Legislative Council

Wednesday, 28th September, 1955.

CONTENTS.

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

QUESTIONS.

KIMBERLEYS.

Eradication of Pleuro in Cattle.

Hon. C. W. D. BARKER asked the Minister for the North-West:

Will he state what plans the Government has for the eradication of pleuro in cattle in the Kimberleys, with the aim of eventually lifting the quarantine restrictions?

The MINISTER replied:

To eradicate pleuro-pneumonia from the Kimberleys it would be necessary to obtain a complete muster of all the cattle in the affected area and to subject them to diagnostic tests at frequent intervals. But this will not be possible until all properties have been fenced and subdivided, enabling the cattle to be brought under control and mustered for testing as required. No action for the eradication of the disease is possible in the present stage of development.

ROYAL PERTH HOSPITAL.

Sound-proof, Air-conditioned Rooms.

Hon. J. G. HISLOP asked the Chief Secretary:

Bearing in mind the repeated requests by the Royal Perth Hospital authorities for persons to observe quiet in the hospital vicinity when a patient suffering from tetanus is being treated, and realising how ineffective this must be in producing quietness either around or within a busy hospital, will the Minister for Health arrange for the building within the hospital of one or more adequately sound-proof, air-conditioned rooms in which treatment must be more effective?

The CHIEF SECRETARY replied:

This matter is under consideration by the hospital board.

NUCLEAR WEAPONS.

Effects of Trial at Montebello Islands.

Hon. C. W. D. BARKER asked the Chief Secretary:

(1) Has the Government been taken into the confidence of the authorities responsible for the next nuclear weapons trial at Montebello Islands?

(2) Is the Government aware that Dr. J. F. Loutit of Harwell Atomic Energy Station and Dr. Scott Russell of Oxford University told the British Veterinary Association that after the U.S. Pacific hydrogen bomb test in March, 1954, the stated area over which fission products fell out in lethal quantities was about 7,000 square miles?

(3) Is the Government also aware that these scientists warned that radioactive particles could be eaten by grazing animals and the stock could suffer grave injury, and that the effects could be passed on to humans who drank milk produced or ate the meat from such carcasses?

(4) As these tests are designed merely to assess the value or otherwise of certain weapons, and in view of the easing of world tension, is the Government of the opinion that it is necessary for Western Australia to be the guinea pig?

The CHIEF SECRETARY replied:

(1) No.

(2) and (3) The Government has no information on these matters other than what may have appeared in the Press.

(4) The British and Commonwealth Governments apparently believe the Montebello Islands to be the most suitable place for these tests.

NARROWS BRIDGE.

Influence of Access Roads on Style.

Hon. J. G. HISLOP asked the Chief Secretary:

(1) When Professor Holford comes to Perth to consider the type of bridge to be erected over the Narrows will his decision have, of necessity, to be based upon the access roads, such as the one that is scheduled to go across Mount-st., and under Malcolm-st., envisaged by Professor Stephenson, being accepted as essential bases of the whole project?

(2) In view of the fact that Professor Holford may have a different set of access roads to meet the needs of the type of bridge he and his firm will advise, will the Minister halt the filling-in of Mounts Bay until the professor's advice is received?

(3) Will the professor's view be sought as to whether the Narrows is the best site for the bridge?

The CHIEF SECRETARY replied:

Professor Holford will advise the firm of Maunsell, Posford and Pavry, with which he works in association, on the style and aesthetics of the proposed bridge. He will not be required to go into the questions of site, access roads, etc, as those have already been determined by highly-qualified officers of the department after many months of investigation and study and the most careful consideration of all possible alternatives.

NORTH-WEST.

Onions, Growing.

Hon. C. W. D. BARKER asked the Minister for the North-West:

(1) Is it a fact that a quantity of onions from experimental stations in the North has been received and is being sold in the Metropolitan Markets?

(2) If this is so, can he give the House a full report on the experimental crops and the possibility of growing onions on a commercial basis in these areas?

(3) Will land be made available to prospective growers?

The MINISTER replied:

(1) Experiments in the growing of onions are in progress at research stations in the North-West, but no onions have yet been forwarded therefrom. Trials at Fitzroy Crossing have been conducted under guidance of the district adviser and half a cwt. of onions has been forwarded to Perth for disposal. They will be displayed at the Royal Agricultural Show.

(2) It would be premature to express an opinion at this stage.

(3) Answered by No. (2).

TRAFFIC ACT.

(a) Newspaper Reports of Regulations.

Hon. L. A. LOGAN (without notice) asked the Chief Secretary:

Are the reports in last night's "Daily News" and this morning's issue of "The West Australian" a true record of the regulations which are to be made under the Traffic Act and gazetted on Friday?

The CHIEF SECRETARY replied:

I have not examined the reports in either "The West Australian" or the "Daily News", and therefore I could not say whether they are true records or not. The true record will be in the "Government Gazette" on Friday.

(b) Method of Operation of Regulations.

Hon. L. A. LOGAN (without notice) asked the Chief Secretary:

When these regulations are laid on the Table of the House, will he give an explanation of how they shall operate?

The CHIEF SECRETARY replied:

That is a most unusual request, and I do not know that it would be allowed under the Standing Orders.

MOTION—WAR SERVICE LAND SETTLEMENT SCHEME ACT.

To Disallow Improvement and Appeal Regulations.

Debate resumed from the previous day on the following motion by Hon. J. McI. Thomson:—

> That regulations Nos. 18, 19 and 24 made under the War Service Land Settlement Scheme Act, 1954, published in the "Government Gazette" on the 4th February, 1955, and laid on the Table of the House on the 9th August, 1955, be and are hereby disallowed.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.41]: In moving for the disallowance of these regulations, Mr. Thomson appears to have based his motion on supposition—on what might happen. For instance, he said that perhaps the settlers would be left to the whim of a capricious decision which might be made by responsible officers. I do not think that that kind of treatment has been or is in any way likely to be meted out by those responsible officers. In any event, should some decisions be made which are regarded as being capricious or irresponsible, I daresay that there are avenues of redress. Naturally an approach could be made through the member for the district to the Minister concerned. I would be hard put to believe that reasonable and concientious consideration would not be given to any appeals or objections submitted under those circumstances.

In regard to regulation No. 18, I wish to inform the House that in fact, legally, there is no regulation No. 18. The regulation tabled under that number was never, in that form, published in the "Government Gazette," and it is therefore not valid. The regulation published in the gazette as No. 18 has not yet been tabled, and it cannot be tabled, because that must be done within the first six sitting days of Parliament following the gazettal of the regulation. Therefore, in regard to regulation No. 18, it will be necessary to reframe it and then table it.

But in order that members may give some consideration to this regulation prior to its being published and laid on the Table, I shall read the proposed regulation—that is, the one which was published in the "Government Gazette" of the 4th February, 1955—

Hon. N. E. Baxter: That is not the one laid on the Table of the House?

The MINISTER FOR THE NORTH-WEST: —so that due consideration may be given to it by Mr. Thomson and other members. Mr. Thomson could express his view upon it when he replies to the debate, and consideration could be given to any objection he might raise or alterations he might desire before the regulation is made legal.

Hon. L. A. Logan: But this one has been tabled.

The MINISTER FOR THE NORTH-WEST: The regulation quoted by members has been tabled, but there is a line missing; and the one tabled has never appeared in the "Government Gazette" in that form.

Hon. L. A. Logan: But I have the "Government Gazette."

The MINISTER FOR THE NORTH-WEST: The regulation laid on the Table of the House has never been published in the "Government Gazette." Mr. Logan has a printer's proof, and it is obvious that those responsible for tabling the regulations have by some error tabled an uncorrected printer's proof instead of the regulation which appears in the "Government Gazette" of the 4th February.

Hon. L. A. Logan: That would be the department's fault?

The MINISTER FOR THE NORTH-WEST: The Crown Law Department's ruling is as follows:—

> The legal position is that the regulation as approved by the Governor and gazetted has not been tabled. Regulation No. 18 is therefore not a regulation because it has not been tabled within the prescribed period, which is within six sitting days of the House meeting following publication of the regulation.

Hon. J. McI. Thomson: In actual fact, the regulations are incomplete at present. Is that the position?

The MINISTER FOR THE NORTH-WEST: As I have already explained, there is no regulation No. 18. Regulation No. 18 as tabled in the House has never been approved by the Governor and gazetted.

Hon. Sir Charles Latham: The position is that a draft was laid on the Table accidentally.

The MINISTER FOR THE NORTH-WEST: Yes; a line has been dropped out. I shall read the regulation that was intended to be tabled. It is headed "Care of Improvements" and reads—

> All buildings, fences and other permanent improvements, on a holding shall be kept in good and tenantable order and condition by the lessee, in accordance with the terms of the lease of the holding, and the Minister or his authorised agent may at any time enter upon a holding to ascertain if the conditions of this regulation are being performed and observed by a lessee. Where a lessee commits a breach of this regulation the Minister may cancel the lease and forfeit the holding.

Hon. J. McI. Thomson: That was the line left out?

The MINISTER FOR THE NORTH-WEST: The words left out were these—

> . . . by a lessee. Where a lessee commits a breach of this regulation the Minister . . .

The regulation, as I read it out, is a normal and a reasonable one. It is only to ensure that the settlers look after their properties; that they maintain them in reasonable order and condition; in other words, that they look after their own interests. I think that provision could be found in most contracts or leases, and it would apply even if a person were purchasing or merely renting a property. So I cannot see where any objection could be raised against the regulation as it should have been tabled.

Hon. J. McI. Thomson: The only objection is that the people have no right of appeal to an independent tribunal should the occasion arise where the Minister forfeits a holding.

The MINISTER FOR THE NORTH-WEST: I shall deal with regulation No. 24 before I proceed to regulation No. 19. The former sets up the authority for the War Service Land Settlement Appeal Board. It has been stated that the method of approach to the appeal board is too restrictive as it relates to the settler, because sub-regulation (1) of regulation No. 24 reads as follows:—

> The authority to investigate and determine such matters arising between a settler and the State as the

> Commonwealth of Australia and the State agree may be referred to it for determination, shall be known as the War Service Land Settlement Appeal Board.

It has been argued that the State is the agent for the Commonwealth. Mr. Logan read it out in terms to that effect but that is not the only interpretation I can place on it.

Hon. N. E. Baxter: Read subregulation No. (4).

The MINISTER FOR THE NORTH-WEST: That covers it. The fact is that the objection voiced by members is one that has been put forward by previous Ministers for Lands, as well as the present Minister for Lands, and is an objection that has been expressed over a number of years. It has been taken up vigorously by the Director of Agriculture, who is Chairman of the Land Settlement Board. The matter has been taken up with the Commonwealth Government, which has been asked to ease that restriction.

The question of making the appeal board more easily approachable by either the settler or the State has been discussed for some years; and only as recently as last July agreement was reached with the Commonwealth authorities by which they are prepared to alter that provision and accede to the request that the appeal board should be more easily approached. That agreement was arrived at only during last July; but I repeat that the previous Ministers for Lands and the present Minister for Lands, through the Chairman of the War Service Land Settlement Board, have been trying to bring this about for some six to eight years. At last the Commonwealth has agreed.

It is proposed that the appeal board should be set up as follows. Subregulation (4) of regulation No. 24 now reads—

> The Board has jurisdiction to investigate and determine such matters arising between the settler and the State as the Commonwealth and the State agree may be referred to it for investigation and determination.

It is now agreed by the Commonwealth that a provision should be made as follows:—

> The appeal board shall investigate and determine allegations of breach of any covenant of the lease document at the request of a lessee or the State.

I think that will overcome the objections which most members have raised, and which have also been raised at various times in this Parliament during the last two or three years.

Steps will now be taken, of course, to alter regulation No. 24 and to insert that new provision. Members may query why it was not done in the last week. The reason is that, because there is no regulation No. 18, it is desirable that members who may wish to speak on this subject following me, and also Mr. Thomson in his reply, may give some lead as to their acceptance or otherwise of proposed regulation No. 18.

Regulation No. 24 will be redrafted with regulation No. 18, and they will then be gazetted and laid on the Table of the House as soon as possible after this disallowance motion has been disposed of.

The motion also deals with regulation No. 19. Objection is taken to the second part of that regulation which reads as follows:—

> Until the full amount of purchase money has been paid by the lessee and on any default in payment of rent or any instalment of purchase moneys, the holding and all improvements thereon, as well as any purchase money that may have been paid by the lessee may be forfeited to the Minister.

It was said that if such a circumstance did arise, there was no appeal. But there is an appeal, because that provision affects part of the covenant of the lease document; and, of course when any part of a covenant is affected the settler immediately has the right to appeal to the appeal board. Whatever decision is made by the appeal board is absolutely final, and the Minister cannot override that decision. That is definitely stated in regulation No. 24. Subregulation (7) of regulation No. 24 reads as follows:—

> The decisions of the Board or of a majority of the members of the Board shall in each case be reported in writing by the Board to the Minister and shall be final and effect shall be given to every such decision.

Accordingly the final decision is not in the hands of the Minister; it is made by the board. The appeal board is restricted to hearing only those applications which are referred to it by agreement between the Commonwealth and the State—that is, as the regulations stand at present. I think I also told the House that the Commonwealth has fully agreed with the provision to make the appeal board more easily approachable. So I cannot see how it can be said that settlers have no right of appeal. A right of appeal exists, although a restricted one. But where an appeal is based on some valuation, something to do with payments, then it is quite natural and reasonable to suggest that neither the State nor the Commonwealth would deny a settler an approach in those circumstances.

I understand that originally the Commonwealth stood very firm on that. The reason was to avoid frivolous appeals over small items. For instance, a settler might be allotted a farm he did not like; or he might have got part of a farm and not the homestead block, or something like

that. I understand that is why the regulation was framed in its restrictive terms. I can assure the House that provision will be made immediately these motions are disposed of, dealing with the war service land settlement scheme, and steps will be taken to promulgate and table fresh regulations.

I would therefore desire Mr. Thomson, in his reply, to give us some constructive views on regulation No. 18 as it appears in the "Government Gazette" of the 4th February, 1955, so that they can be considered and alterations made if they are deemed necessary. I trust the Council will not disallow the regulations in view of the fact that alterations are to be made. I can assure the House that they will be made in the very near future.

Hon. N. E. Baxter: But you are not altering regulation No. 19, are you?

The MINISTER FOR THE NORTH-WEST: No. That is a reasonable condition, and it is normal practice in most mortgage agreements.

Hon. N. E. Baxter: No: not under the Mortgagees' Rights Restriction Act.

The MINISTER FOR THE NORTH-WEST: I have not viewed any, but I am advised that that is so.

Hon. N. E. Baxter: It is not normal practice in ordinary business.

The MINISTER FOR THE NORTH-WEST: There is no danger under regulation No. 19 of any settler being dispossessed of all the money he has paid in and of his property and credits being confiscated. In any event, he would have recourse to common law.

Hon. N. E. Baxter: He would not be protected under common law.

The MINISTER FOR THE NORTH-WEST: I would say that any Minister who confiscated a settler's property when, in fact, the settler had an equity in it, would be looking for quite a lot of trouble and, indeed, should not be a Minister.

Hon. N. E. Baxter: Why provide for it, then?

The MINISTER FOR THE NORTH-WEST: It would be very unlikely to occur. As I have said, a settler is protected through the Appeal Board. Division 7, of the conditions issued by the Commonwealth Minister for the Interior covers that position thoroughly.

Hon. N. E. Baxter: These regulations will be part of the conditions.

The MINISTER FOR THE NORTH-WEST: The regulations are based on the conditions.

Hon. N. E. Baxter: Of course they are!

The MINISTER FOR THE NORTH-WEST: Nobody can alter the conditions except the Commonwealth Government. Clause 10 of Division 7 of the statement of conditions determined by the Minister for the Interior reads as follows:—

> The lessee shall be entitled, if the lease is terminated in accordance with its provisions, to be paid compensation for any improvements owned or effected by him which are essential for the working of the property after allowing for any amounts owing to the State or the credit authority, but compensation payable in respect of any structural improvements which have been or are being purchased from the State shall not exceed the amount actually paid by the settler under the contract for the purchase of such improvements excluding payments of interest.

That reference to structural improvements is intended to avoid inflated values. The value of structural improvements on all farms is based on the cost of the materials in 1946. I am advised, for instance, that if a settler had a shed placed on his property in 1952 or 1953 the value at which it would be purchased from the board would be its 1946 value. So a settler, in respect of structural improvements, appears to be on an exceedingly good wicket. I cannot see where any objection can be logically raised against the second part of regulation No. 19.

Hon. L. A. Logan: It does not line up with the conditions.

The MINISTER FOR THE NORTH-WEST: It does line up with the conditions. In the condition I have just read there is provision for compensation for all settlers in the event of their failing to carry on with their properties for reasons of their own or for any other reason. Surely to goodness there must be some protection! Surely it was not intended that a settler could walk on to a property and do what he liked! If he starts with absolutely nothing, the structural improvements are financed by the board when he goes on to the property. He buys them the day he takes up the property. The money is advanced to him, and he has 30 years in which to repay it. Surely there must be a provision to protect that property, which does not actually belong to him because he has not paid for it. That is why there is a clause providing that he must maintain it and keep it in order.

Hon. N. E. Baxter: Is he not entitled to acquire it after five years?

The MINISTER FOR THE NORTH-WEST: Yes; and he gets it.

Hon. N. E. Baxter: This does not allow for that.

The MINISTER FOR THE NORTH-WEST: I can give the hon. member answers, but I cannot give him anything else. Clause 10 of Division 7 covers that situation; and an appeal can be made

to the Appeal Board when there is any breach of the covenant, as there would be if the Minister confiscated a man's property. In such an event the man would apply to the Appeal Board, which consists of a member of the R.S.L., a member of the Lands Department, and an independent magistrate. There would be two advocates—one for the settler, and one for the Lands Department. The magistrate would make his decision, and from that decision there would be no appeal. The Minister could not override the decision or vary it, but must give effect to it. I would take a lot of convincing that anything clearer and more just could be framed. I sincerely hope, in view of the assurances I have given, that the motion will not be agreed to.

On motion by Hon. J. Murray, debate adjourned.

MOTION—WAR SERVICE LAND SETTLEMENT SCHEME ACT.

To Disallow Fee Simple Regulation.

Debate resumed from the 15th September on the following motion by Hon. J. McI. Thomson:—

> That regulation No. 23 made under the War Service Land Settlement Scheme Act, 1954, published in the "Government Gazette" on the 4th February, 1955, and laid on the Table of the House on the 9th August, 1955, be and is hereby disallowed.

HON. L. A. LOGAN (Midland) [5.10]: Once again I rise to support Mr. Thomson, because we have not sufficient information as to how the final purchase price for the fee simple will be made up. I am not sure what conditions are applied under the set of conditions the Minister has in his possession. But the answers I received from the Minister in reply to questions that were asked yesterday are not too bright from the settlers' point of view. I was informed that with regard to any planned works that the settler himself may have done at his own expense, the assessed cost will appear in the final cost as the figure which it would have cost the State to carry out similar work on the farm. The answer to my question on this matter was as follows:—

> If planned works are carried out by a settler at his own cost (or partly so), the assessed cost is included in the total cost as set out in the final paragraph of Clause 5 (4). That is to say, the work is included in the total cost at the same figure as it would have been estimated to cost the State to carry out similar work on that farm.

The cost estimated by the Government might be £600. In such circumstances, although the cost to the settler may have been only £300, the figure included in the final cost would be £600. That is what I am complaining about. Once again the Minister for the Interior sets down the purchase price and the settler does not know exactly what the terms and conditions are when he wants to buy. That is one of the reasons I am supporting Mr. Thomson. There is nothing in the regulations about assessing the value at a certain date or anything else.

The Minister for the North-West: It is in the conditions.

Hon. L. A. LOGAN: I agree it may be in the conditions the Minister has in his possession. I am not happy about the answers I received to my questions yesterday. Here is what could happen: There are two settlers living side by side. They were allotted their farms on the same day. One is a very good settler and does everything possible to bring his farm to an economic level. He takes a pride in his work and in his farm. His next-door neighbour, however, slovens his way through, though he may fulfil all the conditions.

It is easy for those who travel in the country to see the difference between well-managed and badly-managed farms. In the final assessment, it will probably be found that the well-managed farm has been assessed at a much higher value than the badly-managed farm, and that would only be so because of the intelligence displayed and the hard work done by the good settler. I am afraid there is nothing in the conditions to allow for that. I hope the Minister will be able to say something to prove that I am wrong; but that is what I am afraid of, and what the settlers are afraid of. There is nothing laid down to the effect that the settler's equity will not be included in the total cost. I think that is a genuine fear.

I hope the Minister will be able to provide an answer to the points that have been raised, because the matter has been brought up by Mr. Thomson at the request of the settlers, who asked him to have the question ventilated so that they would know what the position would be when they came to purchase the fee simple. I support the motion.

On motion by Hon. W. R. Hall, debate adjourned.

BILLS (4)—THIRD READING.

1, Cemeteries Act Amendment.
Transmitted to the Assembly.

2, Associations Incorporation Act Amendment.

3, Spear-guns Control.

4, University of Western Australia Act Amendment.

Passed.

BILL—ELECTORAL DISTRICTS ACT AMENDMENT.

Third Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.18]: I move—

That the Bill be now read a third time.

Question put.

The PRESIDENT: This Bill will require an absolute majority, and I will divide the House.

Bells rung; House divided.

The PRESIDENT: I have counted the House, and there being an absolute majority present and voting in favour of the motion, I declare the motion carried.

Question thus passed.

Bill read a third time and *passed*.

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.20] in moving the second reading said: The purpose of this Bill is to ease the strain on the courts and to make the processes of law less involved for persons who have committed minor traffic offences. The Commissioners of Police at their annual interstate conferences have for some time discussed this problem with a view to having it dealt with by other than court proceedings.

There has been a very steep increase in the number of charges listed for hearing in the metropolitan Police Court, a large proportion of which are for traffic offences. This, of course, is not due to any increased incidence of law-breaking by motorists, but to our bigger population and the large number of vehicles being licensed each year. As a result, there has of necessity been a considerable lag before it has been possible to bring cases before the court. As members will appreciate, many charges under the Traffic Act and regulations are of a minor nature. In about 60 per cent. of these cases the offenders plead guilty and do not trouble to attend the court. Others, less cognisant of the procedure, appear at court and plead guilty. This results in a considerable waste of time, both to the offenders themselves and to police officers, as well as to the courts.

The Commissioner of Police, on a number of occasions, has expressed concern at the time off the roads taken up by police officers in inquiring into offences, preparing briefs, and attending courts in connection with minor traffic charges; and the Commissioners of Police, at their annual conferences, have agreed on the urgent need for avoiding as much as possible the growing necessity for the police to devote so much valuable time to minor traffic matters.

In 1950 Cabinet rejected a proposal that Western Australia inaugurate a system similar to that existing in Colorado and other States of America.

Hon. Sir Charles Latham: I should say so!

The CHIEF SECRETARY: I am surprised that the hon. member should object to that.

Hon. Sir Charles Latham: Does the Chief Secretary know what goes on there?

The CHIEF SECRETARY: Even in the worst countries, there are some things that we could well afford to copy. This method gives an offender the alternative of being fined on the spot by the arresting officer, or of being prosecuted through the courts. If the offender agrees to an immediate fine, the police officer gives him what is termed a penalty assessment notice. This notice shows the nature of the offence or offences and the total fine payable. The offender then has five days in which to pay the fine at the Police Department.

While the Commissioner of Police agreed that this scheme had certain advantages, and that it would most certainly reduce the time spent by officers on minor traffic matters, he was not agreeable to the fines being collected by the Police Department. He considered the power to inflict and collect penalties for breaches of law was that of magistrates and Crown Law officers.

A system to deal with minor traffic offences outside the courts was brought into operation in New South Wales on the 1st July, 1954. This action is taken under that State's Transport Act and enables regulations to be made for the imposition and collection by prescribed officers of the Public Service of penalties for minor traffic offences. These regulations refer only to parking offences, but enable extra charges to be preferred when offenders are booked for parking offences. These additional charges are for minor offences, such as incorrect lights, no reflectors, no number plates, etc.

The New South Wales regulations provide that when a person is notified he has committed a parking offence, he may elect to pay the fine at the Police Department. The notice to the offender includes advice that if it is ignored the Police Department will understand that the offender prefers a court hearing. Since this system has been operating, the daily average number of notices sent out has been 300. Of this number over two-thirds have elected to pay the fine by post, and the average daily revenue has been £170.

On examining the Bill, members will observe that it provides only for the making of regulations. The proposed regulations would be lengthy; and, if included in the Bill, would considerably increase the size of the Act. So that members will

be fully aware of what is intended by the proposals, I have arranged for each member to be supplied with a copy of the regulations it is proposed to make if the Bill is accepted by Parliament.

Another reason why it is preferable to create the provisions by regulations is that it may become necessary to amend them after trial. For instance, it is proposed at first to make them applicable only to the metropolitan area. As a result of their trial in the city, it may be decided to extend them to other areas. Also, it may be found desirable to add to, or subtract from, the list of minor offences shown. Because of the possibilities, the Bill has been kept as short as possible and all proposals incorporated in the regulations, which could be amended with more facility than the Act.

The Bill provides for the making of regulations authorising the infliction and collection by prescribed officers of the Public Service of fines for minor traffic offences. It also provides that the offender may elect to have the case heard in the usual way by the courts, and that the regulations may be applied to any prescribed part or parts of the State.

The regulations provide for only one prescribed officer who shall be the Under Secretary for Law. The procedure will be for the Police Department to send particulars of the alleged offences to the Crown Law Department. If the department considers it warranted, a notice must be served on the alleged offender within six months of the date of the alleged offence.

The form of notice is shown at pages eight and nine of the proposed regulations. It advises the recipient that if he would prefer court action, he may ignore the notice, and court process will take place in due course. If the offender decided to pay the fine without argument, he would complete the form shown on page 10 of the regulations and deliver or post the fine to the Crown Law Department.

The minor offences that can be dealt with in this manner are specified on pages 5, 6 and 7 of the proposed regulations. The scale of penalties is shown at the foot of page 7; and as members can see, they are not of a severe nature, being 10s. for a first offence, 15s. for a second, and £1 for a third and each subsequent offence. These penalties are the same as those in New South Wales, and while they are somewhat low, it was thought that as the whole scheme is a new departure it would be better to err on the side of leniency at first.

I would refer members to proposed regulation No 423, page 4, which provides that if the Crown Law Department does not consider that the fines are adequate to meet a particular offence the case shall be dealt with by a court. It is quite feasible that certain persons may be constant offenders, and their continued offences should be met by heavier penalties than the regulations prescribe.

The proposals have been discussed with the magistrates and the Clerk of Petty Sessions, who have expressed their approval of the scheme. I think this Bill is a step in the right direction. The receiving of a summons seems a terrible thing to many people, and it is to them something of a very frightening nature.

Hon. G. Bennetts: That is the effect, especially on the wife or mother of an offender.

The CHIEF SECRETARY: The measure will be a great improvement and will save the time of the Police Department, the courts and everyone concerned.

Hon. A. R. Jones: What will they do with the time saved?

The CHIEF SECRETARY: There are other matters to which they can devote their attention. By this means we may be able to avoid increasing staff, in spite of the increasing amount of work. I commend the Bill to members and move—

That the Bill be now read a second time.

On motion by Hon Sir Charles Latham, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—Short Title and Citation:

The CHAIRMAN: For the information of members, I would point out that three letters are omitted from the word "practitioners" in line 7, page 1. The omission will be rectified by the clerks.

Clause put and passed.

Clause 2—Section 4 amended:

The CHIEF SECRETARY: During the debate on the second reading, Dr. Hislop asked for information regarding the Barristers' Board. I have here a reply from the Solicitor General which supplies the information. It reads as follows:—

> The Barristers' Board consists of the members mentioned in Section 4 of the Legal Practitioners' Act, namely, the Attorney General, the Solicitor General, every Queen's Counsel residing and practising in the State (ten in number) and five elected and experienced legal practitioners residing and practising in the State.
>
> In practice, the board meets as often as required and at least once a month for the transaction of ordinary business. Those meetings are normally attended by the Solicitor General, at least one Queen's Counsel in private

practice, and the five elected members of the board. The minutes of each meeting are typed, and copies are circulated to every person entitled to sit on the board. When a matter involves definite conflict of opinion among members of the board, or is of unusual importance or difficulty, it is usually deferred until the next meeting of the board, a reference to the matter is made in the minutes, and copies of the minutes are given to every member of the board so as to give ample opportunity to all members to attend at the next meeting. In practice, however, it is seldom that members of the board present at any meeting are not unanimous, or practically so, on all matters before the board. There is no known precedent in the last 10 years for the exercise by the chairman of a casting vote.

I hope that is the information Dr. Hislop seeks.

Hon. J. G. HISLOP: That partly suffices. But what interests me, if we do have this clause, is that there will be at least 21 people entitled to be members of the Barristers' Board, and yet four can form a quorum. I suggest to the Chief Secretary that it might be wise, in the interim, even if we do pass the Bill, to again review this question with the idea of having a board of some appointed persons and some elected persons of a fixed number who would be called upon to carry out the tasks allotted to them. To have a board of 21 members of whom only four were required for a quorum would mean that three persons out of 21 could make a decision on any matter. That, to me, does not seem to be a very sound method of administration. The Chief Secretary should again look into this matter, because I think it requires an overhaul.

The CHIEF SECRETARY: I will send a copy of the comments that have been made and a report of the debate generally to the Minister for Justice, together with a suggestion along the lines referred to by the hon. member.

Hon. E. M. HEENAN: If members will refer to the Act, they will see that this section has been in operation for many years. That, of course, does not mean that it could not be amended; but apparently the legal profession has not seen fit to complain about it or to suggest any amendment; and neither has the Crown Law Department. That seems to indicate that the section has worked satisfactorily. Whether we are called upon to do anything in the circumstances is, to my mind, doubtful.

Hon. Sir CHARLES LATHAM: I agree with Dr. Hislop when he says that the board is likely to become unwieldy. I do not know how many Queen's Counsel we have in this State at present.

Hon. J. G. Hislop: Ten, all told.

Hon. Sir CHARLES LATHAM: That number can be added to as time goes on; and, of course, when the Chief Justice and other judges retire, their names will be added. Therefore, I can visualise a very large board in the future. What I am concerned about also is that the board's findings are not made public. It is a little court of inquiry all on its own; and we do not know what transpires, unless perhaps it is dealing with a legal action against one of the members of the profession. It would be wise to have a layman on the board so that we could become acquainted with the charges and offences that are heard by it. Mr. Heenan has said that this section has been in operation for a long time. No doubt many things have been in operation for a long time; but they are subject to changes, and we should change with them.

The Chief Secretary: You do not always do that.

Hon. Sir CHARLES LATHAM: We should limit the board members to a total of eight, with a quorum of four. That would allow the profession to make decisions that would be well in its favour. Before very long, there will be 30 or 40 members on the board; and for only four of them to impose punishment, or whatever is required, does not seem logical.

Hon. J. G. Hislop: It is not normal procedure.

Hon. Sir CHARLES LATHAM: It does not seem so to me. I can remember when there were only three or four Queen's Counsel in this State, but the number has grown. I therefore ask the Chief Secretary to make further inquiries so that this section can be made more effective. Perhaps he can also inquire whether a layman could be appointed to the board so that the public could have some knowledge of what takes place.

Hon. C. H. SIMPSON: I am afraid I do not agree with Sir Charles or Dr. Hislop. I am inclined to agree with the views expressed by the Chief Secretary and Mr. Heenan.

The Chief Secretary: You have changed your ideas, apparently.

Hon. C. H. SIMPSON: That may be so. We have always prided ourselves on what might be called the integrity of the court. In many of our Bills we adopt the attitude that so long as the court is mentioned we are satisfied that such a tribunal is above suspicion. Here we are dealing with a section that refers to the Barristers' Board. In fact, only a small number are required to handle what might be called routine business. If an important matter arises, the leaders and the best brains of the profession could be called into consultation so that a proper decision might be arrived at. I can see no objection to that.

I know of no body of men who are more jealous of the traditions of their profession. I think they can be trusted to continue acting as custodians of those traditions. If there is an offender of their code, they are the first to punish him severely. This system has stood the test of time, and I think it can be allowed to continue.

The CHIEF SECRETARY: Sir Charles definitely wants to drop a hot potato when he suggests that we ought to decrease the number of board members to eight. That could not be done under this Bill, of course. However, to make such a suggestion would create a fairly big storm among members of the legal profession.

Hon. H. K. Watson: How many members are there on the Medical Board?

The CHIEF SECRETARY: I could not say; but perhaps Dr. Hislop could tell us.

Hon. J. G. Hislop: Seven.

The CHIEF SECRETARY: If this suggestion were sent to the Barristers' Board, I do not think it would receive serious consideration. It will, however, be passed to the Minister for Justice, and no doubt will be given consideration there. Further the suggestion made by Sir Charles that a layman should be appointed to sit among professional men would not be received too kindly.

Hon. Sir Charles Latham: I know; but certain things should be made public.

The CHIEF SECRETARY: I would not like to be the layman that sat among those men. He would have to be a pretty strong man to put up with the cold shoulder he would meet when attending a meeting of that description. However, I will send the suggestions that have been made by Dr. Hislop, Sir Charles and Mr. Simpson to the Minister for Justice; and later, before the close of the session, through some other measure, we might be able to take action along the lines suggested.

Hon. J. G. HISLOP: The Medical Board consists of seven members appointed by the Governor, six of whom are to be medical practitioners, and the remaining one a person not in the medical service in this State. Thus there is provision for a lay member. The difference is that in the Medical Board the members are appointed by the Governor; but in the Barristers' Board certain members hold office as a right following on qualifications held by them.

In this Bill it is proposed to appoint judges as members because of their position, and other members are to be appointed because they hold the qualification of Q.C. Such a procedure might work satisfactorily in a small State; but as the population of Western Australia increases so will the number of Queen's Counsel increase. If the quorum for meetings is kept at such a low number the board might find itself in difficulty. Were the same practice adopted by the medical profession in regard to members holding office on the Medical Board, through qualification in medicine and surgery, or through being directors of hospitals, then the profession might find itself with an unworkable board. I suggest that the legal practitioners, in association with the Minister, might look into the method under which the present board is formed.

There seems to be an idea among one or two members that the Medical Board is one for the protection of the profession. That is not so. It acts for the protection of the public against the profession, and for regulating the behaviour of practitioners. I have no doubt that the Barristers' Board acts in the same manner, and is for the protection of the public against legal practitioners. There seems to be no more reason for a lay member to be on the Medical Board, than for a layman to be on the Barristers' Board. I myself would welcome a lay member on the board. I took an active part in the movement to have the Medical Board formed in such a manner.

It is essential for the public to know that the people are able to take part in the proceedings of the Medical Board. The public can lay charges against the profession through the board; and from my reading of the Act, the same can be done in the legal profession. I cannot see any great difference between the functions of the two boards referred to. I regard them as a means of protection for the public. The Medical Board having been reviewed, it is time for the Barristers' Board to be reviewed.

Hon. F. R. H. LAVERY: I also consider that the Barristers' Board is similar to the Medical Board. They are both formed to protect the public. The Chief Secretary has intimated that there might be 10 Queen's Counsel on the Barristers' Board and that leads me to this doubt: If a Queen's Counsel is charged by a member of the public before the board with malpractice or overcharging, surely nine Queen's Counsel will not act against the tenth in favour of a member of the public! The board should consist of members in whom the public has confidence. There should be no doubt as to their integrity.

Hon. E. M. HEENAN: This Bill simply provides that when the present Chief Justice retires, he can become a member of the Barristers' Board; and that when other judges retire, they can also become members. I want to make it clear that the set-up and quorum of the Barristers' Board are not incapable of review; and the legal profession would be the first to admit this. It is unthinkable that the

Crown Solicitor and other eminent members of the profession, whose reputations are above repute, would sit on the board and deal with any serious matter when there was not an adequate number present.

The Act stipulates a quorum of four, but no serious matter would be dealt with when there was only that number present at a meeting. It is an insult to the integrity of the members to think they would do such a thing; but if it is seriously suggested that it could happen, and that the section should be amended, I am sure the legal profession would be the first to welcome a review. As the years go by, with the increasing number of Q.C.'s, I see no reason why the quorum should not be increased.

In reply to the point raised by Mr. Lavery, if a Queen's Counsel were charged before the Barristers' Board, I do not think that his fellow Queen's Counsel would stack the board to do something in his favour. They are not men of that calibre, and I have too much respect for their integrity to think of such a thing occurring. However, these questions do not arise in the Bill before us. If at some future date a Bill were introduced along the lines indicated, we would then be able to give the matter more consideration.

I do not speak on behalf of the Barristers' Board, and I do not want my remarks to be imputed to convey its suggestions. I am in no way authorised to speak on its behalf; but as a member of the legal profession, I know that lawyers are the first to agree that the method of election, the quorum and other matters connected with the board are not beyond amendment from time to time.

The CHIEF SECRETARY: Mr. Heenan referred to four as being a quorum, and said that when any serious matter was to be considered such a quorum would not make a decision. The matter would have to be adjourned and the minutes would have to be sent out to all members, summoning them to attend the next meeting. The point is this: Is there anything in the constitution of the Barristers' Board which compels members to attend a summoned meeting?

Hon. J. G. HISLOP: What we are now dealing with is the Bill before us, and we have asked for the comment of the board as to whether, in view of the increasing number of members, the quorum should not be increased. Reading the list supplied by the Solicitor General, one is left with the idea that on occasions the number attending a meeting is small. If the chairman or the meeting decided that the matter at issue was too serious to be considered by a small attendance, then the meeting would have to be adjourned and the minutes would have to be sent out. However, there is nothing to guarantee that an increased number would attend the next meeting, unless the matter was of such interest that it drew more members.

I suggest that the achievement of rank in the legal profession confers upon a member the courtesy title of being a member of the Barristers' Board. If that is regarded as sound, then the practice should continue. That applies in the medical profession where the members of the Medical Board are called upon to fulfil a task. Even on that board the quorum is small, being three out of a membership of seven; and, personally, I would like to see it increased. To stipulate that a quorum shall consist of four members of the Barristers' Board, out of a total membership of 21 is wrong. I suggest a review be made of the Barristers' Board by the profession in conjunction with the Minister for Justice.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—HONEY POOL.

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Postponed Clause 13—To establish and maintain honey pools:

Hon. Sir CHARLES LATHAM: I move an amendment—

> That the word "thirteen" in line 37, page 9, be struck out and the word "twelve" inserted in lieu.

On referring Subclause (4) paragraph (e) to the company and its draftsman, I found that the Bill had been altered after the original drawing up, as a result of which the clause numbers had been changed. The amendment will put the matter in order.

The MINISTER FOR THE NORTH-WEST: As stated by Sir Charles Latham, a mistake was made when the Bill was reconstructed; and to rectify the error, it is desirable that the amendment be made.

Amendment put and passed.

The MINISTER FOR THE NORTH-WEST: I point out that in line 9 on page 11 the word "hypothecate" has been wrongly spelt and appears as "hypathecate." That error should be corrected.

The CHAIRMAN: The Clerk will make the correction.

Clause, as previously amended, put and passed.

Title—agreed to.

Bill reported with an amendment.

BILL—MEDICAL ACT AMENDMENT (No. 1.)

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 16A amended:

The CHIEF SECRETARY: Dr. Hislop desired some information on this clause. I have been supplied with the following statement in reply to his remarks:—

> The fact that a medical practitioner does not pay the fee prescribed under Section 16A does not result in his name being erased from the register because—
>
> (1) He is only required to pay a fee if he is practising in this State. Retired doctors, or those away overseas doing post-graduate study or otherwise are not required to pay a fee. If a retired doctor desires to resume practice, or if one who has been overseas returns, he need only apply under the new Subsection (4) of Section 16A and pay the prescribed fee. He is then able to resume practice without going through the formalities required for initial registration.
>
> (2) Section 10 (Subsection 4) is intended to permit the register to be purged of the names of doctors who the board believes are unlikely to resume practice. The name can only be removed if the Registrar does not receive a reply within six months to a letter addressed to the doctor's last known address. If a reply is received, the name cannot be erased from the register under Section 10 even if the doctor is overseas and is unlikely to return.
>
> Re penalties: Although the Bill (Clause 4) provides a maximum penalty of £50 for failure to obtain authorisation from the board before resuming practice after more than two years' absence, the minimum penalty is only £2. It is unlikely that more than the minimum penalty would be inflicted unless the offence was aggravated. It is possible that a doctor whose name appears on the register may be absent from the State for several years. During that period, he may practise elsewhere and be erased from the foreign register for an offence committed outside the State. If such a doctor returned here and commenced practice without obtaining authorisation from the board, a substantial penalty would be warranted to protect the public.

I hope that that statement contains the information desired by Dr. Hislop.

Hon. J. G. HISLOP: I have no objection to the explanation; but the question is whether the clause means what is intended. A proposed new paragraph begins—

> A person whose name appears in the register but who has not been practising in the State under the authority of this Act during a period of at least two years, etc.

We want to make it clear that, if the medical practitioner has replied by letter, his name will be retained on the register. I shall not raise any further objection; but to my way of thinking, the paragraph is not clear.

The CHIEF SECRETARY: I would not attempt to answer Dr. Hislop's statement. All I can say is that the explanation I have read was submitted by a legal draftsman. At times the draftsman do put up things that we cannot immediately unravel, though they become clear later on. The draftsman's explanation in this case gave me some idea of the intention, and I think we can now only leave the matter to be decided by the court should a case crop up.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—MAIN ROADS ACT.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—COMMONWEALTH AND STATE HOUSING SUPPLEMENTARY AGREEMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. McI. THOMSON (South) [7.33]: The Bill is to ratify something that took place betwen the States and the Commonwealth earlier in the year. It encourages home-ownership, and I am happy to support it. When speaking to

a similar measure last session. I commended the Government for introducing it because it enabled home-ownership to be accomplished, and made the conditions of the self-help builders easier than they had been up to that time. I have risen to speak on this measure mainly because of the maintenance costs which have been charged against the Commonwealth-State housing rental scheme for some time.

As members stated last night, because of this measure young people will be able to purchase homes or get them built, under this scheme, and they will enjoy very liberal conditions. When the Chief Secretary introduced the Bill he said that the deposit was 5 per cent.; the interest 4½ per cent.; the purchaser could receive up to £2,750 by way of a loan; and the repayments could be spread over 45 years. That is, indeed, encouraging.

When speaking to a similar measure last year I drew attention to the fact that the maintenance costs were mounting and would continue to mount. Members may be interested to know that the maintenance costs have been as follows:—

	£
1951-52	23,791
1952-53	60,002
1953-54	66,908
1954-55	114,670
Total	265,371

Those are the maintenance costs for the last four years. We know that under the scheme 1 per cent. of the rent is allowed for maintenance.

I reiterate what I said last year: that with the private ownership of these homes, the maintenance costs will be reduced to an absolute minimum. They will be nowhere near the amount charged today. The man who will eventually own the house will see that it is kept in good order; he will look after it himself. The only maintenance cost he will have to find will be the cost of the actual materials. This is a step in the right direction. I commend the Government for introducing the Bill, and trust that those for whom it is designed will receive all the assistance and encouragement that we want to give them under the measure.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [7.37]: I want to answer the point raised by Mr. Thomson about the maintenance cost. The figure of £265,000, seems rather large; but when we consider it represents the maintenance on 10,719 homes, it not so much.

Hon. J. McI. Thomson: I am not being critical.

The CHIEF SECRETARY: I know that the hon. member is supporting and applauding the measure.

Hon. H. Hearn: It would be less if the people were able to do their own maintenance.

The CHIEF SECRETARY: I endorse that view, too. Evidently the majority of those that have been given these Commonwealth-State rental homes have done a fair amount of maintenance themselves, and have been rather good tenants.

Hon. J. McI. Thomson: There is no incentive, though.

The CHIEF SECRETARY: No. But to those people who have been hard up and living in rooms under awful conditions, and who have been allotted a State rental home, there is an incentive to look after the place; and a large number of them have done so. So I say that the figure of £265,000, although staggering when taken on its own, is not so bad when we consider that it covers more than 10,000 houses.

Hon. L. Craig: Mostly new houses; and 90 per cent. would require no maintenance at all, probably.

The CHIEF SECRETARY: That is so. But some are 10 and 12 years old.

Hon. A. F. Griffith: Where no maintenance has been done at the date of purchase, how much will be done before the house is handed over to the purchaser?

The CHIEF SECRETARY: Much would depend on the negotiations between the individuals. Before the average person would take over the house in which he had been living, he would—because he would know the maintenance required—want something done before agreeing to the sale.

Hon. A. F. Griffith: And bearing in mind that he had been paying for the maintenance in the weekly rent.

The CHIEF SECRETARY: Yes; that is admitted. The hon. member would not take over a place that he knew wanted some hundreds of pounds spent on it, when he also knew that the maintenance money had been paid during the period of his tenancy, unless some adjustment were made.

Hon. A. F. Griffith: That amounts to—

The PRESIDENT: Order! The hon. member can raise the point in the Committee stage if he so desires.

The CHIEF SECRETARY: I did not want to let the figure of £265,000 go through as being the bare amount for maintenance.

Hon. J. McI. Thomson: That is for four years.

The CHIEF SECRETARY: Yes; but we must remember that some of the houses have now been built for at least 12 years, so they are not all new homes that could be expected to go for a year or two without maintenance. As a number of them are more than 12 years old, we can expect

the maintenance to be reasonably heavy. If the £265,000 is spread over the 10,000 odd homes, it does not amount to a very great figure; in fact, it is a credit to those occupying the homes.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—JURY ACT AMENDMENT (No. 1).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.42] in moving the reading said: I hardly need announce to the House the principles involved in the Bill, as it is no stranger to members.

Hon. Sir Charles Latham: It is one of the hardy annuals.

The CHIEF SECRETARY: Well, for two or three years, at any rate. In order that I will not in any shape or form—I was going to say "mislead," but I would not attempt to do that—miss any points involved in the measure, I have had a statement prepared dealing with what it sets out to do.

Hon. Sir Charles Latham: It is to be printed.

The CHIEF SECRETARY: It will be printed in "Hansard" next week. The Bill seeks to give women a privilege they are now denied—the right of jury service. Generally speaking, the consensus of opinion seems to be that women should not be debarred from this right. In these times we have arrived at a greatly improved state of equality of the sexes; and it is strange, therefore, that in Western Australia women are not allowed to exercise an important civic responsibility. A division of opinion occurs on how this right of service should be implemented.

Members are well aware of the male responsibility for jury service. Subject to the exemptions specified in Section 8 of the parent Act, and to the disqualifications set out in Section 7, every male resident of the State between the ages of 21 and 60 years, with a real estate of the value of at least £50 or personal estate to the value of £150, is liable to be called on for jury responsibility.

At this stage it does not seem that it would be wise to make it mandatory for women to serve on juries, yet it does not appear that there should be a definite bar against them. The proposal in the Bill is that each woman be given the option to decide whether she would like to serve or not. Other States and countries do not discriminate between men and woman in the manner Western Australia does.

Any woman in Queensland between the age of 21 and 60 years, who notifies the Chief Electoral Officer in writing of her wish, is qualified and liable to serve on a jury. Once her name is placed on the jury list, she cannot have it removed, but she may obtain exemption through medical reasons. That has applied since 1929.

In New South Wales every woman who is entitled to be enrolled as an elector can be included on the jury list if she notifies the chief constable of her police district of her desire to serve. A similar notification enables her name to be removed from the list as from the 1st January after the notification.

Under the Women Jurors Act, of 1942, all women in New Zealand between the ages of 25 and 60 are qualified to serve on notifying the sheriff in writing of their wish to do so.

There appears to be no provision enabling a woman to cease to serve merely because she desires to be removed from the jury list. In England, every male and female British subject between 21 and 60 years is qualified to serve on a jury, and is liable if called on.

Hon. H. K. Watson: Pardon me—if he has the requisite qualifications.

The CHIEF SECRETARY: At this stage I am merely dealing with the ages. Later on I will deal with that phase.

Hon. Sir Charles Latham: Do not mislead us, because that is something we would not like you to do.

The CHIEF SECRETARY: I have never been able to mislead the hon. member. A judge or other person before whom a case is to be heard may, on application, or at his own instance, order that the jury may be composed of men only or women only. He may also exempt a woman, on her own application, from service by reason of the nature of the evidence or the issue to be tried.

My Government considers women in Western Australia should not be excluded from this right. Having arrived at this definite decision, the subject of qualification arises, and the question is: Should a woman's qualifications have to be the same as a man's?

Hon. H. K. Watson: As is the case in England.

The CHIEF SECRETARY: Members know full well which men are required to serve as jurors. Section 7 of the principal Act sets out those persons who are disqualified from serving. Briefly, these are men who are not natural-born or naturalised British subjects and those persons who have been convicted of treason, felony or an infamous crime. Section 8 of the parent Act specifies those men who, by the nature of their employment, are exempted from having to serve as jurors.

After careful consideration, and on examining the case from all angles, my Government considers the fairest way to tackle the problem would be to give all women between 21 and 60 years who are enrolled on the Legislative Assembly rolls the right to serve. The disqualifications and the exemptions under Sections 7 and 8 of the parent Act which apply to men would also operate so far as women are concerned.

At present the jury list for the metropolitan area includes 5,591 names. These men have, of course, to possess the property qualifications required under the Act. My Government does not consider these qualifications should apply to women, as very many women, who could be well suited to jury work—such as married women—would not possess these qualifications. For a man the qualifications are low and allow the average employee to serve on a jury; but they may debar the average woman from serving.

The Bill proposes that any eligible woman who does not wish to serve may indicate her wish in writing to the Sheriff of the Supreme Court. Such a cancellation of responsibility would operate for at least two years. A woman who had withdrawn from jury responsibility could, after this period, seek reinstatement on the jury list by written application to the Sheriff. I do not want to labour the argument that women should be given this privilege, because I cannot understand the objection to their serving. Some members may advance the argument that women are temperamentally unsuited to be jurors.

Hon. R. F. Hutchison: That is too old-fashioned.

The CHIEF SECRETARY: So are many men; but many men temperamentally unsuited for the responsibility tackle it, and do a proper job. It would be as well to say that women are temperamentally unsuited for many other avenues in which they have succeeded, and which were regarded previously as prerogatives of man. Members may say that women do not want this privilege. How do they know?

Hon. L. A. Logan: You ask them and find out!

The CHIEF SECRETARY: Are they ordaining themselves as the spokesmen of the entire female sex? Why not let women decide for themselves rather than allow men to appoint themselves as arbiters of the question?

A proposal in the Bill that does not refer to women jurors deals with the hearing of objections to the jury list. Section 10 of the principal Act states that after the posting of the jury list in a prominent place, the justices of the peace of the district concerned shall at special sessions hear any objections to the list. According to this provision all justices have to attend the special sessions. This may often not be feasible, particularly in the more remote parts of the State, and so the Bill proposes that a minimum of two justices may preside over the special sessions.

Section 11 of the parent Act sets out that these special sessions shall be held on the Tuesday of the third week in January. This applies everywhere in the State. No allowance is made for the possibility of postponement. The need for this may occur; and so the Bill proposes that if on the date provided in the Act two justices are not available, or if for some other valid reason the special sessions cannot be held, they may be adjourned for a period of not more than 14 days.

Section 20 of the principal Act provides that, unless otherwise directed, not fewer than 20, and not more than 40 jurors shall be summoned for a trial. If the Bill is agreed to, some of the women called to serve on a jury may apply for exemption. To compensate for this possibility, the Bill provides for an increase in the maximum summoned from 40 to 50.

Section 20b of the parent Act gives a summoning officer in the Perth, Fremantle or Swan Magisterial Districts the power to relieve any person, whose name is in the jurors' book, from serving at a trial. In any other district this action can be taken only with the approval of a magistrate.

The Bill seeks to delete this section and to re-enact it in a more satisfactory form. The new section will provide that before a juror can be excused from service he must supply on oath, or by affidavit or statutory declaration, satisfactory evidence why he should be relieved from serving. This is a wise and necessary provision. The one at present in the Act gives a summoning officer or a magistrate blanket authority to excuse any juror.

The proposed new Section 20b also gives a court or judge the power to excuse a woman before she is sworn in from attendance as a juror at any criminal trial if the woman applies for exemption on the grounds of the nature of the evidence that will be given, or the issues to be tried, or because of medical reasons. This is similar to the provisions in the English statute. So members can see that there are not many items involved in the Bill.

Hon. H. Hearn: Only a few hundred thousand women.

The CHIEF SECRETARY: We are asking members to decide whether they have overcome prejudice against women entering a field which has been purely a man's field for generations. As a Government, we feel that we have no right to refuse women the right to serve on juries if they so desire. It has been tried in other parts of the world, and I have never heard of any great outcry about any wrong decisions given by women serving on juries.

Hon. A. F. Griffith: What is wrong with leaving it so that they can apply?

The CHIEF SECRETARY: No.

Hon. A. F. Griffith: Why not?

The CHIEF SECRETARY: There is a certain amount of diffidence about women applying.

Hon. H. Hearn: Natural shyness.

The CHIEF SECRETARY: The hon. member can call it what he likes.

Hon. Sir Charles Latham: The Chief Secretary would be a bit shy if he listened to some cases.

The CHIEF SECRETARY: We extend the privilege to women that they can apply and not serve on any particular case.

Hon. A. F. Griffith: You put about 130,000 on the roll, and they can apply to be taken off it.

The CHIEF SECRETARY: That is the privilege which we deny men. All we are asking in this Bill is for women to be given the right to serve on juries. During the debate I would like members to give some solid reasons, apart from the usual man's reason, that it is not a place for women, why the Bill should not be agreed to. There are thousands of other avenues in which women now serve and which in the past were thought to be suitable only for men. Can anyone say what women ought to do? Should they not have some right to say what they want to do?

Hon. J. McI. Thomson: How many women's organisations have asked for this?

The CHIEF SECRETARY: Every women's organisation that I know of has been agitating for this for years.

Hon. Sir Charles Latham: Your knowledge is limited.

The CHIEF SECRETARY: It might be as limited on this question as our knowledge is limited in regard to women generally. I honestly believe that our knowledge of women is very limited.

Hon. L. Craig: Are you being personal?

The CHIEF SECRETARY: In my young days—

Hon. H. Hearn: You told me that you knew a few in Collie.

The CHIEF SECRETARY: Collie models! It was thought, in my young days, that women could not stand up to anything; but what have they proved down the years? Heavens above! In nearly every avenue of sport they are taking their place. They are even taking their place in Parliament. Who would have thought, 20 years ago, that we would see a woman in the Legislative Council of this State? Why, when I came here—

Hon. Sir Charles Latham: That was one of the mistakes they made.

The CHIEF SECRETARY: —we would have shuddered if anyone had said that women would come here. My emancipation has been extended. We should not hold ourselves up as judges of what women ought to do. Let them have a say themselves.

Hon. E. M. Heenan: It would be nice if they could come in here at 21, as we want for juries.

The CHIEF SECRETARY: I do not know that we could go so far as that, because we have all been 21 years of age and they would probably disturb us.

Hon. R. F. Hutchison: I thought the Chief Secretary would be more gallant.

The CHIEF SECRETARY: That is all the Bill seeks to do, apart from the other small matter I mentioned. When this question has been before the Chamber on previous occasions there has been a certain amount of levity in regard to the subject. I think the matter is too serious for that.

Hon. H. Hearn: You were smiling a moment ago.

The CHIEF SECRETARY: That is a natural bent of mine. In this Bill we are dealing with something that the women want to do, and which they cannot do at the moment.

Hon. H. Hearn: Under this Bill you are saying that they can do it.

Hon. A. F. Griffith: You are saying that they must do it.

The CHIEF SECRETARY: I am suggesting that those who oppose the Bill are saying that women cannot and should not do it.

Hon. H. Hearn: No.

The CHIEF SECRETARY: I am saying that we should not interfere with the freedom of any person.

Hon. A. F. Griffith: You are interfering with their freedom by making it compulsory.

The CHIEF SECRETARY: It will not be compulsory.

Hon. A. F. Griffith: It will be compulsory until they apply.

The CHIEF SECRETARY: They shall be enrolled, but whether or not they serve is up to them. There is no compulsion about that. If the hon. member votes against the Bill, he will be saying to them, "You cannot serve." That is the difference. I prefer to say that they can serve, give them the opportunity of serving, and leave it to them to decide whether they will serve or not. I hope members will approach the Bill from the point of view

that it is something the women's organisations of this State want. I presume they speak for a large section of the women of the State and they ought to know something about what the wishes of those women are. They have requested that this be done; and, as far as I am concerned, I am prepared to give them that privilege, and I hope other members will feel the same. I move—

> That the Bill be now read a second time.

HON. L. A. LOGAN (Midland) [8.1]: This has almost become a hardy annual. I agree with the Chief Secretary that the principal argument is as to the method by which women will qualify. I will not say anything during my speech about women not being entitled to sit on juries, and I will put the Chief Secretary's mind at rest on that score. I oppose the Bill for other reasons. Firstly, I cannot understand why the Chief Secretary has not agreed to what the other States are doing, because he is usually a stickler for uniformity. On this occasion, he is doing the opposite to what is being done in New South Wales, Queensland and New Zealand, where the woman herself is obliged to apply for jury service.

Hon. R. F. Hutchison: You are camouflaging.

Hon. L. A. LOGAN: I am doing nothing of the kind; and if the hon. member will just listen, she will hear something constructive.

Hon. C. W. D. Barker: What a lot of battle axes will apply!

Hon. L. A. LOGAN: I will also say something about that shortly. Usually, the Chief Secretary likes uniformity; but on this occasion, he is going the other way. That, however, is beside the point. Under this Bill, the qualification required of a woman before she can serve on a jury is that she must be between 21 and 60 years of age and be eligible to be on the Legislative Assembly roll. If we study the rolls in the metropolitan area, we will find that there are over 200,000 names on it: and if we agree that at least 50 per cent. of these are women, there would then be approximately 100,000 women who would be subject to jury service—unless—

Hon. R. F. Hutchison: What a welcome change that would be!

Hon. L. A. LOGAN: —they themselves wrote to the Sheriff of the Supreme Court and asked that their liability to serve be cancelled. That is an onus or responsibility which we should not—and I repeat should not—place on the women themselves.

Hon. R. F. Hutchison: Why?

Hon. L. A. LOGAN: Because I think it is a most unfair responsibility. It is not just to expect 100,000 women, many of whom know nothing about it, to serve on juries.

Hon. R. F. Hutchison: How would you know?

Hon. L. A. LOGAN: Because I do know. Many of them would not even know that this Bill had ever been passed, and because of their ignorance—

Hon. R. F. Hutchison: You are presumptuous.

Hon. L. A. LOGAN: I think my presumption is quite correct. Because of that ignorance, they would not know that they could be called up for jury service some time in the future. I do not think it is a responsibility we should place on those 100,000 women; and that is one reason why I am objecting to its being done in this manner. What is more, we must remember that the jury system throughout Australia has been well tried and well proved. It has been well tried and well proved because most juries are selected from a panel of names, and it is usually a fair cross-section of the community that sits on those juries. I have given the reason why I do not think the onus should be put on the women themselves.

Hon. C. W. D. Barker: Because they would not know?

Hon. L. A. LOGAN: Yes; because they would not know.

Hon. C. W. D. Barker: Rot!

Hon. L. A. LOGAN: How many people would know that this Bill had been passed? Not too many.

Hon. C. W. D. Barker: What a statement!

Hon. R. F. Hutchison: You are out of your depth!

Hon. L. A. LOGAN: I am not out of my depth. How many people read what goes on in Parliament? What is there in the Press to tell people what goes on in Parliament; and how else are they to know what is going on except through the Press?

Hon. C. W. D. Barker: Of course they know!

Hon. R. F. Hutchison: All camouflage!

The PRESIDENT: Order!

Hon. L. A. LOGAN: I would ask the hon. member to be his age. I will make a suggestion as to how women can serve on juries in this State; it is a suggestion I would be prepared to accept. If the measure went through, and there were

100,000 women's names on the jury list, it would be out of all proportion. At present there are 5,591 names on the jury list of people who are subject to jury service. Provided that out of that list of 100,000 women, 99,000 knew about it and applied to be struck off—and here again I presume, and I think rightly so—

Hon. C. W. D. Barker: Do you know?

Hon. L. A. LOGAN: I said I presume, and I think rightly so.

Hon. R. F. Hutchison: Sheer presumption!

Hon. L. A. LOGAN: We would be left with a list containing the names of 1,000 women. I would suggest that another Bill be brought forward providing that those women who wish to serve on juries should apply to do so; and, when that list reached, 1,000 names the women's jury list could be made up and they could be empanelled as jurors. I mention 1,000 in order to get a fair comparison between the women and the men. It would be less than one-fifth of the number of men jurors on the list, and I think that is fair. I do not want to break down the principles of the jury system, or of trial by jury; and that is why I have made this suggestion. Mr. Barker interjected that a lot of so-and-so's would apply.

There is, of course, a particular type of woman who would apply for jury service, and that would break down the jury system as I know it, and as it has existed and worked so well. As I said, I do not want to break down that system, and I suggest that a list of 1,000 women would be a fair thing. When it is completed, the Sheriff, or whoever is empanelling the jury, could call upon those women. I do not oppose the principle of women being on juries at all; I merely oppose the principles laid down in this Bill. If Mrs. Hutchison is anxious to serve on juries, she can bring down a Bill on the lines I have suggested.

Hon. R. F. Hutchison: You cannot catch me like that.

The PRESIDENT: Order! Members will have their chance to speak.

Hon. L. A. LOGAN: As you say, Mr. President, members can put forward their suggestions when they rise to speak on the Bill.

Hon. E. M. Heenan: Would those 1,000 women be all from Perth or spread through the country?

Hon. L. A. LOGAN: The Bill applies only to certain areas at the present time. For a start, it intends to serve the metropolitan area.

Hon. R. F. Hutchison: It does not.

Hon. L. A. LOGAN: The hon. member should read the Bill and see what it says.

Hon. C. W. D. Barker: Why not give them a go?

Hon. L. A. LOGAN: This would provide an opportunity of proving how many women are anxious for jury service.

Hon. J. McI. Thomson: That is what we want to know.

Hon. L. A. LOGAN: If 1,000 women out of 100,000 were prepared to apply, they would be given that opportunity. But I will not agree to the onus being placed on 100,000 women to apply for their names to be struck off the roll.

Hon. Sir Charles Latham: We would have to appoint another five civil servants to deal with the applications.

Hon. L. A. LOGAN: Just imagine the chaotic position of 100,000 women applying for their names to be struck off the roll!

Hon. R. F. Hutchison: That is all rot!

Hon. L. A. LOGAN: It is not. Let them apply to sit on juries and when the list reaches 1,000 we could register them and give them the opportunity to serve.

Hon. C. W. D. Barker: A man has not got to do that.

Hon. L. A. LOGAN: But he has certain qualifications. The only qualification a woman requires under this measure is that she must be between the ages of 21 and 60 and eligible to be on the Assembly roll. I think we would be giving women a reasonable chance to decide whether or not they wish to sit on juries under the principles I have advocated. I certainly oppose the method set out in the Bill.

On motion by Hon. J. McI. Thomson, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn till Tuesday, the 4th October.

Question put and passed.

House adjourned at 8.12 p.m.