# Legislative Council

Tuesday, 4th October, 1955.

CONTENTS.



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

## QUESTIONS.

### REDEX CAR TRIAL.

*Damage to Roads, Cost of Repairs, and Future Policy.*

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

(1) What damage was done to roads in the North Province by the Redex car trial?

(2) What would be the cost of repairing these roads, including the charge for moving plant from place to place?

(3) Will this trial be allowed to traverse our roads next year?

The CHIEF SECRETARY replied:

(1) Damage which has occurred has been confined to short lengths. Taking into consideration the mileage involved, these can be regarded as isolated. Generally, natural formation which had a good compacted surface was not visibly affected. The main exception is the section between Fitzroy Crossing and Bohemia Downs where the road traverses river silt country.

(2) To assign plant and men solely for repairs to sections which are so widely scattered would in general reduce the efficiency of present construction organisations. It is better to remedy damage which has taken place when normal seasonal maintenance is being carried out. In the meantime, road users will have to suffer slight inconvenience.

(3) Considerable risk is incurred in permitting trials such as this. Should general rains occur during the time cars traverse the route, extensive and inestimable damage could occur. Therefore, consideration will be given to taking steps to prevent similar trials extending into this State.

### BETTING.

*(a) S.P. Hours in Major Towns.*

Hon. J. J. GARRIGAN asked the Chief Secretary:

Can he inform the House whether the Betting Control Board has given any consideration to permitting the s.p. betting shops in all major towns to remain open, throughout the week, for the transaction of business?

The CHIEF SECRETARY replied:

Yes, at the commencement of betting operations. But the Betting Control Board decided that circumstances did not appear to justify such registered betting premises being kept open from Mondays to Saturdays inclusive. Further inquiries are being made with a view to considering whether or not that decision should be varied.

*(b) Seating Accommodation in Shops.*

Hon. J. J. GARRIGAN asked the Chief Secretary:

Has the Betting Control Board given any consideration to seating accommodation for patrons being placed in s.p. shops?

The CHIEF SECRETARY replied:

Yes, at the commencement of betting operations. But the Betting Control Board decided against the provision of such accommodation. Inquiries are being made, and the board will give further consideration to the matter.

### WUNDOWIE PRODUCTS.

*Method of Transport.*

Hon. L. A. LOGAN (for Hon. A. R. Jones) asked the Chief Secretary:

Will he inform the House:

(1) What form of transport is used to transfer the saleable products from the Wundowie charcoal iron works to factories or ports?

(2) If both rail and motor transport is used, what tonnage of the under-mentioned products was transported by each form of transport between the 1st July, 1954, and the 30th June, 1955—

(a) pig iron to factories;

(b) pig iron to port for shipment;

(c) timber to State timber yards—Perth area;

(d) timber to State timber yards—Fremantle area or port for shipment;

(e) all other products or by-products to factories;

(f) all other products or by-products to port for shipment?

The CHIEF SECRETARY replied:

(1) W.A.G.R. and motor transport.

(2) The tonnage transported was as follows:—

| | Rail. Tons. | Motor Transport. Tons. |
|---|---|---|
| (a) .... .... | — | 4,466 |
| (b) .... .... | — | 13,650 |
| (c) .... .... | — | — |
| (d) .... .... | — | — |
| (e) .... .... | 450 | 10,350 |
| (f) .... .... | — | 286 |

During this period, railage on raw materials paid to W.A.G.R. totalled £42,000.

## LOG TIMBER.

*Method of Haulage, Quantity and Mileage.*

Hon. L. A. LOGAN (for Hon. A. R. Jones) asked the Chief Secretary:

Will he inform the House—

(1) Is timber in the log hauled from the bush to State saw mills in the metropolitan area; and if so, what form of transport is used?

(2) If timber in the log is hauled from the bush to mills in the metropolitan area, whether by rail or road transport—

(a) What tonnage was hauled by rail from the 1st July, 1954, to the 30th June, 1955, and what was the longest haul in miles?

(b) What tonnage was hauled by road from the 1st July, 1954, to the 30th June, 1955, and what was the longest haul in miles?

The CHIEF SECRETARY replied:

(1) Yes, almost exclusively by road transport from permits on Albany-rd. not near rail transport.

(2) (a) 75 tons of pine logs, distance 83 miles.

(b) 57 tons pine logs—distance 88 miles; 9,262 tons hardwood—distance 62 miles.

## MOTION—PERTH CITY COUNCIL.

*To Disallow Central Districts Classification By-law.*

**HON. H. HEARN** (Metropolitan) [4.40]: I move—

> That new by-law No. 33 made by the City of Perth, under the Municipal Corporations Act, 1906-1953, and the Town Planning Act, 1928-1953, published in the "Government Gazette" on the 18th February, 1955, and laid upon the Table of the House on the 9th August, 1955, be and is hereby disallowed.

In moving to disallow this by-law classifying districts in the central area of the City of Perth, I wish to say at the beginning that I am in favour of town planning, and we can have no town planning without zoning or classifying areas. Members will realise that the implications of zoning are tremendous and affect not only property-owners but also the whole community. If zoning is to be successful and workable, it must not only satisfy the experts, but must also be in keeping with the economic development of our city and, in the main, be acceptable to the community.

Speaking respectfully of the experts, I would say that their approach to town planning problems is quite different from that of the people who have created the city and made town planning imperative. As members are aware, the Government has, with the Stephenson report on its hands, formed a committee representing all parties, and including senior heads of the departments affected and representatives of local government bodies. I shall be betraying no confidence when I say that the committee realises that a major town planning scheme can work only by giving time for the public to see the plan, criticise it and, if necessary, object to any part of it and, above all, to have an opportunity of making its own contributions, by suggestions, to the plan. Only by informing the community can we hope to get the co-operation that is vital to success.

By-law No. 33 implements to a very large degree the Stephenson plan for the city. Therefore, before the committee has been able to inform itself of the implications of the plan, the Perth City Council has implemented a very large part of it by gazetting this by-law. When we realise that this is the most revolutionary movement ever made by the city council, not only involving the expenditure of millions of pounds but also affecting vitally the business section, as well as the whole community, I suggest that the publicity given to the council's intentions was infinitesimal in relationship to the importance of the zoning proposals.

I take it that members have perused the by-law as published in the "Government Gazette"; and I say confidently that unless anyone was really interested or knew that

it was coming down, he would pay just as much attention to it as to a notice advising the construction of a major water or sewerage extension. Further, I say that, without the map, the by-law would be quite unintelligible to the public. If the Perth City Council were conscious of its obligations to the public, money would have been spent in publishing in our newspapers maps of the zoning proposals, together with an explanation of their import. Why the comparative silence on such a vital question? To my mind, the zoning proposals need as much publicity as will the Stephenson plan if the council desires the co-operation of the public.

The by-law commences with definitions and goes on to describe the types of building covered by the by-law. Part II is the actual zoning clause setting out nine classifications for the city and the types of building that may be erected in the various zones. I wish to point out one or two anomalies in the by-law. On the north side of West Perth, taking Thomas-st. as the boundary, there is a series of houses which, under this by-law, have been classified for residential flats. In connection with this particular matter, the owners of those buildings, realising that this change was to take place, got together and organised the presentation of a petition to the Perth City Council in the following terms:—

> We being owners of freehold properties situated in Hay-st., West Perth, between Outram and Thomas-sts., earnestly petition you and through you the members of your council to give real consideration to the removal of restriction on freehold properties in Hay-st. between Outram-st. and Thomas-st.
>
> It must be very obvious to you that Perth is growing rapidly and that the demand for office and business premises within near access to the city is increasing, too. It will therefore be nothing short of strangulation if restriction is placed on the conversion of the houses to business or office premises on the Perth side of Thomas-st.
>
> The development of all other capital cities in Australia clearly shows the necessity for an office and business administrative area within a mile radius of the city. We submit, therefore, that before binding legislation is imposed, your council should give a progressive lead by removing forthwith all restraint and restriction, and officially announcing that all properties in Hay-st. between Outram-st. and Thomas-st., West Perth, may be converted to business and/or professional offices or rooms.

The petition was sent to the city council on the 8th December, 1954. Nothing happened until the 14th March of this year; there was not even an acknowledgment that the petition had been received. Bearing in mind that during this period the whole of the zoning regulations were being considered and were ultimately gazetted, I feel that this long delay was at least fairly suspicious. On the 14th March, a letter was written by the Town Clerk to Mr. T. A. Marsden, 1331 Hay-st., West Perth, who happened to be the first signatory to the petition. It read—

> I refer to the petition dated the 8th December, 1954, signed by yourself and other ratepayers in Hay-st. West, requesting that the council reconsider the zoning of premises on the north and south sides of Hay-st., between Outram and Thomas-sts., to permit of the erection of offices.
>
> The matter was finally considered at the last ordinary meeting of the council, but it was regretted that the council is unable to accede to the request. Will you please advise the other petitioners accordingly.

That of itself is bad enough; but when I repeat that this particular area has been gazetted and zoned for residential flats, and that there is another by-law insisting upon a 73ft. frontage for any flats, whereas the houses included in the petition are of 40ft. to 50ft. frontage, members will see what the city council is doing. In the first place, the council says, "No, we cannot give you any relief; those are the conditions we are imposing on you"; and in addition it says, "We are imposing impossible conditions on you."

I know the answer. It is that in the course of the development of the city someone will come along and acquire the land necessary for building flats. I submit that if it is within the power of a few men to make it imperative for people who have acquired property and lived in homes and in some cases run businesses such as the letting of rooms or boarding-houses to sell eventually to syndicates that desire to erect residential flats, the position is most unjust, and I believe the House will endorse my opinion in that regard.

In regard to No. 2, we must consider St. George's Terrace, which is the No. 4 zone and which, again, has in the main been zoned for offices. Very rightly, in every part of the zoning, allowance has been made for hotels, and later in my speech I will return to the other aspects that have not been allowed for. I think members will agree that London Court is a very fair shopping area; and yet, under this by-law, if London Court were burnt to the ground, the land of the St. George's Terrace frontage would be required for office purposes and we would have the spectacle of the bottom end of London Court consisting of offices while the top end would be occupied by shops, as at present.

I wonder whether, if we were the owners of London Court, we would view without misgivings the possibility of such a ridiculous state of affairs. After all, fires do occur. I realise that the by-law gives the discretion to the City Council; but in view of the way that body has acted in regard to this zoning proposal, I would not like to be left in its hands.

Now let us consider the position of a firm such as Winterbottom's. If that property were destroyed by fire, to the extent of 75 per cent. of the cubic capacity of the building, it would only be by the grace of the City Council that the firm would receive a temporary permit to rebuild its business, as under this by-law it has no rights. Such businesses are what are known as nonconforming units.

I would say confidently that 95 per cent. of the people affected by this zoning by-law have no idea that it has come into operation. Many years ago a man named William Zimpel, by his business sagacity, built a very small business into a very large one. Looking to the future, he secured frontages to both Hay-st. and St. George's Terrace and I know that the firm has in hand plans to continue its business through to St. George's Terrace. Zimpel's were very surprised indeed when I rang and told them that under this by-law they could forget those plans as it would be impossible for them to extend their business through to St. George's Terrace.

I ask members next to consider the position of Foy & Gibson, as I am giving actual illustrations to show members what is implied by this regulation. The firm of Foy & Gibson has for many years carried on a very large emporium, which extends from Hay-st. to St. George's Terrace; yet if it had a fire it could rebuild and use the Hay-st. blocks for its retail emporium but would be obliged—except by the grace of God and the Town Clerk—to construct offices on the St. George's Terrace frontage. Do not members agree that if we finally have to have such a by-law the people affected should at least be given the opportunity of seeing what is proposed and making counter-suggestions? I repeat that we can only have a satisfied community by selling the plan to the people affected.

I believe that members who had the privilege of hearing Mr. Jessop speak will agree that the No. 1 point in his programme was that it was necessary not only to deal generously but also to sell the plan and give plenty of time for objections; and finally, by instruction, to get the people to accept the plan. There are still worse instances than those I have mentioned. I hesitate to say that if "The West Australian" building were burnt down that newspaper would be in the same position. But the business is in the same area; and although it has offices on the St. George's Terrace frontage, there is a fair-sized printing works behind them, and so the owners would also be in the hands of the City Council.

Let us now examine the position of Royal Arcade, the entrance of which is in Hay-st. and which consists of Stewart Dawson's corner, with the other arcade, which is acknowledged to be one of the best shopping sites in the Commonwealth of Australia. The whole of Royal Arcade has been gazetted for office accommodation; and I cannot understand what those responsible thought they were doing, because I repeat that this is one of the best areas in the Commonwealth for the development of the retail trade. Admittedly, the buildings are obsolete; but, with the development that is taking place in Perth, surely it will not be long before they are rebuilt. Yet, under this by-law, all that could be built on this wonderful shopping site would be offices.

I wish next to deal with Gledden Building, on the corner of Hay and William-sts. There is, on the ground floor of that building, a small shop which pays the highest rate per foot of any business in Western Australia, whether in the City of Perth or elsewhere, simply because it is one of the best businesses. I am not suggesting that the tenant is over-paying, because it is still a business proposition; yet if anything happened to Gledden Building, under this zoning regulation there could not be any shops on the ground floor on that site, as the space would have to be occupied by offices. Who says so? The Town Planning Committee, in consultation, possibly, with the Town Planning Commissioner, the Town Clerk, and 24 members of the City Council. Without any beg-your-pardon or explanations, they are getting ahead of the Stephenson Plan, and unfortunately the Minister agreed with them. It is time the Perth City Council realised that it is the servant of the people, and not vice-versa.

I ask members now to consider the position of our theatres. I am still talking of zone 4 and members will realise that around the metropolitan area, and in the city proper, there is a sprinkling of theatres. In the central zone we have had some very successful theatres; while others, and particularly one which I have in mind, have been struggling for years to keep going. The zoning by-law, however, states that all future theatres must be built in the same area as one present city theatre which has been a financial problem since the day it was built.

If the Metro Theatre—I happen to be interested in it, being a member of the Wesley Trust which owns it—were burnt down, only by the grace of the Perth City Council and the building surveyor would a nonconforming permit be granted to restore it. Again—and very properly—hotels have been allowed to be erected in practically all these areas. So what is the

idea of taking such buildings right away from the shopping centre, which would mean that people would have to leave all the convenient shopping places in the city area in order to patronise a picture theatre?

I am sorry if I implied that they had to go there, because already, since these by-laws have been gazetted, there has been a notable departure from this principle. A permit has been granted for a theatrette in Hay-st. This permit was secured by some very important people. At this particular stage of the piece, so early after the gazetting of these by-laws, if it is true that very important people can get a permit for the establishment of a theatrette in Hay-st., can we say that the Perth City Council is really serious about these zoning proposals?

I know what we are going to be told about that. We are going to be told that there is an unwritten law that because the theatrette is to be built beneath the land surface, these by-laws do not apply. Will the traffic empty itself into Hay-st. or go underground? Granted, if that is true, we have a long-range town-planning scheme. Surely the Council is very short-sighted! We are living in a nuclear era. We are living in an atom bomb era, and possibly within the next 30 or 40 years our cities will be built underground. Surely the Perth City Council has not taken the long view!

Yet, at this particular stage of the piece, the Perth City Council has granted a permit for the establishment of a theatrette in what could be described as the most congested part of the city, and this is right away from its zoning proposals. Admittedly, it is an ideal place for a theatrette. But what about the people who have their money already invested in theatres in Hay-st. who now have a non-conforming use of those buildings? Will they be prepared to spend money to keep them up to date when they know that ultimately their businesses will have to be shifted? The time has arrived when the people themselves should insist on making it known that the members of the Perth City Council are elected to be the servants of the people and not dictators, as I maintain they are.

I now want to refer to zone 9. This zone has been defined as "Districts for the governmental, institutional, educational, cultural and university purposes." There would be only one purchaser for that land and that would be the Government. To give members an idea of some of the important pieces of land that are covered by this zone, I would point out that the boundary runs from Irwin-st. to the Bishop's Palace. I think members will agree that there are many thriving businesses in that particular part of the city. Yet it is now being zoned by the Perth City Council for only one purchaser—the Government. What is to be the result of that?

One cannot imagine any government acquiring costly land until it wants to use it. Mr. Jessop told us that in the Melbourne set-up the owners there would nominate a particular piece of land when they wanted the Government to take it over. But, of course, the Perth City Council could not incorporate such a provision as that in its by-laws because it has no power over the State Government. So it is now proposed that buildings in these various centres of the city belonging to zone 9 must remain as they are and the land will ultimately become depressed areas. Such a proposal has been gazetted by the good grace of 24 or 25 members of the Perth City Council. I am beginning to feel that at least half of those members do not realise the implication of the decision they have made.

Let me mention the zone boundaries. The Town Planning Commissioner and the Town Clerk have laid down the boundaries of those zones which are to embrace buildings for residental flats and light industries. I will cite an example. In Newcastle-st., residental flats are to be built opposite buildings used for light industries. What do members think will be the effect of that? Who is going to invest in residental flats when the sole outlook for the occupants of those flats will be over factory buildings? The land on which these residential flats are to be built has already dropped substantially in price.

If members will have a look at the zone boundaries, it will be seen that the retail shops and residential flats in Beaufort-st. and Stirling-st. have the back fences of the blocks as the dividing line. That is a very sensible arrangement. But why could that not be done in Newcastle-st.? If flats are to be built on the site proposed, the sole outlook for the occupants will be over factory roofs. This proposition could be something of a nuisance value.

There is another question. This deals with the non-conforming use of the land and its effect. I have a letter here addressed to the secretary of the Real Estate Institute of W.A. Inc., dated the 25th August, 1955. It reads—

> Dear Sir,
>
> re Perth City Council Zoning By-laws.
>
> We are concerned with some of the provisions of the above by-laws, and particularly with By-law No. 6. It seems that part of this particular by-law could have a serious and most unfair result upon quite a number of owners. The danger of the by-law lies in the following words, taken from the second paragraph of by-law No. 6, namely:—
>
> > When a non-conforming use has been discontinued ... . such non-conforming use shall not thereafter be recommenced.

As an instance, we have in mind two buildings fronting Beaufort-st., belonging to an absentee owner for whom we act. These buildings are practically only brick shells constructed for the purpose of factories, stores, garages, etc. They have been used for these purposes ever since their erection many years ago, and are both being used for one or other of those purposes at the present time.

We are informed that these premises now fall within Zone 5, and, casting aside minor uses, the main use to which Zone 5 premises can be put is for "departmental stores or shops used for the sale by retail of goods and other articles of general merchandise."

This would mean that if either of the present tenancies ceased, and the premises were vacant for an hour, a day or a week, then the "non-conforming use" has been discontinued and accordingly the premises cannot again be used for a non-conforming use. In the result, these premises which are at present in quite an unsuitable part for retail shops, would have to be either demolished and rebuilt as shops or converted, probably at equal cost, for that purpose.

We regard that result as one which should bring the strongest opposition from all owners, as you could multiply the instances in which the same thing could occur, and which would produce equal if not greater hardship and economic waste.

Your faithfully,
(Sgnd.) Nicholson, Verschuer & Nicholson.
Solicitors.

So members can realise that we have to be very careful as to what is going to happen in regard to "non-conforming use."

In referring to that part of the letter which mentions zone 5, I should say that it would be many years before a progressive retail shopping centre could be built there, because it is a well-known fact that Beaufort-st. is not, by any stretch of imagination, a good area from a retail trading point of view.

Hon. H. K. Watson: And there is every probability that the tenant could vacate the premises at any time.

Hon. H. HEARN: Yes; that could happen at any time. But in a regazettal of a boundary, surely somebody should protect a person in an instance such as that, which could very easily happen.

I remember quite vividly a speech which was given by Mr. Jessop during the civic reception which was tendered to him. Other members of Parliament will recall it, too. This reception was held to welcome his arrival in Perth prior to his giving an address on town planning, with which I whole-heartedly agree. The theme of his story was that one could not take the public into one's confidence enough. He described the set-up in Melbourne, and said that any proposal should be publicised and considered for a period of practically two years before it ultimately went to Parliament for ratification.

Quite frankly I believe that the Town Planning Committee and the Government itself would feel the same way before a commencement was made to implement the Stephenson plan. In other words, it would at least not only give the public an opportunity to anticipate what was proposed but would also give an opportunity to qualified people to explain the workings of that plan. There was a time —when I was a little naive—when I sat as chairman of the Honorary Royal Commission on Town Planning and I was prepared, subject to the qualifications set out in the report, to pass over to the Minister the sole responsibility for town planning. Today, however, that would be done over my dead body. I sympathise with the Minister because I am sure he would not have put his signature to this proposal if he had considered all the points.

Before I sit down I want finally to submit my findings. They are—

(1) The publicity given to this by-law, having regard to its tremendous importance and far-reaching consequences was woefully inadequate.

(2) These proposals are complementary to the Stephenson plan and should receive the same publicity as is envisaged by the committee set up under the town planning scheme.

(3) That alternate uses in various zones are imperative for the smooth working of any zoning proposals and for the convenience of the public.

I interpolate here by saying: Why should we have to have a retail store a long way away from, say, a bank? Why should we have showrooms and warehouses, which can be quite attractive, built right out of the retail area? These are matters which possibly can be explained. I am not going to say that the Town Planner and the Town Clerk have not any answers to these points. But for goodness' sake, before we have laws put on the statute book let us know something about them, and have a look at them, and not be faced with a by-law legally operating before we have had a chance of studying it!

To complete my summing up—

(4) That by-law No. 33 should be disallowed and a new by-law submitted, after the public have been

fully informed of the City Council's intentions and objections dealt with and suggestions given due consideration.

Perhaps it is one of the defects of democracy that, by the development of its parliamentary and civic institutions, there is a tendency for the few to dictate to the many. In this case we have at the most 25 men—together with the administrative head—who, by the gazetting of this by-law, have dictated to the rest of the people just what can be done with properties in which they have no interest. I admit that something like this is inevitable in a planning scheme, but I plead that every opportunity be given for the public to inspect any proposals before they become the law of the land.

I ask members whether they would be satisfied to be in the hands of the City Council. I am sure I would not. Many people have, over the last 30 or 40 years, developed a thriving business. Yet by the misfortune of fate they find themselves in the position of having to ask the City Council, "Please will you let me carry on?" I wonder whether the Minister would like to be in that position! If he gave a truthful answer, I think it would be in the negative.

Finally I want to point out that parliaments and councils were made to be the servants of the people, but I wonder sometimes whether the people are not the servants of the institutions they have created.

On motion by Hon. J. G. Hislop, debate adjourned.

## BILL—LOCAL AUTHORITIES, BOUNDARIES AND SERVANTS, SUPPLEMENTARY PROVISIONS.

Introduced by the Chief Secretary and read a first time.

## MOTION—WAR SERVICE LAND SETTLEMENT SCHEME ACT.

*To Disallow Improvement and Appeal Regulations.*

Debate resumed from the 28th September 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.

**HON. J. McI. THOMSON** (South—in reply) [5.19]: I moved for the disallowance of these regulations with a view to bringing to the notice of the House the omission of certain conditions which I, together with those vitally concerned in this matter, considered should have been embodied in the regulations if justice is to be meted out to the settlers. My desire is that regulation No. 18 should be amended by the insertion in line 6, after the word "lessee", of the words "taking into account ordinary wear and tear and depreciation"; and in line 7, after the words "forfeit the holding," the words "the lessee having a right of appeal". Regulation No. 18 would then read—

> 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 the regulation are being performed and observed by a lessee, taking into account ordinary wear and tear and depreciation. Where a lessee commits a breach of this regulation the Minister may cancel the lease and forfeit the holding, the lessee having a right to appeal.

I disregard the printer's errors that were apparent in the tabled regulation and accept the explanation of the Minister. The printer's errors were of minor importance. It is not to them that I take exception, but to the type of regulation that was tabled. I trust that members will see the necessity for having this regulation withdrawn and one submitted with the inclusion of the words I have suggested, which merely ask that the ordinary wear and tear and depreciation which take place in any business should be acknowledged by the Minister and those officers under him who make the reports by which he is governed. I hope that the House will see the wisdom of giving to the settlers a right of appeal should the Minister decide to forfeit any of these blocks as a result of failure to comply with the conditions.

The Minister for the North-West: I assured you that they have that right of appeal.

Hon. J. McI. THOMSON: We have discussed that matter. The Minister says they have the right of appeal. They have such a right subject to the pleasure of the State and Commonwealth Governments. I wish to be fair to the Minister and acknowledge that he said regulation No. 24 is to be regazetted. I am sure members will appreciate that. But after all said and done, I can discuss only the regulations that have been laid on the Table. I appreciate that it has be realised something should be done.

As was stated by the Minister for Lands, he and his predecessor, Hon. L. Thorn, made numerous approaches to the Government in that regard; but the Government flatly refused to consider any application by settlers for the right to appeal.

That is the position under the type of regulation that has been drawn up; and consequently I felt it incumbent upon me to take steps to see that such regulation should be disallowed. If I have achieved nothing else, perhaps I have hastened the time when a right of appeal will be granted, and have also brought to light irregularities in the regulations as tabled.

Under regulation No. 19, this is what could happen: As was mentioned by the Minister, in Subclause (2) of Clause 5 of the regulations, it is laid down that the original cost shall be paid by the settler. Let us suppose that the original cost was £15,000, and that he had paid £10,000, leaving a balance of £5,000. At that stage he may have defaulted in his payment of rent, and the Minister may have decided to repossess the holding, feeling justified in assuming he had the right to do so in view of all that had been laid before him by the officer in the field. The holding having been forfeited, the Minister would then be in the position of being able to sell it for £12,000.

The Minister for the North-West: He would not do so.

Hon. J. McI. THOMSON: What is to prevent him from doing so? After all, the present Minister for Lands may not be in office for a very long time; and the opportunity exists for some future Minister to take the action I have indicated. That is the fear which, like the sword of Damocles, is hanging over the heads of the settlers.

The Minister for the North-West: If the settler were unable to pay rent, how could he purchase the property?

Hon. J. McI. THOMSON: Suppose the settler has paid £10,000 of the original cost of £15,000 leaving a balance of £5,000; and that unforeseen circumstances arise which place him in the position of being unable to pay any more rent. The Minister then has the right to forfeit the land.

The Minister for the North-West: He must compensate the allottee.

Hon. J. McI. THOMSON: If that is the case—

The Minister for the North-West: It is so.

Hon. J. McI. THOMSON: That is what the settler desires. I was not aware of it.

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

Hon. J. McI. THOMSON: If the settler were to be compensated, he would obtain his equity, which is what is desired. But from the regulations, it is not clear that that is the position.

The Minister for the North-West: It is in regulation No. 17.

Hon. A. F. Griffith: The amount he would receive of his equity would depend on the realisation price, would it not?

Hon. J. McI. THOMSON: As I pointed out when I moved the motion, if the settler received this equity, I would not have raised the question. The fact is, however, that it was necessary in 1931 to alter the Act covering hire purchase agreements to enable the purchaser to receive his equity. If the lessee receives his equity —this is not clear in the regulations I am moving to disallow—he will be very contented.

During the debate it has been said that the position I have outlined is covered by the Mortgagees' Rights Restriction Act. For the information of the House, that Act expired in November, 1946. So whatever benefits members thought the settler could derive from it, no longer exist. I think that Mr. Craig, by way of interjection, said that the settler could have redress under common law. When we review that argument, we find that common law does not override these regulations, which in their turn become minor statutes. I say that the submission that these people can, through common law, get the redress that my colleagues and I are desirous they shall get, is groundless. These regulations—

The Minister for the North-West: Provide for an appeal board.

Hon. J. McI. THOMSON: According to the regulations, an appeal can be heard only if an agreement is reached between the two governments. I think that the Minister said he hoped to rectify the position. If he does that, our appeal will not have been made in vain. We have brought the position to the attention of the House, and we trust that effect will be given to our desires.

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

| | | | | |
|---|---|---|---|---|
| Ayes | .... | .... | .... | 14 |
| Noes | .... | .... | .... | 11 |
| Majority for | | | .... | 3 |

Ayes.

| | |
|---|---|
| Hon. N. E. Baxter | Hon. Sir Chas. Latham |
| Hon. J. Cunningham | Hon. L. A Logan |
| Hon. L. C. Diver | Hon. J. Murray |
| Hon. Sir Frank Gibson | Hon. C. H. Simpson |
| Hon. H. Hearn | Hon. J. McI. Thomson |
| Hon. J. G. Hislop | Hon. H. K. Watson |
| Hon. A. R. Jones | Hon. A. F. Griffith |
| | *(Teller.)* |

Noes.

| | |
|---|---|
| Hon. C. W. D. Barker | Hon. R. F. Hutchison |
| Hon. G. Bennetts | Hon. H. C. Strickland |
| Hon. E. M. Davies | Hon. J. D. Teahan |
| Hon. G. Fraser | Hon. W. F. Willesee |
| Hon. W. R. Hall | Hon. F. R. H. Lavery |
| Hon. E. M. Heenan | *(Teller.)* |

Pair.

| Aye. | No. |
|---|---|
| Hon. F. D. Willmott | Hon. J. J. Garrigan |

Question thus passed.

**BILLS (2)—FIRST READING.**

1, Police Benefit Fund Abolition Act Amendment (Hon. E. M. Davies in charge).

2, Inspection of Scaffolding Act Amendment.

Received from the Assembly.

**BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.**

*Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1 and 2, and 4 to 11, and had disagreed to No. 3.

**MOTION—ROAD DISTRICTS ACT.**

*To Disallow Petrol Pumps By-laws.*

Debate resumed from the 14th September on the following motion by Hon. L. A. Logan:—

> That amendments to Road Districts (Petrol Pumps) By-laws, 1934, made by the Department of Local Government under the Road Districts Act, 1919-1951, published in the "Government Gazette" on the 27th May, 1955, and laid on the Table of the House on the 9th August, 1955, be and are hereby disallowed.

**HON. C. H. SIMPSON** (Midland) [5.39]: I do not wish to dwell at length on this motion, because it has been discussed pro and con pretty fully already. I support the mover on two general grounds, the first being that such a by-law would tend to restrict freedom of trade; and the second, that there is a growing tendency to conduct government by regulation rather than by the passing of an Act that could be discussed in and decided by Parliament. I can see no justification for interfering with the operation of the selling of petrol any more than I can see why we should interfere with the siting of, say, butchers' shops or grocers' shops.

The Chief Secretary: They have more sense; that is the only difference.

Hon. C. H. SIMPSON: We can go along certain streets in the city and find, side by side, a number of shops conducting a similar type of business. I take it the trade is sufficient to warrant the continuation of those shops—otherwise they would not have commenced business in the first place; and, in the second, they would not have continued trading. These things can generally be relied upon to sort themselves out. As a rule, the customer gets the benefit of that type of competition.

I point out, too, that there is a doubt whether the road boards, acting under their authority, are not going beyond the powers conferred upon them by the Act. I know that questions can be referred to the Minister, but on general grounds I am not sympathetic with an over-wide interpretation of the powers to make regulations. Where these powers are interpreted too widely, there should be an alternative method of writing them into the Act and allowing the Act, which is subject to reaction by the general public, to be debated in both Houses, so that the matter is thoroughly aired, and the powers then allowed or disallowed, according to the opinions of those who, reflecting the opinions of their constituents, contribute to the debate. For these reasons I support the motion to disallow the by-laws as framed.

On motion by Hon. H. Hearn, debate adjourned.

**WAR SERVICE LAND SETTLEMENT SCHEME ACT.**

*To Disallow Fee Simple Regulation.*

Debate resumed from the 28th 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.

**THE MINISTER FOR THE NORTH-WEST** (Hon. H. C. Strickland—North) [5.43]: Mr. Thomson has moved for the disallowance of regulation No. 23 which covers the conditions under which valuations are made on war service land settlement properties. His motion is mostly based on the fact, or the supposed fact, that the Minister determines the final valuation and fixes the price. Of course, that is not correct. He certainly approves the price and the valuations made; but the valuations are made by inspectors of the War Service Land Settlement Board who, from time to time, inspect properties and fix the valuations of the planned works carried out by the State. These works comprise the acquisition of the property, in the first place—that is, the cost of acquisition; the cost of clearing and preparing the land; and the placing of it under pasture. That just about covers the extent of the work carried out by the State. In other words these things are referred to mainly as the planned works.

The valuation of a property is made on the cost of those works, plus structural improvements, but they are under a separate heading. If a settler requires a valuation—an optional valuation—it is fixed on those costs. There is the cost of acquiring the land and developing the property under one heading, and under the other come structural improvements; but the settler agrees to buy those when he takes over the property under perpetual

lease conditions. So there are two sets of valuations: one on the cost of the work carried out by the State; and the other on the structural improvements which are purchased by the settler, and for which he has a period of 30 years to pay. That was the reason for regulation No. 18, which was the subject of a previous motion. That regulation was necessary to ensure that the settler looked after the structural improvements.

A further condition is also laid down by the Commonwealth Government in its conditions governing the war service land settlement scheme. It is to the effect that the valuation of a property must not exceed the cost of the work carried out by the State or the market value of that property—and the market value does not mean the value of the farm as a whole, but the value of the work carried out by the State—whichever is the lower. If the market value of the ploughing, the clearing and the establishing of pasture on a farm has increased—which it has done in hundreds of cases—it does not mean that the settler can be charged for it. He can be charged only with the actual cost of the work—that is, expenditure applied by the State on developing his farm, or the market value, whichever is the lower.

If, on the other hand, after ten years, a settler says he wants to buy his property in fee simple, he cannot be charged the present-day value of those works if their value has doubled since they were effected. That is clearly laid down in the conditions, and the regulations clearly cover it. Regulation No. 23 says—

> (1) Unless the conditions require otherwise the lessee of a tenure of perpetual leasehold of land demised by instrument of lease under the scheme may, subject to—
>
> (a) the conditions;
>
> (b) the provisions, if applicable to the land, of Subsection (5) of Section 8 of the Act relating to mineral rights;
>
> (c) any mortgage or other encumbrances if any affecting the land;
>
> (d) the provisions of the regulations for the time being in force where applicable; and
>
> (e) compliance with the provisions of the lease instrument
>
> after the expiration of a period of ten years from the commencement of the term of the perpetual lease and on payment of such purchase price for the fee simple as is fixed under the scheme by the Minister in accordance with the conditions purchase the fee simple in the land and on completion of the purchase is entitled to surrender the lease instrument and obtain in place of it a Crown grant of the fee simple in the land.

The second part of the regulation states—

> (2) Subject to the conditions the following terms apply to the purchase of the fee simple in the land at any time and from time to time during the period of ten years from the commencement of the term of the lease:—
>
> (a) instalments of purchase money on account of the purchase may be paid in advance if all the commitments to be paid by the lessee under the lease have been met but the instalments shall not exceed in the aggregate ninety per centum of the purchase price for the fee simple and on making payment of an amount on account of the purchase price interest on the amount so paid by him ceases to accrue.

I think that provision was inserted by this Chamber; from memory, I think Sir Charles Latham had something to do with it. It meant that a settler would be able to pay instalments for the purchase of his property before the ten years had expired. However, the Commonwealth Government will not accept instalment payments for a fee simple; and if a settler desired to purchase his property under the Act of 1952, he had to pay a lump sum to the Commonwealth. So, in order to make it easy, and to enable him to make progressive payments and build up a fund to purchase his propery, this Parliament inserted in the Act a provision whereby a settler could pay instalments to the State. Because the Commonwealth will not accept them, the State accepts them in trust, more or less, but pays the settler interest on the money to compensate him for the interest which he is paying as rent on his property. That has been quite a departure from the Commonwealth conditions originally laid down, and should be an advantage to settlers.

I think it wrong that settlers should get the impression that this Parliament, or any Government which is in power in this State, might endeavour to make conditions harder for them. The opposite is the case. Successive State Governments have endeavoured to make conditions easier —as easy as possible—and settlers would be under a misapprehension if they assumed that Ministers controlling the scheme were likely to be excessively hard on them. It is neither logical nor feasible.

During his speech, Mr. Logan said he was principally concerned with the price which a farmer would pay, and he felt that a settler might be paying for his own improvements. That is not so. It is laid down quite clearly that valuations and prices are issued under the authority of

the Minister, but the method of determining the price is set out in Subclause (7) of Condition No. 7 as follows:—

> It shall not be greater than the costs or reasonable market valuation of the property, whichever is the lower, at the time of the leasehold valuation, less the sale price for the structures.

I have explained that already.

Hon. Sir Charles Latham: That does not provide for the improvements that he effects himself by working long hours.

The MINISTER FOR THE NORTH-WEST: The improvements that he effects himself are not taken into calculation. A property is not handed over under leasehold conditions until the board is satisfied that the settler has a reasonable chance of having it sufficiently improved to return him an income which will enable him to carry out his obligations. Before it is handed over, an inspection and valuation is made by an officer of the Taxation Department, and not an officer of the Land Settlement Board. That officer values the work that has been carried out by the State and that which has been carried out by the settler.

If the settler has cleared an area, over and above that which the State has had cleared, a separate valuation of it is made, and he is required to sign, before he takes over, to show that he has approved of the valuation assessed on that work. That is done before he gets the property under a perpetual lease; in other words, before he enters the property. He has to sign to the effect that the improvements carried out by him are worth so much and those carried out by the State are also worth so much. At the same time, he signs for the structural improvements and purchases them over 30 years.

Hon. Sir Charles Latham: Does he get a credit deed for the work he has done on his own account?

THE MINISTER FOR THE NORTH-WEST: Yes; that is credited to him. If he was not getting that, he would not sign and would have recourse to the appeal board.

Hon. L. C. Diver: Is he aware of those facts?

THE MINISTER FOR THE NORTH-WEST: They are all laid down in the conditions. They are hard to find, I will admit; but they are there in the various conditions. One of the conditions determined by the Minister for the Interior—

Hon. J. McI. Thomson: What is the number of that condition?

The MINISTER FOR THE NORTH-WEST: Subclause (5) of Condition 5, which states—

> The valuation of a holding when developed shall be that part of the total cost apportioned to it under subclause (3) of this clause on which a settler possessing no capital could meet the commitments (excluding principal repayments under any agreement between the State and settler for the purchase of land) from the net proceeds of the developed holding (based on conservative estimates of yields for products at prices conservative to those ruling for those products as at the time of valuation) and obtain a reasonable living.

That clearly sets out that it must be an economical farm before a valuation is made. Subclause (3) which that refers to states—

> The total cost of the land and of the planned works of a project shall be apportioned over the holdings derived from the project.

That was one aspect about which there was a good deal of argument—when several properties are taken into account. The cost of improving several properties was apportioned over all of them. If members study the conditions under which the value of developments is set out they will find that the settler is protected right through. Condition 7 (7) reads as follows:—

> The option price for the freehold shall be that part of the approved capital costs of the project apportioned to the holding up to the time of the leasehold valuation or a reasonable market valuation at that time—

it must be lower—

> of the land and improvements provided by the State . . .

The optional price is the valuation of improvements provided by the State. It is clearly set out that any work the settler has done on the property must be taken into account.

Hon. A. R. Jones: What would be the position if there were a general rise in valuations?

The MINISTER FOR THE NORTH-WEST: If there is a general rise in valuations of the improvements then, of course, only the actual cost can be charged. It sets out the cost of the improvements or the market value of those improvements whichever is lower. So, if there were a depression and values fell, and the work could be carried out cheaper today than it cost originally, and the settler desired to exercise his option, the value must be the lowest value. That would be the market value of the work that day. Accordingly, in every instance the valuations on the properties are well covered and the settler is fully protected.

If a majority of these settlers had not been happy about the conditions—it is possible that they might not be able to understand them—I suggest we would have heard much more about it. There would have been a great deal of Press publicity; and, no doubt, a move would have been

made by the R.S.L. Approaches would also have been made to the Land Settlement Board or to the Minister controlling that board.

But no body of settlers has approached the board and complained bitterly about these conditions. In odd cases where an error has occurred in correspondence between the department and the settler, there have been settlers who have approached the department or the board and had the matter cleared up. In all cases where settlers have approached the Land Settlement Board with complaints these have been settled satisfactorily; at least, so I am advised. I particularly asked about that in order that I might inform the House of the position. As I see it,—and as I think all settlers should see it—they are given every protection. After all, the regulations cover only the conditions; they cannot depart from them. I feel sure the settlers would be reasonable and agree that they are well protected in relation to the valuations on their properties in the final assessment. For these reasons I trust the motion will not be carried. Even if it were, the conditions would still provide for the terms of valuation, and those conditions cannot possibly be altered by this House.

Hon. A. R. Jones: Why were the regulations made?

The MINISTER FOR THE NORTH-WEST: The regulations were framed to cover the conditions, and to enable the War Service Land Settlement Board of this State to function. The board would not have any powers without the regulations. There is an Act; and if ever the Commonwealth Minister desired to vary the conditions, our Act would have to be altered again. But it is hardly likely that those conditions will ever be varied, at least not as they apply to settlers in occupation today. It is unlikely that they will be varied for many years; but with changing circumstances and economic conditions, it would be difficult to forecast what the Commonwealth may require of intending settlers in the future. However, those settled today under existing conditions can rely upon the regulations applying to them as long as they are in possession of their leases.

On motion by Hon. N. E. Baxter, debate adjourned.

## BILLS (4)—THIRD READING.

1. Legal Practitioners Act Amendment.
2. Medical Act Amendment (No. 1)
3. Main Roads Act Amendment.
4. Commonwealth and State Housing Supplementary Agreement.

*Passed.*

*Sitting Suspended from 6.12 to 7.30 p.m.*

## BILL—HONEY POOL.

Report of Committee adopted.

## BILL—POLICE ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 27th September.

**HON. E. M. HEENAN** (North-East) [7.31]: I obtained the adjournment of the debate in order that I might look through the Bill. On investigating, I found that the amendments were brief. The main amendment is to Section 65 of the Act which deals with idle and disorderly persons, and proposes to enlarge the definition to include people who consort with reputed criminals. Apparently it is a provision which exists in the other States of Australia and in many parts of the world. In the light of court decisions made in recent years in this State, respecting the definition of an idle and disorderly person, this amendment seems to be necessary to enable the Police Force to look after the welfare of the community better. I do not oppose the Bill. I was not present when the Chief Secretary introduced it, but I have since read his speech and I can find no fault with it. I support 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—TRAFFIC ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 28th September.

**HON. SIR CHARLES LATHAM** (Central) [7.33]: The Bill is a simple one. It proposes to add a new section to the Act to provide that the Governor, having regard to Subsection (2), may make regulations authorising the infliction and collection by prescribed officers of the Public Service of penalties for offences against the Act prescribed as minor offences, and may by the regulations prescribe what offences against the Act are minor offences.

This is a complete departure from the usual legislation, and it is the first time that such a measure has been introduced in this Parliament. Whilst I commend the method, I am worried about the process. I would ask the Chief Secretary to withhold the Bill for a time to enable the powers to be inserted in the Act. The Act contains no provision other than that for the making of regulations. Members will have some idea of the difficulties ahead

when I point out the size of the volume of regulations. Here is the full volume of the regulations under the Traffic Act—quite a bookful—and it is proposed to add more. I would like to see the powers set out, and this would prove to be a great advantage to traffic offenders.

Members have already heard my dissertation on the danger of passing over to civil servants the right to govern this State by regulations and to inflict fines. The Bill should include the scale of penalties that may be imposed. Under the regulations, the fine for the first offence is 10s.; for the second, 15s.; and for the third, £1. If that Bill—which will give the officer in charge power to make regulations—is agreed to the danger is that when Parliament goes into recess he might feel inclined to increase the fines to a higher figure.

I ask the Chief Secretary to provide members with more information on this Bill, so as to give a guide to the large number of motor-owners in this State, because the offences will relate to parking and other minor matters. The Act does not set out what the minor offences are. I would ask the Minister to insert in this Bill the minor offences and the fines therefor, so that a standard fine will be set and the public will know what they are up for. If he is prepared to do that I shall support the second reading, so as to overcome the large arrears of work which face the Traffic Court.

I do not agree with the provision regarding the six months' lag. Something must be radically wrong if it cannot be done within a week or a fortnight. I have no objection to the provision which will dispense with the need for an offender to go to the court, pleading guilty, and then waiting for his case to be heard. I understand this is the usual procedure. I have not been prosecuted for a breach of the regulations—

The Chief Secretary: Was it good judgment or good luck on your part?

Hon. Sir CHARLES LATHAM: Both. I have enough good judgment not to leave my car parked in a spot frequented by the traffic police.

The Chief Secretary: You do not turn the wheels so that the police put the chalk mark underneath?

Hon. Sir CHARLES LATHAM: I have not noticed any chalk mark on my car. I hope the Minister will agree to my suggestion to make the regulations more definite, and to allow Parliament to determine the penalties rather than delegate the powers to civil servants. If that is agreed to, I shall support the Bill; if not, I shall oppose it.

On motion by Hon. C. H. Simpson, debate adjourned.

## BILL—LICENSING ACT AMENDMENT (No. 2).

*Second Reading.*

Debate resumed from the 27th September.

**THE CHIEF SECRETARY** (Hon. G. Fraser-West) [7.38]: I may say that I have referred the comments of Sir Charles Latham to the Licensing Court, seeking more information about this Bill. The court has no objection to the setting down of standard meal hours.

Hon. Sir Charles Latham: What is wrong?

The CHIEF SECRETARY: That is its method of conducting business. It tries to meet the wishes of people if possible. The court suggests that some provision be made so that if the hours set out in the Act are not suitable—and they would not be suitable to every portion of the State because of peculiarities rendering it necessary for earlier or later meal hours—it can, on application being made, vary the hours.

Hon. Sir Charles Latham: As long as there is one hour.

The CHIEF SECRETARY: If the Bill sets out stipulated hours, the meals can be served only in those hours.

Hon. Sir Charles Latham: I did not mean those hours only.

The CHIEF SECRETARY: If an opportunity is given to the court to alter the meal hours, then it will be able to meet the need of certain districts. The curtailment of the lunch hour has been the cause of dissatisfaction throughout the State. Of course, that is governed by the position of staff, and this is an important matter to a licensee. The court also made reference to the complaint voiced by Sir Charles Latham regarding the incident at Payne's Find. I believe it ocurred on the 1st August, 1952. The explanation was that the licensee was ill; and the person in charge, the cook-housekeeper, contrary to instructions, declined to meet his wishes. Thus an explanation is generally forthcoming as to why these things happen. However, the court is not greatly perturbed regarding the proposals in the Bill; and, with the qualifications I have mentioned, will be quite happy if it is given a trial.

Question put and passed.

Bill read a second time.

## BILL—JURY ACT AMENDMENT (No. 1).

*Second Reading.*

Debate resumed from the 28th September.

**HON. C. H. SIMPSON** (Midland) [7.46]: A similar Bill to this occasioned a good deal of debate in this House last year; and while the principle of women serving on

juries was accepted, an amendment was made in Committee to provide for women being eligible for service upon their applying to the magistrate or the officer authorised to receive the applications. The amendment was sent to another place and was disagreed to; and at a conference, there was a division of opinion as to whether those desiring to serve should apply, or whether women of the requisite age should be compulsorily enrolled and should be released from the obligation to serve if they applied to the appropriate authority.

Those who supported the idea of permitting woman to serve on juries were, I believe, of the opinion that it would not be right for, say, a young woman, comparatively uninformed in a knowledge of the world, to find on reaching the age of 21 that she was summoned to serve on a jury when the nature of the case might not be fit for young ears. I am speaking of many whose parents would be disturbed by the prospect of that happening. If, on the other hand, it were made quite clear to women of 30 or over that they were eligible to serve upon making application, we would by and large have a body of women who would be competent to carry out the task with a full knowledge of the responsibility involved. This, I think, is the considered opinion of most members on this side of the House.

I should not like this debate to close without members giving this fairly serious subject some further consideration; and I suggest that it would repay them to reread the debates of last year and fully inform themselves of the issues we then discussed, and be prepared to contribute their views. I should not like to see the measure rushed through, because we are calling upon our womenfolk to assume a very important duty. I am still of opinion that it would be far better to make this service optional with the women, rather than thrust the responsibility upon them willy-nilly and only release them from duty upon their applying to the officer concerned.

We have to bear in mind that there would possibly be 150,000 to 200,000 women qualified to serve, though I have not checked the numbers. Rolls would have to be prepared so that these women, as they automatically became eligible, could be notified. Lists would have to be prepared, and they would have to be summoned to serve. On the other hand, if only those names were included in the jury list of women who actually applied, the cost of administration would be lessened considerably and it would be far more saisfactory to all concerned.

This is not to say that women are not as competent as men in many avenues of life. There are certain avenues in which we frankly admit that they are superior to us, but there are other avenues in which we should exercise some discretion before legislating that they shall undertake certain duties which may prove to be disagreeable.

Hon. F. R. H. Lavery: Whom do you mean by "we"?

Hon. C. H. SIMPSON: I am speaking as a member of the opposite sex and also as a parent. I should not like to find my daughter, who has recently reached the age of 21, empanelled for jury duty if she were called upon to carry out that duty without knowing exactly what her responsibilities and privileges were. I think that would be the attitude of many parents and of many of the young women if they only understood the precise nature of the issues.

Therefore I suggest that this is not a matter to be decided hastily. I should like members to consider adjourning the debate so that there might be a full discussion, and then we could make our decision with a complete knowledge of the issues pro and con. I reserve judgment on the Bill until I have heard he opinions of other members.

**HON. R. F. HUTCHISON** (Suburban) [7.55]: I support the second reading of the Bill. This subject seems to have become a hardy annual. The Labour Party, which I represent in this House, supports full civic rights for women; and I feel confident that a sound case can be put up in justification of the Government's action in bringing this measure forward.

In asking the House to approve of this Bill to give women the right to sit on juries, I wish to draw the attention of members to the fact that women in the western democracies occupy positions in almost every walk of life. We find women in public life: there are women judges, writers, justices of the peace, lawyers and business executives; and there is every justification for their taking part in these activities. But although we have women in almost every avenue of life, they have not the right to sit on a jury panel in Western Australia.

For a century or a century and a quarter in this State we have had juries consisting solely of men to try cases, but we have not heard a woman's opinion voiced in a court of justice here, and that is to be deplored. I read in "The West Australian" last week that England had set a precedent by appointing a woman diplomat. Surely if a woman is capable of taking a position in the diplomatic service, we are asking a very small thing when we seek the right for women to serve on juries here! The report in "The West Australian" stated—

> Woman Diplomat
> Sets Precedent
>
> London, Fri.—Britain's highest-ranking woman diplomat—Miss Kathleen Graham (51), the newly-appointed deputy Consul-General at New York—describes herself as an "experiment".

"I was lucky to be the one who was moved up first, but I prophesy there will be others," she says. The salary of her job is a basic £1,340 sterling, rising to £1,850.

If her appointment means a new deal for Britain's women diplomats, none will be happier than the 12 who now have the odds against them in their battle for promotion against 749 men in the diplomatic branch of the foreign service.

Women became eligible for the diplomatic branch only nine years ago. Even in 1943, male members of the House of Commons were arguing that women were "totally unsuited" for the work.

The 12 who have so far been forced to glimmer instead of glitter in their job include:

Miss Evelyn Rolleston (32), who became a diplomat when she was 24. In 1947, she was sent to Budapest and two years later had mastered Magyar (which entitled her to £100 a year extra). She is now a second secretary at £575 sterling rising to £650.

Miss Gillian Brown (32) who was also sent to Budapest and was proficient in Magyar language after 12 months. She, too, is a second secretary.

Russian Learnt.

Russian-speaking Miss Elizabeth Richardson (26), who had served three years in Moscow before she was 25.

Miss Moira Armstrong (21) took up diplomacy after leaving Oxford. Now 25, she is third secretary at Bucharest, where the salary rises to £550 sterling from a basic £400.

Miss Graham herself has taken only six years to shine.

Like all the other women, she will continue to do so only if she remains "Miss" for while no-one in the Foreign Office thinks twice about a male diplomat getting married, the woman diplomat who dares to take a husband also automatically leaves the service.

In 1919 a Bill was brought down in the House of Commons entitled "An Act to amend the law with respect to disqualifications on account of sex." It stated—

> A person shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from entering or assuming or carrying on any civil profession or vocation, or for admission to any incorporated society (whether incorporated by Royal Charter or otherwise), and a person shall not be exempted by sex or marriage from the liability to serve as a juror.

I now turn to Scotland, as a further illustration of how little advanced we are in Western Australia, and here I quote a Scottish measure. It is entitled, "An Act to provide for the qualification of and manner of enrolling Women as Jurors in Scotland." It states—

> The enactments relating to the qualification of jurors and the manner of making up any roll or list of persons who are qualified and liable to serve as jurors in Scotland shall apply to women in like manner as they apply to men: provided always that the names and designations of men and women shall be entered in the general and the special jury books and in the Sheriff Court jury books in separate lists, and that any provision in any enactment relating to the lists or the number of jurors to be entered in any such book shall be construed as referring to such separate lists.
>
> Notwithstanding anything in any enactment, new lists of jurors shall be from time to time prepared according to the existing law and practice as amended and applied by this Act.

I want to know what is wrong with the women of Western Australia.

Hon. H. K. Watson: But this Bill does not provide that—

Hon. R. F. HUTCHISON: Those two Bills provided that women should serve on juries, the same as men.

Hon. H. K. Watson: And that they should be compellable, without the option.

The Chief Secretary: We will amend the measure to suit you.

Hon. R. F. HUTCHISON: Why should the women of Western Australia be refused the right to serve in this capacity? Are they considered by the members of the Opposition in this Parliament to be less intelligent than the women of other States and countries? Service of this kind is a part of the daily life of women in England, so why should we be afraid of it here? Apparently the men in Opposition in this House desire to tell us women what we should or should not do. We desire the chance to do what we want to do; and if members have any fault to find with that, let them bring down another amendment and tell us why.

An eminent judge in England was prejudiced at first about women serving on juries, but that was years ago before we had progressed as far as we have today. After three years' experience of their services, he apologised for his previous attitude. He said he had found the women most helpful, and he commended them on the decisions they had made and the help they had been to him in his judicial capacity. That was high praise from a man of his standing, and to say that the

women of Western Australia could not do equally well is ridiculous. I do not know why anyone should say that—

Hon. A. R. Jones: No one did say it.

Hon. Sir Charles Latham: No one but the hon. member herself.

Hon. R. F. HUTCHISON: The other day in this House Mr. Heenan said that a fundamental of the law is that when courts operate they must have all the appearance of doing justice. Where is the appearance of justice when a woman is being tried by jury and there has never been a woman on one of our juries to raise her voice in our courts of law and give the women's point of view to perhaps defend them—

Hon. Sir Charles Latham: They can be defended by women.

Hon. R. F. HUTCHISON: We have never had women on a jury to give the woman's point of view. I wonder how members opposite would feel if it were suggested that a man should be tried by a completely female jury. Members may think it a great joke, but it is beyond a joke that for one and a quarter centuries we have had all-male juries. After all, life is a partnership and men and women are supposed to be complementary to each other. The sexes are created for that purpose, and therefore they should share everything in life. They share the bringing up of their families and the management of their homes, so why should not men and women share this duty in the courts of justice?

In Australia women are treated worse, in regard to civic rights, than in any other country which boasts a western democracy; and I would remind members that that has been brought about in this House because the only thing which holds up this legislation is the 18 members who sit on the Opposition benches in this Chamber.

Hon. J. McI. Thomson: There are three of your members on this side.

Hon. A. R. Jones: Remember that we had a jury Bill last year.

Hon. R. F. HUTCHISON: Yes; and a great deal of nonsense was spoken in regard to it in this Chamber.

The PRESIDENT: Order! The hon. member must not cast reflections on members of this Chamber.

Hon. R. F. HUTCHISON: I am sorry. I am not as old in experience as many members here, and possibly I offend in small ways; but I repeat that it was through the action of members here and their reasoning, when they brought in all the points that did not matter, that that Bill was lost. They spoke of mawkish sentiment, and of women being protected and not being able to listen to some of the evidence given in courts, as though women were the soft little things that their 18th century minds conjured up. But that was so far from the truth as to be ridiculous. To say that women cannot take their place in the community is to talk nonsense. What is more dreadful than war, and where does one see more of the seamy side of life? Yet women carried out their duties in wartime with all honours.

Hon. Sir Charles Latham: They were not asked to go into the front line. They only cared for the sick and wounded.

Hon. R. F. HUTCHISON: The women of Western Australia are asking to be allowed to share the privilege of serving with men in the courts of justice. And what is wrong with that? The present position reminds me of when women first tried to get the vote. I can remember my mother having to pay 1s. in Victoria to go to vote, when I was a tiny child; but today one would be laughed at if one suggested such a thing.

Hon. H. K. Watson: You are fined £2 if you do not vote.

Hon. R. F. HUTCHISON: Not for this House! This House is a disgrace—

The PRESIDENT: Order! The hon. member must withdraw that remark.

Hon. R. F. HUTCHISON: I do withdraw it. The women of Western Australia are largely disfranchised in relation to this House, with the exception of those who own property or are widows. The ordinary housewife, who we are told must be protected, is not enfranchised for this House, and therefore has no say as to whether she should be protected or not. Our women know what they want and do not need men to tell them. At present they want to be able to serve on juries.

Hon. J. McI. Thomson: That is not quite true—

The PRESIDENT: Order!

Hon. R. F. HUTCHISON: If the hon. member listened, he would be more sure of his facts. He must go around without thinking or hearing. I have been inundated with phone calls and letters—I have not had time to read some that I received only tonight—giving me support in regard to this measure. It is no use members stonewalling a Bill such as this, because the women must be listened to. We must have this privilege. We want it and will keep on till we get it. It is a "must." The impossible sometimes does happen. I suppose that some years ago no one thought that a woman would ever become a member of this House; and the strange part of it is that men put me here as there are not sufficient women's votes for this House to put anyone here. That shows that some men must think women are doing all right.

Hon. Sir Charles Latham: They must be those horrible property-owners.

Hon. R. F. HUTCHISON: Perhaps. It is false to say that women do not want to go on juries or share civic responsiblity. It is wrong to say they have nothing to offer this country. They have plenty to offer, and possess a special appreciation of the problems of life. Women are the economists of the nation and spend the bulk of the national income—

Hon. Sir Charles Latham: We all agree with you there.

Hon. R. F. HUTCHISON: —because most of the national income is found in the pay envelopes of the working-man, and in nine cases out of 10 it is the woman who manages the income. She can do all these things; yet we are told that she must be protected, and that she is incapable of giving a reasoned and just judgment. One member the other day suggested that only women entitled to vote for Legislative Council elections should be those entitled to sit on juries. The Bill says "women from 21 to 60," and I stand on that. If men can serve on juries at 21 years of age, women are equally capable. It is nearly always the woman who leads the way. I have sons and daughters and I know that my sons never gave much thought to the future until they had girlfriends, and it was only then that they started to save their money and look to the future.

Hon. J. J. Garrigan: The hand that rocks the cradle rules the world.

Hon. R. F. HUTCHISON: That remark brings something to mind. It reminds one of the time when men in India required that their women should have their faces covered by veils so that only their lords and masters might look upon them. Thank goodness, although some of us might have hatchet faces we do not have to cover them! I do not want any silly nonsense heard in regard to this Bill, because there is a principle involved. That principle is to grant full citizenship rights to women, and nothing else will suit. I ask members not to agree that women should be 30 years of age before they are allowed to sit on a jury. It is bad enough that a man must be 30 years of age before he can nominate as a member of the Legislative Council, and yet a man can die for his country at 18 years of age.

The PRESIDENT: Order !

Hon. R. F. HUTCHISON: I am trying to point out the smoke screens and the camouflage that have been raised in regard to this subject. If men of 21 can make a reasoned judgment, so can women of a similar age. Some of the arguments raised against women sitting on juries included the one that it would be unfair to family life. I want members to know that in the Bill it is provided that if a woman has a young family, or is in ill-health and cannot serve on a jury, she can apply to be relieved of such duty. Two years later she can again submit an application and become eligible to serve as a juror if she so desires.

As Mr. Simpson mentioned, in the Eastern States it was provided that a woman must apply to sit on a jury. I want to tell members why I have not asked for a similar provision in this Bill. When I visited the Eastern States recently, I inquired how that provision was working. I found that women applied to be placed on a jury, but when they did so, they were never called. Therefore, they might just as well not have been given the right to apply.

The contention has been raised that women are emotionally unsuited for jury service. In wartime, as well as in peacetime, women have measured up equally well with men as far as emotional stability is concerned. In many instances, I have found some men who have proved to be more emotional than women. After all is said and done, women are the mothers of men and are often called upon, in their married life, to make big decisions or to assist their husbands in making them. So I do not know why women shoulld be barred from sitting on a jury to make a judgment in a court of justice. I want it earnestly accepted that women are emotionally fit to serve as jurors.

Hon. A. R. Jones: You break down yourself sometimes; and you are not on a jury, either.

Hon. R. F. HUTCHISON: Another point made was that women do not have as much commonsense as men. I consider that women know just as much about life as men. When men are called upon to protect someone, they consider it their duty to do so; but it is also a woman's duty to protect the home and to look after her family while her children are young. She has plenty to do besides assisting to share civic responsibilities. Sir Charles Latham raised the point that he would hate to see women sitting on a jury beside men who had filthy minds. It would not worry me if I had to sit beside a man who had a filthy mind. I would rely on the facts of the case to make my decision. Therefore, I do not think that argument would hold water.

Hon. Sir Charles Latham: It certainly did not hold water; it just ran out.

Hon. R. F. HUTCHISON: Another point raised was that women would have an overwhelming majority if they were made eligible to sit on juries with the same property qualifications as men. I do not know how many thousands of women would be made eligible to serve on a jury.

As far as women not wanting to do such service is concerned, I do not know many men who are keen to act as jurors. Nevertheless, women are quite conscious that it is

a duty that has to be done. They are conscious that they have something to offer, and they are quite capable of performing that duty. There are many cases heard in courts where women would be much more competent to make a decision than men. Also, it is about time we moved into line with other States and other countries by granting to women the same opportunities as men.

As I have said, to try to prevent women from receiving their just rights in society is just as impossible as it was for King Canute to stop the waves. Women will reach their objective no matter what obstacles are put in their paths. How foolish is the way we have to argue here! After all, women are the custodians of life. They are peacemakers, and everything that society wants, they have to offer. They look after the young; and I always become angry when I hear men arguing that women are not capable—or sometimes admitting that they might be capable of, but declaring they would not like to see them, doing this or that. Men like telling women what they think women should do. Well, let women tell what they themselves want to do, for a change! Men have always stressed the fact that women do not want to go on juries, but I stress the fact that those men do not want women to serve on juries.

Hon. A. R. Jones: I have never heard of any woman who wants to go on a jury.

Hon. R. F. HUTCHISON: Well, the hon. member cannot travel around much.

Hon. A. R. Jones: Only a few thousand miles a year.

Hon. R. F. HUTCHISON: All through history, women have had to fight, step by step up the rungs of the ladder, for their just rights. We did not build up this society, but men did. Men have gradually squeezed the women out until they have no rights. In older countries, such as Engand and Scotland, women have the right to sit on juries.

Hon. H. K. Watson: If they have the qualifications.

Hon. R. F. HUTCHISON: They have the same qualifications as men. The qualification for a man to sit on a jury in this State is that he shall have £150 personal estate and £50 real estate. Who is being penalised by that condition? It is the woman who has married a man and taken him for granted, and who, when she wants some entitlement, finds she has no qualifications. So I should say that the only £50 she would have to make her qualified would be in her husband's possession. I heard one hon. member say that a woman has no qualification. A wife belongs to her husband; and, in turn, a husband belongs to his wife. Therefore, she should be granted equal qualifications with her husband.

We are fighting for civic rights. We are fighting for them in the same way as British women fought for the right to vote. If we told the younger generation of today that women once chained themselves to the rails surrounding the British House of Commons in fighting for that right, they probably would not believe us; and I am sure that the same will apply when future generations are told that women had to fight for the right to sit on juries.

Hon. N. E. Baxter: A woman sat on the railway line the other day trying to stop a train.

Hon. R. F. HUTCHISON: I have a sheet of paper here dealing with the Bill before the House, which is in the form of question and answer. It was sent to me by a woman I do not know, but I am sure she is very intelligent. The following are the points that have been raised and the answers she has given:—

> (1) Women when questioned, are most reluctant to serve on juries, and do not appear to be very interested.
>
> Answer: How many men have the hon. members questioned? What percentage are anxious for service on a jury?

Hon. Sir Charles Latham: They do not want to serve.

Hon. R. F. HUTCHISON: If we have to have juries for the carriage of justice, women as well as men should share that duty. Why should not women have the right sense of justice as well as men? Continuing—

> (2) Domestic problems of the younger women are a factor against their appearing on juries.
>
> Answer: We recognise the need for an exemption clause on account of the practical differences between the natural contributions of work given by men and women in the life of the community. We fully realise that temporary exemption on account of home and family obligations, and maternal reasons, are necessary, and exemptions on these grounds should be no more controversial than when given to a man who may be engaged in military training or service.

Hon. A. R. Jones: Did you not ask for equality a while ago?

Hon. R. F. HUTCHISON: That is equality. What does the hon. member mean by equality?

Hon. A. R. Jones: I want to know what you mean by equality.

Hon. R. F. HUTCHISON: If the hon. member listens he will learn. This woman also states—

> (3) 5,000 men eligible and 150,000 women.

Answer: We take it that the juries would be composed of equal numbers of men and women—therefore this means a wider selection of women available.

Members can work that one out for themselves, because it is just a red herring to me. This woman then deals with property qualification. She states—

(4) Property qualification. Men have to be on the L.C. rolls—under the Bill, women are required to be only on L.A. rolls.

Answer: As a general practice, most property is held in the husband's name thereby eliminating the majority of women.

(Most women could qualify for the above by reason of personal possessions, rings, watch, furs, clothing, etc.)

That shows that women are thinking. These points and the answers to them were sent to me and I had no idea that they were being sent. The remarks she has made about property qualification are on exactly the same lines as the arguments I have put before the House.

(5) Nature of evidence—women are not emotionally equipped to deal with sordid cases.

Answer: This mid-Victorian attitude of some of our legislators is deplorable. During two world wars, women were proved capable of rising to the same heights and making the same sacrifices as men. They surely earned the right to play their part in administrating British justice—which should not mean half humanity standing in judgment on the other half. No disparity exists between the sexes regarding mental capacity, logical reasoning and general ability within a given age group of normal men and woman.

(It is generally conceded that a girl is more mature mentally than a boy of her same age.)

(6) Compulsion. Only a small number of women are clamouring for jury service—whilst the majority do not desire this legislation.

Answer: We are compelled, in the interests of our society, to do many things under compulsion—e.g. x-rays, military training (18 years) education.

English women have performed jury service for 36 years and obviously without any of the dreadful consequences feared by some of our legislators.

Surely our woman are not less capable!

I thank that woman for her help, because it is not easy to come here and discuss a contentious measure with all the sang froid of men who have been here for 20 years. I wish to conclude with a verse which gives an indication of how women think. It is as follows:—

To be alive—in such an age;
To live in it! To give to it!
Rise, Soul, from thy despairing knees;
What if thy lips have drunk the lees
The passion of a larger claim
Will put thy puny grief to shame.
Fling forth thy sorrow to the wind
And link thy hope with human kind
Breathe the world thought—do the world deed!
Think hugely of thy brother's need;
And what thy woe and what thy weal
Look to the work the times reveal.
Give thanks, with all thy flaming heart,
Crave, but to have in it, a part;
Give thanks, and clasp thy heritage
To be alive in such an age.

An age when the world moves on to wider horizons; and I hope that the beginning of it here will be that we shall get out of the doldrums we are in and do justice to woman by giving them the right to sit on juries in Western Australia in the same way as their sisters of other parts of the British Empire are able to do.

**HON. N. E. BAXTER** (Central) [8.33]: I have no objection to women serving on juries, but I do object to their being forced to serve.

Hon. E. M. Davies: They are not being forced.

Hon. N. E. BAXTER: That is what the Bill provides.

Members: It does not!

Hon. N. E. BAXTER: The Bill provides that women shall serve on juries unless they ask for exemption.

Hon. E. M. Davies: What is wrong with that?

Hon. N. E. BAXTER: That is almost as bad as forcing them to serve. The Bill provides that women shall serve on juries between the ages of 21 and 60. I contend that no woman between 21 and 30 should be expected to serve on a jury.

Hon. R. F. Hutchison: Why?

Hon. N. E. BAXTER: Because that is the age during which the big majority of women are married and bear their families. Surely they have a big enough responsibility these days in rearing families, without having to worry about serving on juries and giving consideration to some of the criminal cases that are heard in our courts. As a matter of fact, a woman between those ages who served on a jury and had a young family would not only be neglecting that family but would be doing them one of the greatest disservices it would be possible for her to do.

Hon. R. F. Hutchison: Don't be so silly!

The PRESIDENT: Order!

Hon. N. E. BAXTER: The hon. member referred to the ineligibility of women on account of their sex and on account of marriage, to occupy some positions in life. Who is responsible for much of that ineligibility? I would say that the blame is to a great extent attributable to the labour trade unions which have been opposed to married women taking jobs from men over the years. The hon. member is well aware of that. The labour trade unions over the years have tried to guard that position jealously.

Another question the hon. member asked was why women were refused the right to serve on juries. They have not been refused that right. If, last year, those of the hon. member's party had agreed to the amendments suggested by this House, we would now have had legislation providing for women to serve on juries.

The Chief Secretary: For some women to serve.

Hon. N. E. BAXTER: Admittedly—the women who wanted to do so.

Hon. E. M. Davies: They would have had to make application.

Hon. N. E. BAXTER: As the hon. member himself would admit, a lot of men do not want to serve but have to do so whether they like it or not. That is supposed to be equality.

Hon. E. M. Davies: Another of your Aunt Sallies!

Hon. N. E. BAXTER: There is no equality about it. If a man is to serve on a jury, he must have a property qualification. Otherwise, he is not approached and asked to serve. Under the Bill, any woman over the age of 21, without any property qualification, would have to serve unless she wrote and asked for exemption. Is that equality?

Hon. R. F. Hutchison: There is nothing wrong with that.

Hon. N. E. BAXTER: Does it put them on the same basis? Does it place a woman who is called to serve on a jury in a position of being a peer of the person on trial, which has been a recognised principle of British justice in all court trials where juries are empanelled? Members opposite know that very well. The hon. member also brought up the matter of Scottish juries. There is a big difference between the qualifications for Scottish jurors and those that exist in this State.

Hon. R. F. Hutchison: What is the difference?

Hon. N. E. BAXTER: There is a big difference.

Hon. R. F. Hutchison: Tell us what it is!

Hon. N. E. BAXTER: If women want to serve, let them apply to do so. The hon. member spoke of women on juries expressing their opinions on a case. When a person serves on a jury it is not a matter of expressing an opinion. It is a matter of summing up the evidence submitted by the prosecution and the defence, and not a matter of opinions. Personal opinions do not enter into it. It is a matter of summing up pure, straight-out evidence.

Hon. F. R. H. Lavery: Have you ever served on a jury? You have a lot to learn!

Hon. N. E. BAXTER: The hon. member referred to women who served in the armed forces. I agree that women did a great job during the war all over the world, in the British Empire and in other countries. But there is a big difference between that and serving on juries. Were women compelled to join the armed forces? Did they not join of their own free will? In the same way, women should serve on juries of their own free will. But the hon. member wants to force them to do something they do not want to do. I have discussed this matter with one woman after another, and not one has said she wanted to serve on a jury. I have been from house to house canvassing, and a big number of women do not even want to vote, let alone serve on a jury.

The Chief Secretary: You only know the lazy type.

Hon. N. E. BAXTER: Yet the hon. member and her colleagues want to justify compulsion.

Hon. W. F. Willesee: They should have the right.

Hon. N. E. BAXTER: I would give women the right to serve if they applied, but not provide for their serving in the manner set out in the Bill.

The Chief Secretary: Would you give men the right to apply, too?

Hon. N. E. BAXTER: Would the Chief Secretary give men the right to apply for exemption?

The Chief Secretary: You would not get any jurors.

Hon. N. E. BAXTER: I agree with the Chief Secretary. That is what would occur if we had to rely on men applying.

Hon. Sir Charles Latham: The Government wants to force women to do what men do not want to do.

Hon. N. E. BAXTER: This Bill seeks to force a lot of women to do what they do not want to do. If that occurs, there will be many irate women throughout this State. The hon. member spoke of certain women who approached her and who desire to serve on juries. She did not

tell us of the many thousands who did not approach her and who do not want to serve.

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

Hon. N. E. BAXTER: I know very well, because I have questioned one after another on this matter, and not 1 per cent. want to serve. I consider that is proof enough of what women think of this matter. I have said that I do not object to women serving on juries.

Hon. R. F. Hutchison: Not a bit, you don't!

Hon. N. E. BAXTER: If the hon. member had been at the conference of managers last year, she would know that I did not object to women serving if they were over 30 and had no family responsibilities.

Hon. R. F. Hutchison: Don't be silly!

The PRESIDENT: Order!

Hon. N. E. BAXTER: I have no objection provided they have reached the age at which they have the time to consider these matters and the peace of mind to sum up evidence.

The Chief Secretary: Why not let them decide that for themselves?

Hon. L. A. Logan: Why put the responsibility on 100,000 women of applying for exemption?

Hon. N. E. BAXTER: That is the point. Why impose on them the responsibility of having to serve if called on unless they apply for exemption? Why not apply the same principle to voting and say, "You have to vote unless you apply for exemption?" Would members opposite agree to that? Not for two minutes! If they would insert that provision in the Electoral Act I would agree to its appearing in the Jury Act. I shall support the second reading of the Bill. I will agree to amendments submitted making it possible for women between 30 and 60 to serve when they apply, but I will not agree to their having to serve unless they seek exemption.

**HON. E. M. HEENAN** (North-East) [8.43]: I do not propose to speak at any great length on this Bill, because we have debated it fairly fully in previous sessions, and this measure is not in any way different from that which we considered last year. The debates that occurred last year and the year before that, and the consideration that all members gave to this proposition should serve us in good stead on this occasion, and there is not very much reason for argument about the main principle involved.

I gather from some of the speeches that have been made, and from interjections, that the majority of members are ready to accept the principle that the time has arrived when women should share not the right, but the obligation to serve on juries. Mrs. Hutchison has made out a good case tonight, and I do not think many members have put up propositions against the argument that she strongly favoured. To give members opposite their due, I do not think that many of them will vote against the proposition that women should share the obligation of serving on juries. If I am right in that assumption, the Bill is nearly through.

Very few members will argue that women are less capable, mentally, of deciding the ordinary matters of fact which juries are called upon to decide, whether they are in murder cases or less serious cases. Women undoubtedly have become more and more emancipated in recent years, and I think that the male person who thinks of their sphere in life as being the same as it was 50 years ago is making a big mistake. Women have undoubtedly proved themselves in almost every sphere of life, although it does not take much imagination to realise that a woman's place is not working in the stokehold of a ship. There are some avenues for which, because of her physical characteristics, she is obviously not fitted.

Hon. Sir Charles Latham: Do not forget that they do it in Russia.

Hon. E. M. HEENAN: I am old-fashioned enough to think that they cannot.

Hon. Sir Charles Latham: I know what they do on the wharves there; I have seen them.

Hon. E. M. HEENAN: We need not waste a great deal of time on the Bill because, apparently, we have all accepted the main principle involved. What the Bill proposes to do now is to make every woman between the ages of 21 and 65 automatically liable for jury service.

Hon. Sir Charles Latham: How many males have we got who are liable?

Hon. E. M. HEENAN: I am trying to point out what the measure proposes, and that is that every woman, once she reaches the age of 21, until she is 65—

The Chief Secretary: Sixty.

Hon. E. M. HEENAN:—will be liable to serve on a jury unless she writes in and states simply that she does not desire to be on the jury list.

Hon. J. McI. Thomson: Would you allow a woman to put that on the summons when she is called on to attend the court?

The PRESIDENT: Order!

Hon. E. M. HEENAN: One thing at a time. I think that every woman in Western Australia will soon know that on turning 21 she becomes liable.

Hon. L. A. Logan: How will they know?

Hon. E. M. HEENAN: It will be the law.

Hon. L. A. Logan: How many know the law today? How many know the regulations?

Hon. E. M. HEENAN: I do not think it is assuming too much to believe that if this becomes the law, just about every woman in Western Australia will quickly become aware of it.

The Chief Secretary: The hon. member makes out they are blind, deaf and dumb and would not know anything.

Hon. Sir Charles Latham: If they take after the men, they will show it.

Hon. E. M. HEENAN: If they do not want to be on the jury list, all they will do will be to write to the appropriate authority and say, "I do not desire to be on the jury list." That is not much for them to do.

Hon. Sir Charles Latham: It will be a lot for the civil servants to strike them off the list.

Hon. E. M. HEENAN: The only point in dispute is that the Opposition say, "We will give the women the right to share this obligation, but we will make them write in and apply to be put on the jury list." I must be quite frank: Last year I thought that was a reasonable proposition; but on giving it further consideration, I believe it is asking a woman to do something that the man does not have to do. No man that I have ever met wants to sit on a jury. When the call is made on him, he realises that it is a civic duty; and, with a good deal of reluctance, he goes along and does his duty. No man would like to be known as one who wanted to serve on a jury and who got pleasure and satisfaction out of it. If we ask women to write in and request to go on juries, we are putting them in an invidious position. We might get the wrong type of woman that way.

Hon. Sir Charles Latham: There are no wrong types of women, surely.

Hon. E. M. HEENAN: There are—

Hon. G. Bennetts: Awkward ones.

Hon. E. M. HEENAN: —some people who in my opinion should not be eligible. The point of dispute now left between the opposing factions is not very great. Apparently the Crown Law authorities consider they can handle the situation which is proposed; and I suggest quite seriously that if we impose on women the obligation to write in to be put on juries, we are asking them to place themselves in an invidious position. By all means let them write in to take themselves off—there will be many thousands who will do that. After giving the matter considerable thought, I think the Bill will work out all right. I believe the time has come when we should do something about this.

**HON. J. D. TEAHAN** (North-East) [8.54]: Many arguments have been put forward for and against the Bill. Firstly, I would say that our jury system has been a success; and it has been a success in the face of the fact that those who have served as jurymen have not all done so willingly. No one is anxious to serve on a jury. Even the most learned judges uphold our jury system; and I think it is one of the gems in the judiciary of the British Commonwealth of Nations. If we have had that result from men serving on juries—and not serving willingly—would we not have just as good a result if women served?

It has been said that some of them do not desire it. I agree with Mr. Heenan that if the position were that men had to write in and say they desired to serve on a jury, it would almost create the position where it could be said, "Those 12 jurymen sitting there are odd types who like this sort of business. They like passing judgment on their fellow men; they like listening to evidence that is not pleasant." So, some stigma could attach to them. Similarly, if a woman had to write in, she would leave herself in the position where people could say, "So-and-so desires this kind of unpleasant task." But if, as the Bill provides, all women were liable to serve, the same as are the men, that position would not arise. The women could be exempted if they desired, and by that means we would probably get the result we want.

It may be said that women use good sound judgment, because they do use judgment in other spheres of life. Can it be said that they are more emotional than men or cannot stand up to the sordid side of life? What more emotional or unpleasant work can we think of than, say, nursing? A nurse sees the most awkward situations in life—tragedies, casualties, heart-burnings and loss of relatives—yet she stands up to them, and very often does so better than a man.

Also, we can read how those women reacted in the prison camps during the war. They were terrible places, but the women stood up to the conditions with courage, forbearance, discretion and valour. Everything that is good in the human race, these women showed. We have all read of those nurses in the Sunda Strait. How did they react when they were faced with terrible conditions? They acted with valour and honour. They did not panic as might have been expected, and as many men might have done. They held out firmly and courageously, doing nothing that would be dishonourable, but facing up to the most awkward situations. I say they would be just as cool and calm when sitting with 12 other persons on a jury to hear a case and give a decision on it.

We have moved far in the last 100 years, or less. At one time women's place was considered to be only in the house, engaged

in domestic work. It was not considered that for them to serve in a place such as this, or in the Assembly, or in the House of Commons or in semi-government institutions would be of any advantage. But they have served in those places with distinction. We have got over that prejudice and have passed laws whereby they are allowed to so serve.

We know that they can cook a dinner and attend to the other domestic affairs of the home. But now we are aware that they have served well in other spheres; and I am certain that they will serve well in this one. They have asked for equality of laws to be given to them. If they do not desire to sit on cases where the evidence is unpleasant, they can be excused; or if they do not wish to sit on a particular case and pronounce judgment, they need not do so, because they can write in and say that they do not desire to serve.

Members have asked: How would a woman, when she turned 21, know that she would be liable to serve on a jury? Well, how does a woman, when she turns 21, know that she has to enrol for the Legislative Assembly? She must be enrolled for the Legislative Assembly. How does she know? How does a boy of 18 years of age know that he must serve in the citizen forces?

Hon. Sir Charles Latham: There are plenty of advertisements in the paper for that.

Hon. J. D. TEAHAN: He knows, in the same way as a woman three years older than he would know that she was liable for jury service. I say that we would get over these prejudices. For the first two or three years we would probably hear a few murmurings, but the new set-up would become just as much a part of our lives as the male jury system today. So let us give the women the equality they want—they are asking for it—and if there are some in the community who say that the evidence is such that they do not want to hear it, or do not want to pronounce judgment on anybody, there is a provision under this measure for their exemption. Therefore I support the second reading.

**HON. A. F. GRIFFITH** (Suburban) [9.1]: I am one of the Liberal members of this House who is the subject of bone pointing on this particular matter whenever certain members here get an opportunity to do the bone pointing. However, members will recall that I voted for the second reading of a similar measure last year, and I propose to vote for the second reading of this Bill this year. But, in view of the continual tirades of abuse that we hear against members who sit opposite—to use an expression which we hear so often—I think it would be just as well if the general public were to realise to some extent the insincerity in regard to certain things which happen at certain times.

As you are no doubt aware, Mr. President, this Bill is becoming a hardy annual. We had it last year; we had it the year before; and we have it again this year. But the year before last the Jury Act Amendment Bill was presented to this House by a private member, Hon. H. S. W. Parker, who was unfortunately defeated at the last biennial elections. For the benefit of the public I think I should point out just how sincere certain members are when they talk about women serving on juries.

At this stage might I say, as I said last year, that from my point of view, and from the points of view of many members who support the party to which I belong, and from the points of view of those who support the Country Party in this Parliament, this business of trying to present to the public the idea that we do not think that women are fit to serve on juries and that we think they are our inferiors and we are their superiors, is just so much trash. No sane thinking person thinks that way at all. The suggestion that men try to dictate to women regarding what they shall do, is quite wrong; the boot is on the other foot. Here we have a woman trying to tell us what we think. May I assure her that she is very wrong indeed. I believe that we think as sanely as she does about the matter.

Hon. N. E. Baxter: I say we do!

Hon. A. F. GRIFFITH: It would appear that at every opportunity political capital is made out of a situation like this. We hear Mrs. Hutchison get up and say to this House, so that people can hear it, that it is part of the policy of the party to which she belongs to bring down legislation which will amend the Jury Act to provide that women may serve on juries. All right! There is nothing wrong with that. Whilst I do not happen to agree with the policy of the Australian Labour Party, it is quite entitled to its political views in the same way as I am entitled to mine. But what I do object to is this continual attempt to thrust down the throats of members who do not subscribe to that political thought the idea that because we do not do so we are endeavouring to exhibit superior characteristics in regard to the question of women serving on juries.

I will repeat what I said in this House last year; that sort of thing should not enter into the debate. The question of the equality of the sexes should not enter into the matter; and all this verbiage that we heard this evening about the equality of the sexes is not worth any consideration at all, because we do not have to be convinced. I know, as a man wearing a returned soldier's badge, what women did in the last war, and the war before that. They have taken their places in the community and nobody has held that up against them.

Hon. C. H. Simpson: They were trained for that duty.

Hon. A. F. GRIFFITH: Nobody has held it up as an argument as to why women should serve on juries. The things that women have done have been accepted and they have been commended and heralded throughout the world for what they have done. Such facts have not been used as propaganda in the same way as they have been used here. This is a political Bill.

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

Hon. A. F. GRIFFITH: The hon. member is a better judge of rot than I am.

Hon. C. W. D. Barker: I am a better judge of anything than you are.

Hon. A. F. GRIFFITH: This is a political Bill, as can be seen from the words that Mrs. Hutchison herself used.

Hon. R. F. Hutchison: Pick on somebody else for a change.

Hon. A. F. GRIFFITH: I cannot pick on anybody else because up to date, apart from the hon. member, the contributions that have been made have been quite sensible. So when the hon. member spoke, I had all the subject matter I wanted to make a speech. But let us consider this thing from a commonsense point of view.

Hon. E. M. Davies: Hear, hear!

Hon. A. F. GRIFFITH: The Bill provides that the female population of this country, between the ages of 21 and 60, may serve on juries. I think it has been stated that there are approximately 150,000 women between those ages in this country.

Hon. C. H. Simpson: According to the statistics there are 165,000.

Hon. F. R. H. Lavery: Where did you get those figures?

Hon. Sir Charles Latham: Through the Electoral Act. You could have got them from there, too.

Hon. A. F. GRIFFITH: For Mr. Lavery's information—

Hon. F. R. H. Lavery: That is what I want to know.

Hon. A. F. GRIFFITH: —I shall quote from the 1955 quarterly Statistical Abstract No. 356 at page 48. The number of females in Western Australia on the Legislative Assembly rolls totalled 159,790.

Hon. F. R. H. Lavery: Where did you get the 5,000-odd males from?

Hon. A. F. GRIFFITH: I understand that is the number on the jury list.

Hon. F. R. H. Lavery: I just asked.

The PRESIDENT: Order!

Hon. H. Hearn: It is under 5,000.

The Chief Secretary: But that does not mean to say that 159,000 will be called upon to serve.

The PRESIDENT: Order! Mr. Griffith will proceed.

Hon. A. F. GRIFFITH: It does not mean to say that 159,000 will be called upon to serve. But perhaps the Chief Secretary can tell me how many will be affected.

The Chief Secretary: If you read the Bill you would know.

Hon. A. F. GRIFFITH: Can the Chief Secretary tell me the number that will be required to serve on juries?

The Chief Secretary: In an area that is to be proclaimed.

Hon. A. F. GRIFFITH: That is right. Approximately 159,000 females will be eligible to serve, and they will serve unless they apply to the court or sheriff for exemption from jury service.

The Chief Secretary: That is not so.

Hon. A. F. GRIFFITH: Perhaps the Chief Secretary will tell me what is so.

The Chief Secretary: It is in an area that is to be proclaimed.

Hon. A. F. GRIFFITH: I still say they will be eligible to serve.

The Chief Secretary: No.

Hon. A. F. GRIFFITH: The position will be unbalanced. But if that is what the Government wants, as far as I am concerned that is what the Government can have.

The Chief Secretary: Thanks very much!

Hon. R. F. Hutchison: It is pretty unbalanced at the moment.

Hon. A. F. GRIFFITH: I will say this to Mrs. Hutchison if she continues to interject: It might have been the men who voted her into this Chamber, but it will be the women who will put her out.

The Minister for the North-West: You hope!

Hon. R. F. Hutchison: You let them speak for themselves.

Hon. A. F. GRIFFITH: To use a phrase of Mr. Thomson's: If I can interject somewhere, I would like to continue. I would like to tell the public just how sincere are members of the Government, and I would like to show how political this Bill is. I shall quote from the second edition of "Hansard" for the year 1953, at page 1640.

Hon. H. Hearn: The past is coming up.

Hon. R. F. Hutchison: The Bill was defeated.

Hon. A. F. GRIFFITH: I would remind Mrs. Hutchison that she was not here then. I would like to quote from a speech made by Mr. Parker, when a member of this House. It reads—

> The principal Act provides that every man between 21 years and 60 years who has real estate valued at

> £50 net, or personal estate to the value of £150 net, and who resides within 36 miles of the court situated in his district becomes eligible to act as a juryman.

That is something along the lines of the suggestion of the Chief Secretary. Mr. Parker was telling us about the qualifications of a male juror, and then he went on to say—

> One of the provisions in the Bill proposes that women shall also have the right to be empanelled, if they have the necessary qualifications; but they may, if they so desire, give notice to the sheriff, that they do not wish their names to remain in the jury list.

Hon. R. F. Hutchison: Why did not you pass it?

Hon. A. F. GRIFFITH: I will tell the hon. member in a minute if she will be patient.

Hon. Sir Charles Latham: She cannot be.

Hon. A. F. GRIFFITH: I want to show her just how insincere are some of the members of this Chamber when they talk about women serving on juries.

The Chief Secretary: Not insincerity; a change of mind, that is all.

Hon. A. F. GRIFFITH: All right! I will give the Chief Secretary the benefit of the doubt and say a change of mind. Here was a private member of this House bringing down a Bill the contents of which would give women the right to serve on juries provided they had the necessary qualification of £150.

The Chief Secretary: That was the vital point.

Hon. A. F. GRIFFITH: As Mrs. Hutchison said when she was reading a letter that someone had written to her, £150 is not very much to a person these days; she had a good husband.

Hon. H. Hearn: Furs and feathers!

Hon. A. F. GRIFFITH: Yes.

The Chief Secretary: The value of which would not be recognised.

Hon. A. F. GRIFFITH: Now I want to tell Mrs. Hutchison what happened to that Bill. It was defeated on the second reading because five Labour members of this House voted against it.

The Chief Secretary: There was a good reason for it.

Hon. E. M. Davies: Because of the qualifications.

Hon. A. F. GRIFFITH: Here was a private member trying to improve the situation in regard to women serving on juries. It was not a Government Bill, but that of a private member.

The Minister for the North-West: Was that a political Bill?

Hon. A. F. GRIFFITH: I do not think it was a political Bill.

The Minister for the North-West: I thought you said that the Jury Bill was a political one.

Hon. A. F. GRIFFITH: I said that this one was.

The Minister for the North-West: Why this one?

Hon. A. F. GRIFFITH: As the Minister for the North-West wants to buy into this—

The Minister for the North-West: I am not buying into it; I voted against that Bill.

Hon. A. F. GRIFFITH: I thank the Minister for telling me! His vote was one that helped to defeat that Bill on the second reading.

The Minister for the North-West: For a very good reason.

Hon. A. F. GRIFFITH: I know that it is easy to attempt to draw red herrings across the trail.

The Minister for the North-West: You are finding it difficult.

Hon. A. F. GRIFFITH: All I am saying is that on that occasion a private member made an honest attempt to allow women to serve on juries, under the conditions I read out.

The Chief Secretary: Certain women.

Hon. A. F. GRIFFITH: Could not members who voted against that Bill have voted for the second reading and introduced the necessary amendments in Committee to fit their purpose?

The Chief Secretary: No; because they knew they could not.

Hon. A. F. GRIFFITH: Can anybody tell me that that could not have been done?

Hon. E. M. Davies: You know that it could not have been done?

Hon. H. Hearn: You could have made an attempt.

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: An attempt could have been made, but no attempt was made. The Bill was shot out on the second reading. It is a good thing that members of the public who come here to listen to the debates should know what happened on previous occasions.

The Minister for the North-West: Do you not think they did?

Hon. A. F. GRIFFITH: I do not think a lot of them did. What concerns me not a little, when I say I am going to support the second reading, is the number of women who will be eligible to serve, and the number of applications the Crown Law Department will of necessity have to deal with. I heard Mr. Heenan say that he thought there would be thousands of them. I agree with him. There will be a number of applications to deal with. An interjection was made from over on my left a little earlier, when somebody else was speaking, to the effect that the summons should have written clearly upon it the fact that women called for jury service can be exempted. I hope the Government will be prepared to write something like that into the summons.

The Chief Secretary: We promised that last year.

Hon. A. F. GRIFFITH: I have heard this Government promise so many things. One of the things it promised was that the people out in my electorate would get a square deal over their land.

Several members interjected.

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: Is it not funny, Mr. President, the moment a little bait is thrown out, the number of big fish that come in?

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: If it was promised last year, there is no need for reiteration this year. I merely suggest that the Government would be wise—

The Chief Secretary: It is always wise.

Hon. A. F. GRIFFITH: That is debatable, and I will not go into it. If the Government would write into the summons something to indicate clearly to women who are called up for jury service that on a simple application to the sheriff, they can be relieved of service, then a lot of women would be informed. I do not think anybody will doubt the fact that many of us are not sufficiently informed on all points of law, and that perhaps we do not read as clearly as we should the summonses we receive. This should be printed as clearly and as concisely as possible.

May I conclude by saying that this is apparently what this Government wants: It wishes to say to the women electors of this State—159,000 of them—"You will be eligible for jury service." If that is what it wants, and it has been so persistent about it, I say the Government can have it.

The Chief Secretary: Thanks very much!

Hon. A. F. GRIFFITH: I do not know what the approach of other members would be, but I would say that the responsibility is on the head of the Government.

The Minister for the North-West: That is why you are voting for it.

Hon. A. F. GRIFFITH: Rubbish! That is the sort of interjection I would expect from the Minister for the North-West. Although I voted for the measure once before, he says that that is what I want! I say this is his Government and it is his responsibility.

The Minister for the North-West: You are threatening.

Hon. A. F. GRIFFITH: I am not. Surely it is not a threat to remind the Minister that it is the responsibility of his Government. If he feels it is a threat, he must have a guilty conscience. Nevertheless, whatever the Minister for the North-West might think, I still support the second reading of the Bill, and hope that what I have suggested will be written into the summons.

**HON. C. W. D. BARKER** (North) [9.20:] It is a pity that this Bill should be made a political football. I never thought it would be my job to stand up and protect the traditions of this House by reminding members that it is a non-party house of review. I think we must ask ourselves whether we believe in social equality for women, or not. Do we believe in social justice for women? That is what we must ask ourselves. This Bill is not brought down by the Government for political gain; but, as explained by the Minister for Justice, who introduced the measure in another place—

The PRESIDENT: Order! The hon. member may not refer to debates in the same session in another place.

Hon. C. W. D. BARKER: I understand that this Bill was brought down at the request of many women's organisations. It has been brought down by the women themselves, and they are asking to share this responsibility.

Hon. J. McI. Thomson: Can you name the organisations?

Hon. C. W. D. BARKER: Yes; there are several of them, but I do not propose to name them.

Hon. N. E. Baxter: If you said the women's parliament you would be on a certainty.

Hon. C. W. D. BARKER: Perhaps I would. The question has been asked as to whether women are capable of serving on juries. I am sure every member of this House would agree that they are

capable. The only point at issue seems to be whether they should be asked to serve on juries voluntarily or whether they should apply to serve on juries; also whether they should write in and ask for their names to be struck off.

By not having women serving on juries, I think we are missing out a great deal in Western Australia. There are many cases that come before the court where a woman's advice and point of view are badly needed. When a similar Bill was before the House last year, there was a case being heard in which a girl was tried for the murder of a child that had just been born. Who was to know the mind of that girl at the time better than a woman?

Hon. Sir Charles Latham: They have to decide on the evidence produced.

Hon. C. W. D. BARKER: That is the type of case where a woman's approach would have been invaluable. Would it be possible for a man's judgment to be better than a woman's in a case like that? I cannot foresee the day when we will have an all-women jury. That has not happened yet. In England, where women are permitted to serve on juries, there are generally two or three women on a jury. I have never heard of any more, and I do not think the position will ever arise where the jury will consist only of women. It is not something to be afraid of.

Suppose we left it at this point, and said we would allow women to serve on juries if they applied. That seems to be in the minds of most members who oppose the Bill. If we did that, how many women would apply? Do men want to serve on juries? Of course they do not! The type of woman that would apply would not be the type I would like to be up against on a jury.

If we put their names on a jury list, the women will realise that they are being asked to share this responsibility and will respond accordingly. If a woman finds that through some disability, or because of some domestic duty, she is unable to serve, then she will merely have to write in and have her name struck off the jury list. She will, of course, have the right to apply for jury service after two years. Mr. Baxter says that women will be doing their families a disservice if they put their names down to serve on the jury. He says a woman's place is at home raising her kids. I know many women who have raised a family and who still have time to serve on different social committees and attend different functions.

Hon. N. E. Baxter: Have they a young family?

Hon. C. W. D. BARKER: The time when a woman devoted her whole life to domestic duties is gone. It went out with the introduction of modern appliances in the home, and I am glad of it. Women should take their rightful place in society and serve on juries.

Hon. N. E. Baxter: Modern appliances versus kids!

Hon. C. W. D. BARKER: There is nothing objectionable in the Bill. If members are satisfied that women should serve on juries, what are the objections? Do they think that women are too young at 21? That does not hold water, because today women of 21 have university degrees, and are employed in the nursing profession. A number of them are married and have children. I cannot see why there should be any objection to the age of 21. So I ask: What are the objections of members who are opposed to this Bill? Do they think that 150,000 women on the jury list would create a hopeless administrative muddle? If the Electoral Act can be administered, so can this Act. To say that women will not know they are liable for jury service is nonsense. Every woman in Western Australia knows this Bill is before the House, and they are all interested in it.

I do not want to get into any argument at this stage and ask what women have done to deserve this. We all admire women, but for goodness' sake do not let us vote for this Bill on the understanding that women will apply for jury service! As I said before, I would not like to be up against the type of woman who applied.

Hon. C. H. Simpson: Do you not think that women with a sense of responsibility would apply?

Hon. C. W. D. BARKER: In some cases that would be so, but the majority of women that would apply would be old battle-axes. That is what I am trying to say.

The PRESIDENT: Order! I think the hon. member is exceeding himself.

Hon. C. W. D. BARKER: I do not mean to be disrespectful to anyone.

Hon. H. Hearn: It does not sound like it!

Hon. C. W. D. BARKER: If the Bill is left as it is, and women are given the option to serve, they will realise their responsibility. But if they are asked to apply for jury service, we will get the wrong type of women on juries. As it is now, it will be more open and fair, and there will be a greater chance of success. It is our responsibility to see that the measure goes through to the best advanage of everyone. We should not pass it willy-nilly and say that women cannot serve on juries; that they are not capable of serving. We should not conjure up all kinds of imaginary things to hold them back from jury service. Women are merely asking to share this responsibility.

Hon. N. E. Baxter: Does your wife want to serve on a jury?

Hon. C. W. D. BARKER: I have never asked her. But to be quite candid, I do not think she would like to serve. If she were unable to, she could ask for her name to be struck off. If, on the other hand, she were called upon to serve and she considered it her duty to do so, I have no doubt she would, just as members and other women would. That is the very point I am making. If we were to leave the provision as it is, they would all be empanelled. If women elect to serve on juries, they will do so from a sense of duty and not because of morbid curiosity.

**HON. L. C. DIVER** (Central) [9.31]: I support the second reading of this Bill. Much of the debate has been superfluous. I agree with speakers who pointed out that no one in this House questioned the ability of women to serve on juries. It is to occasions of inability that we have to give consideration. Much stress has been laid on whether women should be enrolled compulsorily for jury service and then apply for exemption as circumstances might dictate from time to time; or whether the position should be left open to enable women who desire to serve on juries to make application. Those are the two points to be considered.

I agree with the contention that the Government has pressed for this legislation and thus thrust the responsibility on all women living within a prescribed area where a court is held to perform service on juries. If, as the Government supporters contend, the vast majority of womenfolk desire this legislation to be passed, then I am prepared to support it. In the final analysis, if the type of women referred to by Mr. Barker is available for jury service, then I have no fear, for I am sure that the solicitors handling cases, on learning the identity of those persons, will challenge them, and they will never have the opportunity of serving on a jury. I have no doubt that the legal fraternity will handle the position capably. I support the second reading.

**HON. G. BENNETTS** (South-East) [9.37]: I intend to support the Bill on this occasion. There was a reason when I previously voted against several clauses of such a measure, but now that the Bill appears in a different form, giving women the right to apply for exemption, I support it. Mr. Heenan said that women between certain ages would be able to serve, and that certain areas were exempt. This would tend to reduce the number of women available.

Hon. N. E. Baxter: What areas are exempt?

Hon. G. BENNETTS: Outside a certain radius of the metropolitan area and of other centres where courts are held. As a justice of the peace, I know that in December a meeting of all justices is held to examine the jury list. Names are deleted if it is considered that the persons concerned are unfit to serve. No doubt, the pen will go through many of the names that appear, if the Bill is passed.

It was mentioned by Mrs. Hutchison that she had received many letters from persons who desired to serve on juries. Now I am going to be honest. I do not say that she is dishonest, because I know that honesty is one of her virtues. Over a period on the Goldfields, I have been in touch with many womenfolk during week-ends, and I make it a practice to discuss these matters with them. I have not heard of one who desired to serve on a jury. In fact, my family threatened to cut my throat if I supported the Bill, and there are many members in that family to do it.

It is part of Labour's platform to extend equal rights to women. Today women are far more advanced than they were formerly. A few years ago I took one of my relatives from California, who was visiting me, to this House. She holds one of the highest positions that any male or female can hold in California. She is secretary of one of the biggest law firms and controls the taxation affairs of one of the biggest railways. In addition, she is head of the Organisation of Democratic Movement.

If women are given rights, privileges and chances to advance, they can attain the same level as men. The number which will reach that level may not be as great in proportion, the reason being that women play their part in their homes, and look after their children. Many of them do not desire to serve on juries or to take on work other than looking after their families. But we should give the chance to those who want it. In the Bill there is provision for women to apply for exemption and their names will be struck out.

Only a few months ago, in the Eastern States, I saw a moving picture which struck with great force, and I was reminded of it when I heard Mrs. Hutchison say that women can do everything that men can do, and can keep up to the standard of any male. I saw a woman debating on the rights of the female sex and stating that women can do everything that men can do. In the end she said, "And we produce the children." I support the second reading.

**HON. H. HEARN** (Metropolitan) [9.40]: I support the second reading. If the Government is prepared to accept the responsibility of placing approximately 100,000 women on the jury list, I cannot, in any shape or form, prevent it from taking that

responsibility. In the past few years we have seen spectacular changes in the attitude of members, particularly those on the other side of the House, regarding the right of women to serve on juries. It is evident that the Chief Secretary has his team well and truly schooled and behind him on this occasion. If the Government is prepared to accept the responsibility I refer to, then I for one will be happy to support the second reading, but I reserve the right to vote on any amendments that may be put before members.

**HON. SIR CHARLES LATHAM** (Central): I move—

That the debate be adjourned.

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

| | |
|---|---|
| Ayes .... .... .... .... | 23 |
| Noes .... .... .... .... | 3 |
| Majority for .... | 20 |

Ayes.

| | |
|---|---|
| Hon. C. W. D. Barker | Hon. Sir Chas. Latham |
| Hon. G. Bennetts | Hon. F. R. H. Lavery |
| Hon. J. Cunningham | Hon. L. A. Logan |
| Hon. L. C. Diver | Hon. J. Murray |
| Hon. G. Fraser | Hon. C. H. Simpson |
| Hon. J. J. Garrigan | Hon. H. C. Strickland |
| Hon. Sir Frank Gibson | Hon. J. D. Teahan |
| Hon. W. R. Hall | Hon. J. McI. Thomson |
| Hon. H. Hearn | Hon. H. K. Watson |
| Hon. E. M. Heenan | Hon. W. F. Willesee |
| Hon. J. G. Hislop | Hon. A. F. Griffith |
| Hon. R. F. Hutchison | *(Teller.)* |

Noes.

| | |
|---|---|
| Hon. N. E. Baxter | Hon. E. M. Davies |
| Hon. A. R. Jones | *(Teller.)* |

Motion thus passed.

**ADJOURNMENT—SPECIAL.**

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

That the House at its rising adjourn till Thursday, the 6th October.

Question put and passed.

*House adjourned at 9.45 p.m.*

# Legislative Assembly

Tuesday, 4th October, 1955.

CONTENTS.



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

## QUESTIONS.

### ROYAL PERTH HOSPITAL.

*Accommodation for Nurses, Rentals.*

Mr. JOHNSON asked the Minister for Health:

(1) What steps are being taken to provide more adequate accommodation for nurses in the metropolitan area?

(2) How many buildings are being rented to help provide such accommodation?

(3) What rentals are being paid for each building?

(4) Have rentals of any of these buildings been materially increased during the past two years?