated that over a number of years education has played no mean part in the life of the young native and these boys and girls have attained maturity. Many of them have been trained in primary schools, some up to junior standard. I can recall an instance regarding which the member for Eyre approached me some time ago. It concerned the case of a governess who was about 20 years of age. She was a fine type of girl and was employed by a doctor and his wife. They wanted to come to Perth and wished to bring their governess with them to look after the children. On the way they wanted to stop at a country hotel but the governess was precluded because of the Act.

I have another case which has been referred to the Crown Law Department for guidance and advice to see if we can get over the difficulty. This concerns a young chap who was educated at the junior technical school and who stayed at Macdonald House. He is apprenticed to a builder and this builder does a number of country jobs. In some cases the only places in which the young man can get meals and accommodation is the local hotel. Under the law as it stands this lad is not entitled to enter the diningroom for a meal.

Hon. A. V. R. Abbott: Would he not be entitled to citizenship rights?

The MINISTER FOR NATIVE WELFARE: That is another position altogether. As the hon. member probably knows, there are natives who decline to apply for citizenship rights on principle. I do not blame them, either. These young men and women are not foreigners. They do not have to apply for naturalisation as British subjects. They have been born and bred in this country and have been educated to live in the ways of the whites. They adopt the same hygienic habits.

Mr. Rhatigan: And also they must be over the age of 21 years.

The MINISTER FOR NATIVE WELFARE: That is so; they must have obtained their majority. A number of those over 21 years of age refuse to apply on principle. They say, "Why should I apply for the rights of citizenship to a magistrate and a member of the road board? If I am granted citizenship rights and I commit two comparatively minor offences under the Native Administration Act my rights as a fully-fledged citizen can be cancelled overnight."

Hon. Sir Ross McLarty: But this Bill does not affect citizenship rights, does it?

The MINISTER FOR NATIVE WELFARE: No, but the member for Mt. Lawley asked, by way of interjection, why this lad and others like him could not obtain citizenship rights. All I am saying is that they should not have to apply for citizenship rights and for a right, where necessary, to enter licensed premises in order to obtain accommodation and meals. We had the case of Corporal Parfitt.

Hon. A. V. R. Abbott: There might be occasions where it would be unreasonable.

The MINISTER FOR NATIVE WELFARE: I suggest that this should be given a trial. If it is given a trial and definite evidence is forthcoming to show that the privilege is being abused and the publicans are being asked to do unreasonable things, we can consider altering the law again. I think that it is time this restriction was altered in an effort to see if the reverse position will act in the interests of the community and to the satisfaction of everybody concerned. I do not want to mention names, but Corporal Parfitt served for a year in Korea. He is a fine young man but was refused a meal in a hotel because he is a half-blood.

Hon. A. V. R. Abbott: You have reverse cases, too.

The MINISTER FOR NATIVE WELFARE: Yes, and in the white community as well. That is one of the reasons why it is suggested that we might repeal this section to see how the altered law would work.

Hon. Sir Ross McLarty: Do you think we might amend it to some degree? I think there is a good deal in what you say, but I can see the pitfalls.

The MINISTER FOR NATIVE WELFARE: May I take this opportunity of asking members opposite—if they feel that some of these proposals need to be amended—to place their amendments on the notice paper to give other members an opportunity of considering them in advance instead of just throwing their amendments into the ring during the Committee stage, in which case they would have to be discussed without prior consideration?

Hon. Sir Ross McLarty: That is fair enough.

The MINISTER FOR NATIVE WELFARE: There is another section regarding native courts—Section 64 of the present Act. It is proposed to repeal this section but, as far as I am personally concerned, it is not a vital principle. I am not over-anxious for it to be repealed, but from my inquiries from the commissioner and the district officers, and from my limited knowledge of the North-West and after discussing the position with the present members for the North-West, it has been found that the provision is scarcely necessary in these days. That is the reason why it is suggested it should be repealed.

There is also a provision regarding the prohibition of tribal practices. The present Act, in Section 67, states—

> Whenever the Minister on the recommendation of the commissioner is of the opinion that any tribal practice of the natives or any section of the natives in any district is injurious to the natives or any section of the natives, he may give all such instructions as in his opinion are calculated to minimise or stamp out the practice.

If there are any such prehistoric tribal practices being carried on, the matter would be outside the ambit of what we call white civilisation. These tribal practices that would be likely to go on would, if anything, be outside the jurisdiction of the Native Affairs Department.

Hon. A. V. R. Abbott: I am not objecting to the provision because it could always be used in mitigation of punishment.

The MINISTER FOR NATIVE WELFARE: I do not think it has been used for many years. This clause and those immediately preceding it are not vital to the Bill, but it is suggested that the sections in question are unnecessary. However, if there is going to be violent objection to their repeal, I am not going to be adamant on them.

Another provision deals with the penalty that will be imposed on a person supplying poison to a native. If any member reads the section and inquires what is being done in practice today, he will agree that it should be repealed. Today many natives are using poison for their livelihood, but under the law they are not entitled to do so. Therefore, it is suggested that that section should be repealed.

I now come to another aspect relating to the impositions or injustices that have been imposed on the native community. I do not propose to deal in detail with social service benefits, but I have had cases to be "bovrilised" in regard to those benefits not applying to the native community. Natives who are employed on shearing, farming and pastoral work, have their taxation instalments deducted from their earnings, the same as anyone else. Everyone knows the story of the "Boston tea party" which arose from the principle of "no taxation without representation."

Hon. A. V. R. Abbott: Is not this a Commonwealth matter?

The MINISTER FOR NATIVE WELFARE: Just a minute, and I will explain it to the best of my ability. These people have their taxation instalments deducted from their earnings the same as anybody else. Unfortunately in some cases they do not fully realise that, in filling in a taxation return, they are entitled to substantial rebates because of their family obligations. What I am coming to is that although they pay the taxation, they are subject to certain disabilities in regard to social service benefits.

Hon. A. V. R. Abbott: Of course, an allowance is made to the State by the Commonwealth Government for that.

The MINISTER FOR NATIVE WELFARE: In what way?

Hon. A. V. R. Abbott: It is.

The MINISTER FOR NATIVE WELFARE: In what way?

Hon. A. V. R. Abbott: Because when it was computing what reimbursement should be made to the State, this point was taken into consideration.

The MINISTER FOR NATIVE WELFARE: No, not in regard to what I am about to mention. I would point out that I am not criticising the Social Services Department because it is very sympathetic in its attitude towards this question, but

the Commonwealth department's interpretation in regard to the payment of age pensions to natives is as follows:—

(1) Age Pension. A half-caste native living in a humpy and his three-quarter-caste half-brother living in a cottage may both qualify by age for a pension; but only in the former case could it be granted.

(2) Invalid Pension. A half-caste invalid pensioner, married to a three-quarter-caste wife, may receive wife's and children's allowances on their behalf. On his death, the wife would be ineligible for widow's pension.

(3) Widow's Pension. The full-blood widow of a white man is ineligible for the pension; but her daughter—

Hon. A. V. R. Abbott: Is not all this a Commonwealth matter?

The MINISTER FOR NATIVE WELFARE: Just a minute! Continuing—

—the widow of a full-blood, and living in the same house as her mother, is eligible.

(4) Maternity Allowance. Of two native women, one half-caste and the other 9/16ths-caste, in adjoining beds in a maternity hospital, only the former may receive the maternity allowances.

(5) Child Endowment and Unemployment or Sickness Benefits. The only difficulty here is the interpretation that may be placed on such terms as "nomadic" and "standard of intelligence and social development."

(6) Tuberculosis Pension. A 16-year old white or half-caste boy, who, previous to his illness, had not worked, is entitled to pension whilst undergoing treatment of T.B.; a $\frac{5}{8}$-caste native, who formerly earned £600 a year, is not.

That shows the anomalies that can arise. The member for Mt. Lawley suggested that this is a Commonwealth matter. It is. After all is said and done, if the holder of the office of the Minister for Native Welfare for the time being does not submit these matters for consideration, he is not doing justice to those whom he is representing. I am putting this matter up to show some of the injustices and anomalies to which natives are subjected now. These are not bush natives, but boys and girls who have been educated under our State education system and by the missions of this State.

No matter what its politcial colour, the Commonwealth Government and the one previously in office, through the Social Services Department, has laid down that no native, if he is not living on a reserve, is entitled to social service benefits. In Western Australia, however, the definition of a reserve is different from what it is in Queensland. The State Government in Queensland provides a native on a reserve with accommodation, meals and so forth, but on our reserves there are a number of men who are engaged on seasonal employment and when that employment ceases, they return to live on the reserve.

Because they are on a reserve, and if they are over 65 years of age, the Social Services Department says, "You are not entitled to the invalid or old-age pension." If any of these individuals are taken from the reserve and placed in an institution such as "Sunset," or any other benevolent institution, they are entitled to receive social service benefits. Under the jurisdiction of missions throughout the State, there are many natives who are living on what are called native reserves.

The missions are caring for them for the payment of 10s. a week, but because the natives are living on a reserve they are not entitled to social service benefits. However, if they are sent to "Sunset," they become eligible for those benefits. My object in mentioning this is to indicate some more of the drawbacks to which these people are subjected and to inform the House that representations have been made to the Commonwealth Government —and it is proposed to make further representations—to remove some of these anomalies and injustices.

Now I come to the matter of subsidies payable to missions. I do not think any remarks on native welfare legislation would be complete unless one were to take each opportunity of publicly expressing admiration, and the thanks and appreciation of the Government of Western Australia to all the missions that are doing such wonderful work for the under-privileged section of this community. Right from Forrest River to Roelands and from Beagle Bay to Norseman the missions are in operation staffed by wonderful men and women, many of whom have given up their lives for the purpose of protecting, caring and teaching the full-blood native boys and girls and also the quadroons. They are doing a magnificent job.

Recently a Seventh Day Adventist Mission has been completed 35 miles north of Meekatharra. I mentioned the example of the Church of Christ Mission at Carnarvon which has approximately 80 boys and girls. The Government provided the material for this undertaking. A number of tradesmen—members of the Church of Christ—from New South Wales and Victoria, took their holidays and came over here to build this institution for the church, so that the mission can function and look after the boys and girls. So it is with other missions.

There is a wonderful humanitarian spirit, and a wonderful urge on the part of those churches to do something in the interests of the native population of Western Australia; and they have done a remarkable job. The Education Department is co-operating to the fullest extent; and as far as the Government is concerned, it will, to the best of its ability, from every point of view, including the financial aspect, do everything it can to further the interests of the missions. If we did not have the missions functioning in these outlying places, a number of the boys and girls would today be still in the tribal stage, or in the stage of the bush natives.

But they are receiving a wonderful training, and one of the difficulties which we will have to face is to direct these boys and girls through the formative years, from, say, 14 to 17, after they have received their education. It is part of the Government's policy of assimilation, wherever circumstances permit, to have them absorbed into the community. Whether we believe it or not, Mr. Speaker, —and you know more about the subject than I do—these people must either be assimilated or go back to the mia-mia or creek. By giving these children a good moral and religious background, we hope they will be able to take their places in the community when they leave school to earn their own living.

When the previous Government took office, I think the amount paid to the missions was 3s. or 4s., plus clothing and blankets. In 1948 or 1949 the amount was raised to 9s. per week, and in some places to a maximum of 12s. 6d. I am one who believes, and I make no apology for saying so, that it costs as much to feed and clothe and care for a native child in a mission, as it does in any controlled institution to feed and clothe a white child. I should say they are entitled to some consideration. On the 1st July, 1953, the Government increased the amount of subsidy to 22s. 6d. per head per week.

I would like to indicate that a few months ago Cabinet gave further consideration to raising the amount in order to bring it into conformity with the subsidy paid in respect of white children, and, as from the 1st July this year, an amount of 30s. 9d. has been paid. This is in conformity with the amount paid to the institutions caring for white children. I hope that will continue. It has been a great encouragement to the different denominations controlling missions, and it has enabled them to expand their activities in the interests of the boys and girls.

Speaking now with regard to the educational side, I might say that when circumstances are appropriate, or as soon as possible—I do not want to give any definite date, but I hope it will be in the early future—it is proposed to erect a technical school at Derby to cater for all children, white and coloured alike, in the area from Wyndham to Broome and Port Hedland. The idea is to have that school and to give the boys and girls a proper training. The boys will receive a training in mechanics, blacksmithing and so on, and the girls a training in domestic science, housekeeping and other work which will be useful to them generally.

A hostel will be established in the district for the purpose of housing the children. Knowing a little about that part of the State I believe that if that is done, we will have a potential labour force in the part of the State to which I have referred; a labour force that is acclimatised, and, when they mature, the boys and girls will stay in the country and be a great asset to the State and its development. As far as the schools are concerned, consideration is being given to establishing, under the Education Act, a State school at Noonkanbah. Where a certain number of children of school age are available, the onus is on the Education Department to supply a teacher. Negotiations are taking place for the purpose of establishing a school; it may be at Noonkanbah, which is a very big station, where there are between 20 and 30 children. We believe that the advantages of education should be brought to these children.

Hon. Sir Ross McLarty: Will that be a boarding school?

The MINISTER FOR NATIVE WELFARE: I think it may not be a boarding school in the initial stages, because the children may be in the immediate vicinity of a station. But consideration is being given to the question of bringing the children from the surrounding country with a view to educating them.

Next I would like to mention a word or two about the housing aspect. I have been in close consultation with the Minister for Housing over a period, and I am very pleased to say that, through its Minister, the State Housing Commission is keeping faith with the promise that was made some time ago to me as the Minister for Native Welfare. I was given an assurance that by the 30th June, 1955, at least 50 houses would be made available for occupancy by native families in various parts of the State. I had the pleasure of inspecting three homes at York within the last fortnight, and I would like to congratulate the State Housing Commisison on the type of home that has been built; and I would also like to congratulate the occupants on the way they are looking after those homes.

The same position applies in Port Hedland, where the State Housing Commission has built a number of homes. Others will be built in Broome, Roebourne and other parts of the North-West in the immediate future. I am given to understand by the Minister for Housing that houses are being shipped to the North by State boats at

quick intervals. Houses will also be built in Bassendean and throughout the South-West Land Division. I am not one who believes that it is possible to transform the habits and customs of a race overnight. We must demonstrate a spirit of understanding and tolerance towards our fellow citizens.

It is agreed that education and work are provided by missions to improve the status of the native community, but these people are not many generations removed from a race which did not have to work for a livelihood. They are members of a race which obtained its livelihood by hunting. One cannot expect to revolutionise their customs and habits overnight. There is an old saying that nothing needs so much reforming as other people's habits. We must show some tolerance and patience to natives; we must give encouragement to them in the task ahead.

It has been said that the native of this country is thriftless. I suppose that if the circumstances under which they live were applied to us, we would be in no better position. We must remember that the natives are members of our community; they live in Western Australia and they help to make up our population. By degrees they will have to be assimilated into our way of life. Anything which we can do to achieve that objective is very worthy.

I was keenly disappointed last year when a similar Bill to amend this Act was defeated in another place. I offer no personal criticisms because every member of the Legislature, both here and in another place, has a right to exercise his vote, but I feel that the provisions of the Bill hardly received the consideration they deserved. The Bill was introduced in good time, and if members thought that radical alterations were desirable the way was open to submit appropriate amendments. I am giving my personal impression, and, in my view, there was more or less a negative or hostile attitude towards the measure last year, instead of a helpful attitude, both here and in another place. There was room for some reform to be effected, but unfortunately the whole Bill was lost.

Hon. Sir Ross McLarty: I think you took the attitude of all or nothing.

The MINISTER FOR NATIVE WELFARE: The only amendment made was moved by the member for Narrogin. I have read every speech that was made, both here and in the Legislative Council, in the debate last year. I closely scrutinised the remarks of every member, weighed his reaction to the Bill, and fear that even on this occasion another effort will be made to thwart our desire to improve the conditions applying to natives. If there is one subject in which politics should be kept out, it is anything affecting human beings. I am not going to introduce politics during this debate. This Bill does not affect materials, bridges or the Fremantle harbour, but human beings. We must approach it from this point of view: "How would I like to be treated? Would I, as a member of a community, like restrictive sections in an Act directed at me when they are not directed at any other section of the community?"

With those remarks, I appeal to members opposite to agree to the definition of "native" in the Bill so that no hostility will be engendered. It is proposed to alter Section 49 of the Act. If there is any prejudice against natives in connection with the electoral laws, then the debate should ensue under the Electoral Act rather than this one. I hope that members will give consideration to the provisions in the Bill and compare them with those in the Act, and if any amendments are desired I appeal to members to put them on the notice paper. I hope that, as a result of the debate which will ensue, many of the restrictions against natives will be removed, so that we can demonstrate to the native community that we are attempting to do something to improve their lot. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Ross McLarty, debate adjourned.

BILL—BUSH FIRES.

In Committee.

Resumed from the 7th September. Mr. Brady in the Chair; the Minister for Lands in charge of the Bill.

Clause 18—Restricted burning times (partly considered):

The CHAIRMAN: When progress was reported, the member for Roe had moved an amendment to strike out paragraph (g), page 14.

Mr. CORNELL: In the absence of the member for Roe, I need say no more than that the reasons for the deletion of the paragraph have already been given.

The MINISTER FOR LANDS: I believe that I can clear up most of the doubts in the minds of members of the Opposition. Evidently one of the main reasons for the amendment arises from a series of answers to questions by the member for Blackwood some weeks previous to the introduction of the Bill, by which he sought information regarding the methods employed to determine the forecasts of fire hazards. The question was sent to the Forests Department, which replied on its own behalf and made little reference to the agricultural areas as distinct from the forest areas.

The member for Roe seemed to be under the impression that while it is easy for the Forests Department to determine the daily

fire hazard in the lower South-West, no one was attending to the agricultural areas north of Perth. The member for Blackwood must have been thinking along the same lines because he has an amendment on the notice paper. The Forests Department pays attention to the forest areas and special attention to the agricultural areas in regard to day-to-day reckoning and happenings from a fire hazard point of view. The information is disseminated by country newspapers, and so there is a complete State coverage of announcements made on behalf of the Forests Department or the Weather Bureau.

The towns and centres that receive almost daily reports at the dangerous times of the year are—

> Mullewa, Geraldton, Carnamah, Watheroo, Perth, Fremantle, Kalamunda, Guildford, Dwellingup, Collie, Bunbury, Donnybrook, Bridgetown, Busselton, Cape Naturaliste, Leeuwin, Manjimup, Mt. Barker, Albany, Esperance, York, Cunderdin, Kellerberrin, Bencubbin, Wandering, Corrigin, Katanning, Southern Cross, Norseman.

An additional station is being established at Dalwallinu. Thus there is a complete coverage in respect of day-to-day fire hazards. Bearing that in mind, members will appreciate the importance of retaining the paragraph.

Under paragraph (c), provision is made for a person to obtain a written permit to burn bush from the bush fire control officer of the local authority, and paragraph (g) provides that where for any day specified the fire hazard forecast issued by the Perth Weather Bureau in respect of the locality where the bush proposed to be burnt is situated, is "dangerous," the person who has received a permit shall not burn bush in the locality on that day. Anyone who has lived in the country districts and experienced the dangers of fire would not desire to have that provision removed from the Bill, and I believe that if the member for Roe were present, he would be prepared to withdraw his amendment.

Mr. HILL: The feeling of the local bodies in the Great Southern, as expressed at a recent conference, was that the conditions in the agricultural areas are different from those in the forest area. My district is in a forest area and I should not like to see the paragraph deleted.

Mr. NALDER: The conditions referred to by the member for Albany are certainly different from those in the agricultural districts. If we had copies of the forecasts issued by the Weather Bureau last summer, we would find that in the majority of instances the fire hazard was "dangerous." In country areas where there is a bush fire brigade and all precautions are taken so that there is no possibility of a fire getting away, I cannot see any reason, even if the fire hazard is dangerous, why a fire should not be put through, provided the fire control officer is satisfied that the precautions are adequate.

Day after day when the prevailing wind is blowing, the hazard is dangerous, and under this paragraph a man would not be allowed to burn perhaps for weeks and weeks. In parts of the country, a fire could be put through without any risk, especially if the man had a couple of hundred acres of fallow on the side of the bush to be burnt. There would be no hazard at all. He could put the fire through without any trouble or worry. Why should not a man who could get a good burn be allowed to go ahead? Under this clause he will not be allowed to do so because some man in Perth can say over the radio that the fire hazard is dangerous. The farmer might have to wait two or three weeks before putting his burn through. This creates an unnecessary restriction in the agricultural areas where people have taken all the necessary precautions. The restriction may be all right for the forest areas, and where there is the possibility of valuable timber and pasture being destroyed. An individual who does not know local conditions can hold up activities.

The Minister for Lands: He is only the mouthpiece. This provision is for a sudden change in the weather.

Mr. NALDER: A detailed study of the forecasts that have been issued from time to time by the Perth Weather Bureau would show that possibly for a week or ten days the forecast for some of the agricultural areas was dangerous.

The Minister for Lands: In the restricted burning times?

Mr. NALDER: Yes.

The Minister for Lands: Very seldom would it go for more than two or three days.

Mr. NALDER: In that case a man, who was waiting for a north wind would not have the opportunity to carry out his burn because, almost without doubt, a north wind produces a dangerous fire hazard. He would have to wait until the middle of winter, or at least until the rains came, and so would not get a good burn. It is essential to have a good burn because of the labour problems that follow a poor burn. The Minister, because of his experience in war service land settlement, knows that without a good fire, unnecessary cost is incurred. We do not want to put restrictions on farming activities so as to make it difficult for people to carry out their work. I do not in any way suggest that we should make it easy for people to light fires, willy-nilly, and not require them to accept responsibility for what they do.

Mr. Hutchinson: We have to take a realistic view.

Mr. NALDER: Yes. We must make it possible for those engaged in farming activities to carry out their work without having to run to the fire control officer or warden for a permit to set alight a piece of country where damage is not likely to result. The member for Roe has suggested a reasonable attitude, and I hope the Minister will agree to delete that portion of the clause which provides that a fire may not be lit when the weather officer says the hazard is dangerous.

Hon. D. BRAND: I support the amendment because I believe this is a case of theory as against practice. If the Bill can be criticised, it is because it is too sweeping in its original application. The committee has been a little over-enthusiastic, forgetting that Western Australia is a big State with marked variations in weather conditions. The measure should be drafted as a result of experience. As the member for Wagin has pointed out, whilst we could agree that the clause should apply to the forests areas, it should not apply in such a sweeping manner to the district I represent and to other wheatgrowing areas as far north as Mullewa and as far east as Southern Cross.

It is true that in practice it would be difficult for the Weather Bureau, with all the goodwill in the world, to give an accurate prophecy. I am afraid that many of the decisions with respect to the hazardous weather conditions would not apply for very long in such districts as have been mentioned by the member for Wagin and as are represented by me. The problems which the hon. member has raised in respect of burning, particularly those of farmers who have rolled country, would apply.

For a farmer to be forced to adhere to the direction of an officer not to burn, because of the forecast of the Weather Bureau, would be most impracticable and would impose hardship on him. The Minister knows that in these districts there may be many hundreds of acres of land rolled and ready for burning. The farmer would only be waiting for a certain wind before setting fire to it so that the burn could be carried out with some degree of security so far as the rest of the farm and the surrounding properties were concerned.

It would be better to consider that aspect than to allow a forecast by the Weather Bureau to interfere with the process of burning. I hope that the Minister will agree to the deletion of this clause, at least as it applies to the agricultural districts, with a view to allowing the committee to bring it forward at a later date if, as a result of experience in the forest areas it is found necessary to apply it to other parts of the State.

Mr. HEARMAN: I oppose the total deletion of this provision because I agree that the fire hazard forecast has a definite value in the forest areas. The member for Roe agrees with the amendment I have on the notice paper. I would like the Minister to give further information about fire hazard forecasts. Two or three of the towns in the list he read out are in my electorate, or close enough to it for a comprehensive report to be obtained from that area in this regard. However, included in the list was only one town from the Roe electorate—Corrigin.

What would be the position in that electorate if a large number of towns elsewhere reported dangerous conditions and the Corrigin report was that the conditions were below dangerous? Would it mean that burning would be prevented in the Roe electorate? I do not doubt the sincerity of those responsible for the fire hazard broadcasts, but the list of towns given was more representative of the forest areas than the agricultural areas. I would remind the Committee that weather conditions generally are one factor, but that the prevailing wind on a particular day may be far more important if one wishes to burn grass with bush country alongside it. I oppose the amendment.

Mr. HILL: On Saturday I attended a conference, at which were represented the Denmark, Albany, Mt. Barker, Cranbrook and all the other Lower Great Southern local authorities. A resolution unanimously agreed to at that conference stated—

> That the lighting of fires on dangerous hazard days be controlled by radio broadcast in timber areas and by local authorities in other than timber areas.

The MINISTER FOR LANDS: I appreciate the reluctance of some members in this matter and admit that the list of towns I gave was not as complete as I would like it to be to enable full fire hazard information to be transmitted to Perth. It must be remembered that the committee has for years worked to extend its activities to all country areas. With the co-operation of the Forests Department in the lower South West and the Weather Bureau in the agricultural areas, effective cover is being closely approached. Of course, some gaps will remain until the work is completed. The member for Greenough said the proposal was too sweeping and was impracticable, but what is proposed in the Bill is the everyday practice in the areas concerned, without any authority for it. What man would light a fire when his commonsense told him it would be dangerous to do so?

Mr. Nalder: Not long ago a ganger set fire to a heap of sleepers on railway land when the fire hazard was dangerous. The fire got away and caused considerable damage.

The MINISTER FOR LANDS: That is an argument in favour of having a provision to cover legally what is now an

everyday practice. I know that local authorities, bush fire brigades and bush fire control officers have a large say as to whether fires should be lit in their areas, even in the restricted burning time.

Hon. Sir Ross McLarty: Could they not have the say in this instance?

The MINISTER FOR LANDS: They have it in an indirect way, as the information comes from them in the first place. Today, with no legal backing, they recommend that fires should not be lit if the conditions are dangerous. This matter must be considered, not from the parochial but from a State viewpoint. Of course there are pin-pricks under most Acts, and I realise that this question is one dealing with conditions that may change very quickly.

Hon. Sir Ross McLarty: Although the day hazard may be dangerous, towards evening it might be safe to light a fire.

The MINISTER FOR LANDS: The hon. member proposes to move an amendment to reduce the normal lighting times from six to four in the afternoon, and I have agreed to that. I think the provision sought is not unreasonable. The Bill does not refer to stubble which could be burned safely on a certain day, or to individual heaps of rubbish, but to certain bush land which should not be burned under particular circumstances. The provision should not be defeated because two or three members feel that stubble or something of that nature could not be burned safely.

If we have not in the Act a provision of this kind, no matter how good the local authorities, bush fire brigades or control officers are, someone may make a slip. Somebody will suffer untold damage. This is a protection against exceptional days—days which are different from the previous days; where conditions alter and something happens quickly. It is not an unreasonable clause and would not be worked in an unreasonable manner. We are seeking to put into legislative form something which is the everyday practice in most road board districts. It is always a good thing to have more than one provision, if necessary, in regard to stopping people from lighting fires at dangerous times. If this clause is struck out, there will be an open slather—

Mr. Nalder: No.

The MINISTER FOR LANDS:—in those road board districts that do not pay the same attention to their responsibilities as many other road boards do.

Mr. Nalder: Because of a few irresponsible individuals you are going to hamstring everybody else in the State.

The MINISTER FOR LANDS: In a later debate on another clause, I will tell the hon. member what a few irresponsible individuals have caused in this State. I am not trying to be difficult; I am trying to compromise. I am surprised that some members who have had more experience of bush fires than I have had, seem to think I am not compromising.

Mr. Cornell: Can you inform us how the Weather Bureau assesses what is a dangerous hazard in the wheat areas? In the timber areas certain factors are taken into account, but in the wheatbelt areas I understand that the reports come from the local postmasters and they might not give a darn!

The MINISTER FOR LANDS: The Weather Bureau is doing a good job. It is endeavouring wherever possible to open up new centres and we want to have a complete network in order to give us day-to-day information. We want to strengthen its hands where possible and I hope the Committee will not strike this clause out of the Bill.

Mr. HILL: It is contended, by those who want this clause defeated, that the fire hazard reports in the agricultural areas are not as reliable as those for the timber areas. I understand that in the timber areas the hazard is fixed by measuring the moisture content in certain timber. That is not done in the agricultural districts. Is it correct that the department is trying to improve the forecasting for the agricultural areas?

The Minister for Lands: Of course it is.

Mr. NALDER: This clause only doubles up on power that is already contained in the Bill. No person can light a fire unless he gets a permit from the local fire control officer.

The Minister for Lands: But he cannot be stopped from lighting a fire after he has received a permit, unless this clause is agreed to.

Mr. NALDER: A control officer will not issue a permit unless he has received, from the captain of the local brigade, a written statement saying that he has inspected the area to be burnt, has seen the firebreaks and is satisfied that all the required conditions have been complied with; and the man can light the particular piece of bushland—not stubble as the Minister mentioned. Yet the Minister wants to say that after all those conditions have been fulfilled—

The Minister for Lands: What about a sudden change in the weather?

Mr. NALDER: The fire control officer has to be satisfied before he issues a permit. He might say, "You cannot light a fire on this piece of country if a north wind is blowing because the hazard is too great. It will set alight other property."

The Minister for Lands: Nobody could stop him after a permit had been issued if this clause were struck out.

Mr. NALDER: But the fire control officer could say that a man could not light a fire on a certain piece of country if a certain wind were blowing. He makes the position very clear. The person concerned might get all the neighbouring farmers with their equipment to come to his place on the morning he is to light the fire. But if this clause is agreed to and the forecast over the air is "dangerous," he would not be allowed to light his fire. Yet he has the written authority of the control officer! I think the clause is unreasonable because it is already covered in another part of the Bill.

The Minister for Lands: It is not.

Mr. Oldfield: What would happen if the man lit the fire before he heard the broadcast over the air?

Mr. NALDER: In that case the man would be up for all sorts of damages. He would have to take the risk. So I say it is unreasonable. It does not take into consideration any local conditions. It is a State-wide broadcast and I consider the clause to be ridiculous.

Hon. D. Brand: When will the hazard be announced? Early in the morning or at midday.

Hon. Sir ROSS McLARTY: I am sorry that the member for Roe is not here today, but he is engaged on some business in his electorate. I agree with what the member for Katanning has said because I can see some difficulty arising from this provision. The member for Greenough just asked, "When will the hazard be announced to those who wish to burn?" I presume it will be announced some time in the early morning and at other times during the day. It is quite likely that many people concerned will not be aware of the fire hazard. I can foresee this provision causing some confusion. I ask the Minister: Why could not the decision be left to the local fire officer, who would have a good knowledge of local conditions and would appreciate the dangers that would be likely to arise? Say the fire hazard is announced at 9 a.m. and all preparations have been made to carry out the burn, which would be done in the late afternoon or evening. Is it not likely that the conditions at that time of the day might be favourable to the burning?

The Minister for Lands: One cannot allow for every change in the weather.

Hon. Sir ROSS McLARTY: That is so. Therefore, the Minister could safely leave the decision to the fire officer. That is what the member for Katanning is suggesting, and I support his contention.

Mr. CORNELL: The question has been asked as to when the fire hazard is announced. I have not yet heard a fire hazard broadcast for the wheatbelt, and I doubt whether any other member has. A warning is invariably given for the jarrah and karri forest areas, but no specific reference is ever made to any particular district, to my knowledge.

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

Ayes	15
Noes	20
Majority against	5

Ayes.

Mr. Abbott	Mr. Nimmo
Mr. Brand	Mr. North
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Doney	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Hutchinson
Mr. Nalder	*(Teller.)*

Noes.

Mr. Graham	Mr. Lapham
Mr. Hawke	Mr. Lawrence
Mr. Heal	Mr. McCulloch
Mr. Hearman	Mr. Norton
Mr. W. Hegney	Mr. Nulsen
Mr. Hill	Mr. Rhatigan
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. J. Hegney
Mr. Bovell	Mr. Guthrie
Mr. Watts	Mr. O'Brien
Dame F. Cardell-Oliver	Mr. Moir
Mr. Perkins	Mr. Andrew
Mr. Ackland	Mr. Sewell

Amendment thus negatived.

Mr. HEARMAN: I would like to effect some compromise on this question. I supported the Minister by voting against the last amendment because I thought the deletion of the paragraph would be too sweeping. I hope, therefore, that the amendment which I am about to move will meet with the approval of all members of the Committee. I move an amendment—

> That after line 22, page 15, a new subparagraph be added, as follows:—
>
> (iii) unless otherwise provided by the regulations the provisions of this paragraph apply only to the district of a local authority in which a State forest is situated.

It will mean, in effect, that all those areas where there are State forests will be covered by the clause. It will be illegal to light a fire in those areas where the fire hazard forecast is "dangerous." In respect to agricultural areas, it will not mean that the farmers there will have a free hand because it will be noticed that in the amendment are the words "unless otherwise provided by the regulations." It seems to me that it could be incumbent upon a local authority to make its own regulations to provide that it is unlawful to light a fire when the fire hazard forecast is "dangerous."

The amendment merely gives discretion to local authorities in parts other than forest areas to decide whether they want to prohibit the lighting of fires in the event of the fire hazard forecast being "dangerous" or not. It gives discretion to the people on the spot. It is desirable particularly in view of the Minister's statement that forecast arrangements in one of the agricultural areas are not yet complete. When they are complete we may be able to have more detailed forecasts. At present the forecast may be "jarrah area, dangerous," "karri area, high summer" or vice versa. But the whole of those areas would come under agricultural areas.

If it is possible to give a different forecast for those areas then surely it is possible to give a different forecast for, say, Hopetoun and Mukinbudin. At present it is not possible to do that. I think my amendment will provide a compromise and instead of putting these areas into one class it will allow of flexibility. The local authority is still competent to say there will be no fires lighted when the forecast is "dangerous." It will still be competent for the officer, when giving a permit, to endorse it, "Fire not to be lighted." I think the Minister should agree to the amendment. It permits discretion to be shown in the areas where people want it to be exercised.

Hon. Sir ROSS McLARTY: After listening to the member for Blackwood it occurs to me that the State forests are not made up of only jarrah and karri. It might also include sandalwood or other timbers in the wheat areas and drier areas of the State. When I first read the amendment I was favourably disposed towards it, but now I wonder whether it is practicable because of the large and scattered areas that may be covered under the heading of State forests.

The amendment states that this shall apply to the district of a local authority in which a State forest is situated. That would not be satisfactory. There are State forests in my own district; many miles away there is coastal country where a fire could be just as safely lit as in any other part of the State. I can see difficulties in this amendment in regard to the wide distribution of what might be termed the State forests.

Hon. A. V. R. ABBOTT: I do not represent a country district. I am a little confused about one of the Minister's statements. He said that a permit to burn could be obtained irrespective of the fire warning.

The MINISTER FOR LANDS: That is not so. The member for Katanning was speaking at the time and I referred to the fact that whilst a permit to burn can be issued, there is nothing in the Act to prevent one from burning once one has that permit. There is no provision in the Act for a sudden change in the weather. If the clause is carried in its present form, it will enable the farmer to obtain a permit under paragraph (a).

Mr. Nalder: Under certain conditions laid down by the control officer.

The MINISTER FOR LANDS: This part of the legislation is full of safeguards and any burning of any type can be undertaken. A permit can be issued to a farmer to burn after everything has been taken into account and suddenly out of the blue there is a change in the weather. What happens then? Unless we have this clause there is nothing to prevent the man who possesses a permit, from burning during a dangerous time. I am glad the Leader of the Opposition when referring to the amendment mentioned the widely scattered nature of State forests, because I was about to do so myself.

The amendment moved by the member for Blackwood would not be practicable and I think he will agree with that after further consideration. What it proposes to do is to enable, by regulation, all agricultural areas in the State, other than in the South-West, to have local autonomy. The whole of paragraph (g) is necessary for the preservation of property. It is not a compromise. It is an alteration of the arrangement and policy as laid down in this Bill. In other words, the Bill would only be effective in the lower South-West or the forest areas within the boundaries of local authorities, and nowhere else except by regulation. When will those regulations be issued for each part of the State?

Mr. Hearman: They will be issued by the local authority concerned.

The MINISTER FOR LANDS: That should not be permitted unless it has legal backing. That is why I cannot favour the amendment. The main reason is because it cannot be supported owing to the scattered nature of the forest country. The clause is sufficiently strong to cater for all needs. I hope that the committee, the Weather Bureau and those connected with the prevention of bush fires in the districts will do the utmost to spread further afield the network I referred to.

Mr. HEARMAN: While the point raised by the Leader of the Opposition is a proper one, it can be overcome very simply by inserting the words "karri or jarrah forests." Regarding the claim that the clause is not a compromise, I still consider it is. The intention of the amendment is to give those areas where there is no accurate weather forecast, some discretion.

Hon. Sir Ross McLarty: Why take away the discretion in those areas with forests?

Mr. HEARMAN: The Leader of the Opposition may be excused for this. He took part in a division to delete this paragraph. That was defeated. Surely my amendment offers the next best thing. I have

put up the suggestion to go part of the way, but he appears to oppose that also. The difficulty mentioned by him is not insurmountable, and until such time as the bush fire forecast network is more widely spread, it would be as well to accept this compromise.

Mr. NALDER: As the Committee has not agreed to the deletion of the clause, the amendment before us is worthy of consideration.

Hon. D. Brand: With the inclusion of jarrah and forest area?

Mr. NALDER: Yes. I would like to hear the Minister on that. What valuable forests exist outside the coastal areas? There are no valuable forests in the wheatbelt, therefore the amendment is quite reasonable without inserting the words "jarrah and karri." If it will solve the difficulty, I am prepared to move for the insertion of those words. The Minister has adopted an attitude that is not realistic. If the Bill is passed by both Houses he will receive many letters of protest because of the unreasonableness of the provisions. If we are to assist agriculture in this State, which is a very important phase of its activities, we should not insert provisions to curtail the actions of people who are building up the economy and assets of this State. If the amendment put forward by the member for Blackwood is agreed to, the difficulty I mentioned earlier would be overcome. I support the amendment.

The MINISTER FOR LANDS: I can appreciate representatives of country districts wanting as much local autonomy for local authorities as possible. Members must agree that the committee which assisted to draw up this Bill has done a good job in extending the powers of the local authorities. I am not concerned about letters of protest if this Bill is passed.

Mr. Nalder: You will have to amend the measure next year.

The MINISTER FOR LANDS: We will not amend a provision that is working well. I am comforted with the fact that before the Bill was introduced, the utmost investigation was conducted by the bush fire committee. It received reports from all local authorities, and all those associated with controlling bush fires have expressed their opinions in conference after conference. The committee collated them all and as a result the Bill was introduced.

Mr. Nalder: Why should members receive letters from local authorities condemning the Bill?

The MINISTER FOR LANDS: There will always be people who disagree. What better method is there than to go to local authorities and ask for their opinion as to the best measures to be adopted? What better can be done than to form the committee with half of its members representing local authorities? What better can be done than to consult men who in their everyday life have to forecast bush fire hazards? All this was done, and, without exception, they desired paragraph (g). It has been practised for some three years without legal backing. Why delete the provision from the Bill just to give local authorities greater power, which they did not express a desire for when in conference?

Mr. Nalder: If you owned a property and wanted to put a fire through, you would realise the position. The argument put up seems to be without practical backing.

The MINISTER FOR LANDS: If that is the case, why has it not affected the opinions of the advisory committee which assisted to draw up the Bill? One half of the members of the committee are representatives of local authorities. A couple of letters have appeared in the newspaper, but I do not worry about them because they represented the views of only two writers. The best way to get information in a democratic country is to go to the people, and they have stated that they want paragraph (g) for the reasons I have given. I cannot understand why members should wish to depart from the Bill. It would be very weak if we issued a permit to a man to burn and did not hold in reserve power to prevent the burning when necessary.

Hon. D. BRAND: I can support the suggestion of the member for Blackwood because in my area there is no jarrah or karri, but that does not apply to the district of the Leader of the Opposition, who would have the problem of the land on the coastal strip and the land in the forest areas. At Carnamah hundreds of acres have been set aside as a State forest, and in the event of a general application of the provision without any amendment, the restrictions would apply throughout that road district.

There should be some way of reaching a compromise on the arguments that have been advanced. If this were done, we could await experience of the operation of this new, sweeping measure. As it is, I feel sure that this will be another piece of legislation that will be observed only in the breach. We should get a more specific system of forecasting the fire hazards for the agricultural areas. I hope that consideration will be given to the arguments advanced in the hope that a happy medium may be struck.

Hon. Sir ROSS McLARTY: If the suggestion of the member for Blackwood were adopted, it would go a considerable way towards achieving the objective of the member for Roe in seeking to delete paragraph (g). I wish to make my position clear. What affects districts like Roe and Katanning also affects my district. Why

should any distinction be drawn between farmers in a forest area and those outside? There could be considerable areas of agricultural land miles away from a forest area, but because of a certain fire hazard, the farmers in those areas would not be permitted to burn. It may be said that I expressed this view in voting for the amendment by the member for Roe, but I should prefer to see discretion given to the district fire officer.

Mr. HEARMAN: May I alter my amendment, Mr. Chairman, by inserting after the word "State," the words "karri and jarrah"?

The CHAIRMAN: The hon. member may withdraw his amendment and move it afresh after rewording it, or he may get another member to move for the insertion of those words as an amendment on the amendment.

Mr. NALDER: I move—

> That the amendment be amended by inserting after the word "State" the words "karri and jarrah."

Amendment, on amendment, put and passed.

Mr. HEARMAN: The amendment as amended, should overcome many of the objections that have been raised by the Leader of the Opposition. I do not wish to reiterate what I have already said.

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

Ayes	17
Noes	18
Majority against	1

Ayes.

Mr. Abbott	Mr. Nalder
Mr. Brand	Mr. Nimmo
Mr. Cornell	Mr. North
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Wild
Mr. Hill	Mr. Yates
Mr. Manning	Mr. Hutchinson
Sir Ross McLarty	*(Teller.)*

Noes.

Mr. Graham	Mr. Lawrence
Mr. Hawke	Mr. McCulloch
Mr. Heal	Mr. Norton
Mr. W. Hegney	Mr. Nulsen
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. J. Hegney
Mr. Bovell	Mr. Guthrie
Mr. Watts	Mr. O'Brien
Dame F. Cardell-Oliver	Mr. Moir
Mr. Perkins	Mr. Andrew
Mr. Ackland	Mr. Sewell

Amendment, as amended, thus negatived.

Progress reported.

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, 21st September, 1954.

CONTENTS.

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

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Read a third time and returned to the Assembly with an amendment.

BILL—SUPREME COURT ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th September.

HON. H. K. WATSON (Metropolitan) [4.37]: This is a Bill which I think will commend itself to the House, inasmuch as it is designed to facilitate the day to day working of the Supreme Court, and to attend to one or two other matters which will simplify and expedite the administration of justice. Most of the other amendments contained in the Bill are of a machinery character.

The Supreme Court, like most other organisations and institutions, doubtless finds that the business to which it has to attend today is considerably greater than that of 10 or 20 years ago. Provision is therefore made in the Bill for the definition of "Master" of the Supreme Court, and for the appointment of a deputy. The measure also lays down the duties of the registrar. Opportunity is taken in the Bill to leave it to the discretion of the Chief Justice or, failing him, the senior judge, to decide just when the Supreme Court shall go on circuit.

Apparently the Act at present lays down some hard and fast rule, but it is not always desirable or convenient that that rule should be adhered to by the court. I feel it is desirable that the court itself