# Legislative Assembly,

*Tuesday, 15th September, 1925.*



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

## ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Advances to Group Settlers Bill.

## QUESTION—RAILWAY TRAFFIC, NARRIKUP.

Mr. A. WANSBROUGH asked the Minister for Railways: 1, What was the actual tonnage of outward traffic from Narrikup siding for the years 1923-24 and 1924-25? 2, The actual tonnage of inward traffic for the same periods? 3, The approximate freight realised?

The MINISTER FOR RAILWAYS replied: 1, 1923-24, 1,085 tons; 1924-25, 1,643 tons. 2, 1923-24, 628 tons; 1924-25, 617 tons. 3, 1923-24, £1,925; 1924-25, £2,582.

## QUESTION—SEAMEN'S DISPUTE.

*S.S. "Apolda."*

Mr. J. H. SMITH asked the Minister for Justice: 1, Has he read an article in the "West Australian" stating that certain of the strikers of the steamship "Apolda," now detained at Bunbury, rushed aboard the ship, drew the fires, and damaged the fireboxes to prevent any further effort to get up steam? 2, Will he have inquiry made as to the truth of the statement? 3, If the statement is found to be correct, will he inform the House what action he will take in connection with the matter?

The MINISTER FOR JUSTICE: Yes. I have read a statement, but it does not conform with the hon. member's question. 2, Yes. 3, The statement is not a correct account of what happened.

## QUESTION—EGGS, EXPORT.

Hon. W. D. JOHNSON asked the Minister for Agriculture: Is he aware that the export of eggs from Western Australia to London has been, with the assistance of his officers, successfully accomplished by the co-operative movement, and that the quality has been favourably commented on by the London distributers? 2, Is he aware that a further consignment now being packed by another company is alleged not to have been carefully selected? 3, Will he endeavour to protect the market from being injured by the export of unsuitable eggs?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, No. 3, There is no legislation under which we can prevent unsuitable eggs being exported, but the Marketing Bill now before the House will make it possible for the egg producers to organise the marketing of their product.

## BILLS (2)—THIRD READING.

1, Roman Catholic Geraldton Church Property.
Passed.

2, City of Perth.
Transmitted to Council.

## BILL—FORESTS ACT AMENDMENT.

*Second Reading.*

**THE PREMIER AND MINISTER FOR FORESTS** (Hon. P. Collier—Boulder) [4.40] in moving the second reading said: This is a small Bill, and it has for its purpose the continuation of the amending Act of last year, and also the making of that Act permanent. In the Forests Act provision is made for three-fifths of the net revenue from forest products being set aside as a special fund for the purposes of reforestation. Last year, owing to the fact that the royalty on sandalwood was greatly increased, it was decided that three-fifths of the amount derived from that source would not be necessary for the purposes of the re-growth of sandalwood, and so a short amending Bill

was passed providing that, instead of three-fifths of the total amount received from sandalwood being set aside, one-tenth of the net amount received from that source, or £5,000, whichever was the greater, should be devoted to that purpose. That was the Act passed last year. But its operation was limited to one year only, and now it becomes necessary to continue and make permanent that Act so that this year and in future there shall be set aside in that special fund one-tenth of the net results from sandalwood, or £5,000, whichever is the greater. In this Bill I am continuing the Act of last year and seeking also to make it permanent, for I do not think it necessary to bring down such a Bill every session. I am sure it is felt by all those that take an interest in the matter that the amount provided in last year's Act, namely, £5,000, is quite sufficient for sandalwood.

Mr. George: Where does the balance go?

The PREMIER: Into Consolidated Revenue, where it is very much needed.

Mr. George: I should say it is needed for the reforestation of jarrah.

The PREMIER: But it would not be fair to take royalty from sandalwood and devote it to jarrah afforestation; besides there is sufficient money in the fund for that particular purpose.

Mr. Sampson: Is any scheme for the reforestation of sandalwood practicable?

The PREMIER: I think so. It was not considered so until lately, but the Conservator of Forests has been giving the matter a good deal of attention, and some special officers have been appointed to conserve the growth of young sandalwood. It is felt—although this has not yet been definitely decided—that we shall have to fence in the areas on the goldfields, because of the destruction of the young plants by stock.

Hon. G. Taylor: Then you will require to have sandalwood reserves?

The PREMIER: Yes, and it may be necessary to fence them in from the stock. One or two officers have been specially appointed to handle this work, and it is hoped that within the next year or two a definite policy of reforestation of sandalwood will be in operation.

Hon. G. Taylor: You are doing something now.

The PREMIER: Yes. As I say, special officers have been appointed, and only last week I approved of the appointment of another qualified man with scientific attainments. He will be located in Kalgoorlie, and his work will be to attend to the regrowth of sandalwood alone. That is the object of the Bill, namely, to continue the contribution of £5,000 to a special fund for sandalwood regrowth—for the one-tenth of the total receipts provided in the Bill was somewhat less than £5,000.

Hon. G. Taylor: They are sure of £5,000?

The PREMIER: Yes, no matter how the sandalwod revenue may fall, they are sure of the £5,000.

Hon. G. Taylor: While the Act is in force.

The PREMIER: Yes. I am asking the House to make this measure a permanent one so that it will not be necessary to bring down a Bill next year. I move—

That the Bill be now read a second time.

**HON. SIR JAMES MITCHELL** (Northam) [4.45]: I do not propose to offer any objection to the Bill, but I daresay that in Committee the Premier will be able to tell us what are the royalties from sandalwood as well as other timbers. Sandalwood pays a handsome part of the total revenue of the department.

The Premier: The net revenue from sandalwod last year was £47,000.

Hon. Sir JAMES MITCHELL: I should like to know what the royalty is in the case of other timbers.

The Premier: I cannot say offhand.

Hon. Sir JAMES MITCHELL: This House has no opportunity of discussing the estimates of expenditure in connection with the Forests Department. In effect, if they are not objected to they are considered to be approved of by members. The House ought to have an opportunity of dealing with the question and, if such an opportunity had been given, the department would not have suffered by it, and members themselves would have taken a greater interest in the matter. I agree that we shall have to fence the sandalwood areas if we are going to protect the young trees from stock. I hope that the Chinese will not have become christianised before the young trees are available for export. The department has done good work. The Premier cannot go far wrong in following the advice of the present Conservator upon this question. Our hardwood supplies are in great demand throughout Australia, and we should be getting more

for our hardwoods than we are now receiving. We are exporting a considerable quantity of timber, but I think we have supplies available to last for many years. There is a good deal of fully matured timber which should be marketed, so that the other timber may be encouraged in growth. Probably many of the jarrah trees are as much as 1,000 years old. I hope that no more jarrah land will be sold for many years to come. I understand that young karri trees come up like wheat crops, and that the re-growth is all about the same age. It will, however, be from 100 to 200 years before these karri trees are matured. I am glad this sandalwood revenue is so satisfactory, and that it is such an important item in the Treasury receipts. The sum of £5,000 a year should be ample for reforestation for the time being. If large sums of money are spent in reforestation they ought not to be drawn altogether from revenue. If we are going to provide for the future, there is no reason why some of the expenditure should not be incurred from loan funds. The sandalwood would mature and be sold before the loan was due. I do not see that it is necessary to pay for all this work out of revenue. It is not necessary in the case of pine plantations. It is a business proposition to find capital for the planting of pine trees where they will grow, and for our future citizens to bear some of the cost. There is no reason why the Premier should set aside £50,000 of revenue to pay for reforestation, or the planting of new forests of softwood or sandalwood. If the work were paid for out of loan funds, the timber would be sold in time for the loans to be repaid out of the proceeds.

**MR. SAMPSON** (Swan) [4.50]: I am glad to hear the Premier express the opinion that the reforestation of sandalwood is a practicable project. I realise the importance of the industry, and am of opinion that the sum proposed to be allocated for this purpose is insufficient. During the last Parliament there was a good deal of discussion and much criticism, some of it being of an acrimonious nature, as to what was termed a monopoly to be given in the industry. Because of the action of the then Government on that occasion, the revenue secured from sandalwood has very largely increased. The prospectors, in common with other people, owe a great deal to the sandalwood industry. During the discussion that took place some time ago, it was claimed by many members that only because of the returns secured from sandalwood was it possible for prospectors to fill their tucker bags. It is important to the gold mining industry that our sandalwood resources should be fostered as much as possible. Our prospectors ought to be able to secure supplies in the bush and means should be taken to keep the industry alive. The return of £47,500 from the industry is a very nice sum, but that amount must eventually decrease unless efforts are made to conserve the timber. The continuation of the amending Act provides for three-fifths of the revenue being set apart for reforestation purposes. That has been varied to one-tenth of the revenue, which will be applied specifically to sandalwood reforestation. I hope the Premier will reconsider this matter. I know he is in touch with it, and his assurance that reforestation is a practicable project causes me to urge that a greater sum than £5,000 shall be provided for the purpose. We must have regard to the wider significance of the industry than the mere growth of sandalwood. It will mean that in the years to come it will be possible for prospectors to continue their efforts, and extend their operations because of the livelihood they will be able to gain from the sale of sandalwood. I hope that in Committee the Premier will agree to an increase of the amount. The world realises the importance of reforestation. The conservation of sandalwood in the localities suitable for it is of equal importance to the reforestation of other varieties of timber elsewhere in the State. I trust the Premier will agree to such an alteration as will enable those who come after us to have the opportunity of enjoying the advantages that fall to the lot of the present generation. Sandalwood is a slow-growing timber. We should take time by the forelock, conserve its natural growth, and do our duty by those who are to follow.

**HON. G. TAYLOR** (Mt. Margaret) [4.57]: The Premier put the position clearly when he pointed out that the experiments regarding the reforestation of sandalwood were at present only limited in extent. I think the expenditure of £5,000 a year in this direction will be as much as we need for the next four or five years. During that time we can see what kind of success is met with. Much of the success of the scheme depends upon the

selection of the reserves. In many parts of the goldfields sandalwood grows better than it does perhaps a few miles away, although the soil does not appear to vary greatly. It seems that sandalwood is a sort of parasite and feeds on other timbers.

Mr. Panton: There is a lot of human nature about it.

Hon. G. TAYLOR: A good deal. I think £5,000 will be sufficient for the time being. I hope the experiments in reforestation will prove a success. Sandalwood has been a great asset to the State, and it would be a pity if it were not maintained.

**MR. J. H. SMITH** (Nelson) [4.59]: I have no objection to the Bill, but I should like to hear from the Premier more about the royalties derived from other timbers. He said that £5,000 would be set apart annually, irrespective of whether or not there was a market for sandalwood. I presume that position can be amended in Committee. It may happen that there is no market.

Mr. Sampson: The Chinese will not be christianised in the very near future.

Mr. J. H. SMITH: I agree that we should have reforestation, but I should like to know something about the areas that are being set apart for the purpose, and what royalties are being received. I should also like to know what timber areas are now being occupied by group settlers.

The Premier: The Bill deals only with sandalwood. I should be glad to give the information if I were not out of order in doing so.

Mr. J. H. SMITH: I have no objection to the Bill.

..**MR. C. P. WANSBROUGH** (Beverley) [5.0]: Like the previous speaker, I have no objection to the Bill; but I wish to say a few words on the question raised by the member for Mt. Margaret (Hon. G. Taylor). Amongst old sandalwood men the idea is general that the sandalwood tree is a parasite. We have ample illustration of the fact that sandalwood will not grow on its own in the plantation which was put in at Pingelly a good many years ago; for in the Pingelly district there is some of the best sandalwood country in Western Australia. Again, one has only to travel along the first 100 miles of the Trans-Australian railway to see a remarkable growth of young wood, which has come up there together with scrub and other trees. I suppose the authorities are conversant with the fact that the tree is a parasite. There is another circumstance connected with the lack of reproduction of sandalwood in the old areas, and that is the extermination of the kangaroo rat, which was the main planter of sandalwood. The seed was the staple diet of the kangaroo rat, and having regard to its palate the rat planted the seed 12 months before wanting to eat it. I know something about this subject. I doubt whether there is anyone in this House who has cut more sandalwood than I have. In passing, I may say that it was an excellent game for a man for whom I was cutting. Where sandalwood is planted alone on clear land, it will not thrive.

**MR. LATHAM** (York) [5.3]: I support the Bill, and endorse what the member for Swan (Mr. Sampson) has said as to there not being quite sufficient revenue provided for the purpose. The Premier has said that the Forests Department propose to fence in the holdings. Considerably more than that will have to be done. We know what people with teams are outback. Feed will be stored up in the enclosed areas, and unless there is a man looking after them stock will be put in and the young trees will be destroyed. Sufficient money is not being provided to pay a man to look after the paddocks, unless they are leased.

Hon. G. Taylor: They cannot be leased, because the stock would eat the growth.

Mr. LATHAM: There will have to be fire breaks as well. At East Bendering 2,000 acres have been sown with sandalwood seed, and the first good year there will be a fire that will destroy all the young trees.

Mr. Sampson: The first essential of reforestation is to watch the fires.

Mr. LATHAM: The country in which sandalwood grows well is country over which a fire travels most quickly. It will be an absolute waste of money to reafforest unless there is protection against fire. In a very little while £5,000 will be found insufficient. If the Premier can assure us that we shall be able to supplement the amount in the ordinary way through the Estimates, I shall be quite satisfied.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Lutey in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Continuance of Act No. 31 of 1924:

Mr. LATHAM: I hope the Premier will inform us whether it is possible to supplement the amount provided by this measure.

The PREMIER: This money will be ample, in fact more will be required. If I had had my way last year, the amount would not have been provided. The amendment was made in another place. During the initial stages £5,000 is not really required. In any case, this measure can be amended. There is something, too, in the suggestion of the Opposition Leader that work of this nature might be charged to Loan. There would be no difficulty in placing an item for it on the Loan Estimates. It is more fairly chargeable to Loan than some of the work so charged.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

## BILL—ELECTORAL ACT AMENDMENT.

*Second Reading.*

Debate resumed from the previous sitting.

**HON. G. TAYLOR** (Mt. Margaret) [5.11]: I feel sure that some of the most objectionable clauses of the Bill will not receive whole-hearted support from the Government side. That is some relief, because the provision dealing with half-bloods cannot appeal to anyone, unless all the principles of the Labour movement have been changed within the last few years. I certainly hold, too, that the Bill does not represent part of the Government's policy, but rather a measure brought down for the purpose of arriving at uniformity with the Commonwealth. If I thought there was no chance of removing that objectionable provision, I should oppose the second reading, and resist the measure at every stage. Further, I hold that the clause dealing with exemptions to certain people is not justified. Under existing conditions there is no part of Western Australia where people cannot keep their names on the roll without being put to much inconvenience. It is a bad principle to exempt anyone from the conditions which apply to the vast majority of electors. Various members have spoken about boundary riders, kangaroo scalpers, prospectors, station hands, and well sinkers. All those descriptions of workers are quite capable, without any inconvenience, of keeping their names on the roll. None of them would be away from the head station longer than five or six weeks at a time, or two months at the outside. I was in Queensland when that State was first being opened up, when homesteads were separated by distances of 70 and 80 miles.

The Minister for Justice: Did you work on the same station all the time?

Hon. G. TAYLOR: No.

The Minister for Justice: Of course you did not.

Hon. G. TAYLOR: Otherwise I would not have travelled over as much of Australia as I have. Men engaged in station work, if they are not on one station, are on another, and they cannot be engaged without going to the head station. Whenever they visit the head station, there is no difficulty about having a claim card filled in and sent away by the book-keeper, as he was called in my time, or even the manager would do it. Postal arrangements in Western Australia to-day are far advanced as compared with postal arrangements in Queensland 45 years ago. It is absurd to exempt anybody, and especially to exempt that section of electors, because we shall never know where we are. A resident of the metropolitan area, if he removes from one side of Hay-street to the other, is bound to notify the change of address, on pain of punishment. The exempting provision of this Bill proposes that men outback shall be allowed a roving commission. As one who has spent most of his life in the back country, I would support such a clause if there was any necessity for it. But there is no necessity for it. No argument has been advanced in its favour.

The Minister for Justice: You are advancing a good argument yourself.

Hon. G. TAYLOR: According to the argument of our friends from the Kimberleys, if a man is once employed in the pastoral industry there, he is there for all time. One cannot get out of the Kimberley electorate, unless one comes into Roebourne or Pilbara. There are four electorates covering nearly

half Western Australia. One would think our friends were discussing something concerned with Tasmania, where, if a man steps out of his door, he is liable to step off the island.

Mr. Teesdale: There is a fortnightly mail service in the North-West.

Hon. G. TAYLOR: There is no justification for the proposed exemptions, and particularly not for the exemption of the electors mentioned. I utterly oppose the provision concerning half-bloods. I had some experience in the opening up of the back country of New South Wales when I was a boy, and also of the early stages of the opening up of Queensland. I am confident that the Government will not make this a party question. If I thought they intended to do so, I would have something more to say.

Mr. Teesdale: I have too much respect for them myself.

Hon. G. TAYLOR: I am afraid this provision got into the Bill somehow or other——

The Minister for Justice: Dropped down from the clouds, like?

Hon. G. TAYLOR: I do not think there is any general desire on the part of the Government for this provision. If it is insisted upon, I shall have something more to say later on.

Mr. Marshall: You must not threaten the House.

Hon. G. TAYLOR: I am not doing so, and I certainly would not dream of threatening the hon. member. However, I see no necessity to worry about the clauses to which I have referred, but later on we shall see how firmly the Government will support them.

MR. GEORGE (Murray-Wellington) [5.17]: In some respects I welcome the Bill, particularly with reference to the provisions for a joint roll. Some people, after filling in a Commonwealth form, have the idea that they have discharged their responsibilities regarding the State electoral provisions as well. Any steps taken to remove that misapprehension will be acceptable. The joint roll will save trouble to the electors and the department, and thus reduce costs. There are some difficulties in connection with the matter, because I do not think the Federal electoral authorities allow sufficient margin regarding their quotas. In my electorate there is one section in which there are comparatively few electors. In one particular part the residents have a vote there for the State elections, but they cannot vote there for the Federal elections; they are compelled to vote in another division. I am not sufficiently conversant with the provisions of the Bill to say what the position will be in that regard. The State and its officers should know where our boundaries should be far better than the Federal authorities, but if there can be some latitude allowed regarding the quotas, this will be all right. If that is not the position, there will be further difficulties. We have compulsory enrolment and I think we should have compulsory voting. With such a provision in our legislation it will make a lot of difference. If, after the first election is held under the compulsory voting provisions, electors who do not exercise the franchise are made to appreciate the necessity for carrying out their duty—I do not say they should be penalised heavily—good will result. It has been exasperating to me, in common with other members, to find that electors have not exercised their votes because they thought those they were supporting would be re-elected easily. We know the old Biblical story regarding the man who found so many reasons why he was unable to attend the marriage feast. If the scriptural writer had been dealing with an election, he would have been able to find any number of excuses for not recording votes. In these circumstances I welcome the provision for compulsory voting. I agree with Sir James Mitchell in his contention that a residence of six months in a country is long enough to enable an individual to become imbued with the spirit of the country and a knowledge of what he is doing. The position regarding the exercise of the franchise should not be looked upon so lightly as the case in some quarters. A residential period of six months in Australia may be all right to give an individual an idea regarding some parts of the Continent, but less than six months in any State should not be sufficient to give him the right to exercise the franchise. In Western Australia our newspapers rather pride themselves on, as they claim, forming the political opinions of the people. The newspapers endeavour to do that, sometimes with a great amount of impertinence and, I think, in some instances, with a great deal of impudence. There is no doubt, however, that the newspapers have some influence. On the other hand, a newcomer to the State

may look around for employment and, failing to get it, becomes disgruntled. That individual would be imbued with the desire to vote against the established Government of the day. I think the provision regarding three months' residence should be extended to make the period six months. I agree with the remarks of the member for Mount Margaret (Hon. G. Taylor) regarding the half-bloods. We have experience of the effects of half-breeds in different parts of the world. My experience has been that one cannot rely upon the half-caste. Whether it be the result of nature's processes not being used for their proper purposes or not, I cannot say. It would appear, however, that the vices of the white races are implanted in the offspring, and the half-blood carries with him a certain amount of shame. The coloured races look down upon him and the white races act similarly. The natural result is that the half-caste offspring has loose ideas regarding many subjects. References have been made to the prosperous parts of South America, particularly the Argentine. I think it will be agreed that the prosperity that has come to any country where the Latin races exist has been due to the white races having forced their way in and established themselves. I have never been in the Argentine, but I have read of the country and spoken with people who have been there. I know that Englishmen, Scotsmen, and Irishmen have established cattle ranches and prospered, while the native population has been content to regard to-day as good and the next day as better still. I would not like to see the half-bloods given the rights set out in the Bill. I see no reason for the clauses dealing with them regarding the electoral franchise, and I have heard no arguments in favour of the provision at all. It may spring from a spirit of charity and from an attempt to take away from them part of the disabilities thrust upon them, but we must take cognisance of the need for the self-preservation of our race. We pride ourselves, whether born in Australia, or having come to Australia from Great Britain, upon possessing the spirit of a white Australia. Let us not be guided by any spirit of mawkish sentiment in an endeavour to remove from the unfortunate half-bloods the stigma attaching to the burden they carry. That burden should not be relieved at the risk of possible hurt to those of pure blood. When we reach the Committee stage I shall have something more to say on this question. I would not like this opportunity to pass without expressing some of my views on this subject respecting which I, as an adopted Australian, feel very strongly.

**MR. GRIFFITHS** (Avon) [5.25]: I agree with much that has been stated by the member for Murray-Wellington (Mr. George) and the member for Mt. Margaret (Hon. G. Taylor), particularly with regard to the residential qualification of an elector in Western Australia. Anyone coming to Western Australia or moving about the country should be at least six months a resident in any part before securing a vote in that electorate. I have in mind incidents that take place just before elections when big gangs of men are sometimes moved into an electorate. I do not suppose for a moment that the present Government would do anything of that sort, but we know that in years gone by such things have happened. In such circumstances merely a brief residence in an area has entitled the men to vote and this has possibly unseated those who have represented electorates for many years. That is one objection I see to that provision. As to the Federal experiment in connection with compulsory voting we should wait and see how it pans out. I am not much enamoured of it although I agree with the Minister that it is lamentable to see how many people do not avail themselves of the right to vote at elections. It would seem that nothing but compulsion will increase the ratio, and yet we hear all sorts of protests from people in the country against being compelled to vote contrary to their wishes. I have heard people say, "If I am compelled to go to the polling booth, I cannot be forced to vote. I can make my vote informal and what is the good of forcing me to go there merely to do that?" There is a good deal to be said in favour of the joint Federal and State electoral roll. At the same time I remember controversies regarding the Federal rolls in past years, and if my memory serves me right I believe it was contended that the Federal rolls disclosed the names of many more people in Western Australia than we actually had here. I have been going through my own roll recently and I found there the names of many people who had been dead for years. Generally speaking the rolls in our country

districts are in a bad state and if we can get them purified and made more truly representative of the people in the electorates, possibly this new method will prove acceptable. I will not vote in favour of compulsory voting and when we reach the Committee stage I will deal with the matter further.

**MR. DAVY** (West Perth) [5.29]: Some of the provisions contained in the Bill appear to me to be bad. First there is that which confers the highest right of citizenship, the right to vote, on persons of half-blood. The other night the Minister for Works gave us what doubless appeared to him to be a good reason why Chinamen should not be employed but should, if possible, be starved out. He said that the reason for this was on account of their colour, habits and breeding. I am not prepared to see half-castes deprived of their right to work and live in this country, but I am strongly opposed to their being recognised as having equal citizenship with our own people.

Mr. Panton: Make them slaves!

Mr. DAVY: I would not make them slaves; I want them to be protected in every possible way to work out their own destiny. I wish we had no coloured people here, and that we had a completely white citizenship, but there are coloured people here and they were here before us, and we have to protect them.

Mr. Panton: The Asiatics were not here before us.

Mr. DAVY; No, and they have no claim on this country. The law itself recognises the sub-citizenship of the people that the Government propose to enfranchise. The Licensing Act recognises that aboriginal natives—and the term includes half-breeds and quarter-breeds—are under certain disabilities that do not apply to the ordinary citizen. The Police Act forbids any white man going near a camp of aborigines, but the person of half or quarter blood may go there. The whole system of our laws recognises that distinction, and it would be wrong to depart from it in this particular piece of legislation which proposes to give them what is the proudest right of an adult citizen of the country, the right to vote. Another provision of the Bill that is bad is that relating to compulsory voting. With the greatest respect to the Government, I term this a most impudent measure. The argument of the Minister was that there are a great many things which we are compelled to do and which we do not like to do. He said we are compelled to educate our children, to be vaccinated, etc. I agree that every law is to a certain extent a deprivation of the liberty of the individual. Every sound legislator recognises that prima facie all laws are evil, and it is necessary to justify the evil by showing that the benefits to be derived from them will be greater than the evil done. I challenged the Minister to show me one good thing that could result from compulsory voting, and he could not tell me, except to offer some theoretical idea that, if we had compulsory voting, more people would go to the poll and the Government could more correctly be said to represent the majority of the citizens. He did not suggest that the result of it would be a better Government.

The Minister for Justice: I did.

Mr. DAVY: Does the Minister suggest that the Government would be improved individually if it had been elected by another few thousand voters, who were compelled to go to the poll through fear of being fined if they failed to do so?

The Minister for Justice: Would not the Government then be more representative?

Mr. DAVY: Suppose it were, what good would accrue from that? Are we going to make better laws, or benefit the community in the slightest degree if people who do not go to the poll, because they are too lazy, too stupid, or too ignorant, are compelled to do so. A person who will not take an intelligent interest in elections without being driven, under pain of a penalty to vote, is not going to register a discerning vote.

The Minister for Justice: Why not apply that argument to the education law?

Mr. DAVY: We are compelled to educate our children in justice to the children themselves. If people are not educated, they have not the same opportunities in life. In order to prevent children from being sent to work at an early age and being left ignorant and without a chance of improving their knowledge and exercising their vote in a sensible way, we say that they must be educated. It is right and proper that they should be educated; it is a benefit of the greatest importance to the children as well as to the community. But that is a

different proposition from compelling people to vote. How would compulsory voting improve a person's mentality? The Minister says it is the natural corollary of compulsory enrolment. I say we tend to suffer from natural "corollary-itis." Because something bad has been done and there is a natural corollary to it, must we do that further ill? If we have done a bad thing, let us stop there. One could put up a fairly decent case in favour of compulsory enrolment on the ground that it is useful for census purposes. It is of the utmost importance to the Government to know how many people they have, what are their sexes and where they live. Thus, compulsory enrolment might well be justified, but the same argument does not apply to compulsory voting. The genesis of this compulsory voting scheme is the selfishness of politicians. Their idea is that if they can get compulsory voting, they will be saved the trouble of making such vigorous canvasses to get the people to the poll. Getting down to bedrock, they do not suggest that it will benefit the community individually or wholly.

The Minister for Justice: I do.

Mr. DAVY: In their inmost minds they think it will help members of Parliament and potential members of Parliament and the immediate active workers who support them. Another reason for the popularity of compulsory voting—and it is a laughable reason—is that each of the two parties in this State and in the Commonwealth is convinced that its supporters are the most lax about going to the poll.

Mr. Sleeman: What about the third party?

Mr. DAVY: No doubt its members think the same thing. We all think it is our supporters who are the lazy wretches who will not go to the poll without being compelled to go, and that is why this measure will probably pass this House and another place. I submit that these two selfish reasons, without a single argument showing that any benefit is likely to accrue from compulsory voting, are not sufficient to outweigh the prima facie ill which every act of compulsion by the State imposes upon its citizens.

**MR. LAMBERT** (Coolgardie) [5.37]: I do not wish to discuss the machinery clauses of the Bill. As previous speakers have pointed out, only a few principles are involved. I am distinctly in favour of compulsory voting, but I am opposed to granting the franchise to half-castes.

Mr. Teesdale: Hear, hear! Thank God for one.

Mr. LAMBERT: The member for West Perth has sometimes shed a little light upon suggested legislation in this Chamber, but I can hardly believe that he was serious in his professed opposition to compulsory voting.

Mr. Davy: I was very serious.

Mr. LAMBERT: He compared compulsory voting with compulsory enrolment and justified the latter on the ground that the Government should know the number of people in the State. There is no analogy whatever.

Mr. Davy: I did not compare them.

Mr. LAMBERT: The hon. member compared the relative value of the two.

Mr. Davy: I said you might justify compulsory enrolment on the ground that it provided the Government with necessary statistics.

Mr. LAMBERT: So the hon. member considers that that is above the responsibility of citizenship? The mere fact of dwelling in the Commonwealth implies responsibility. If a man comes to the State and enjoys the privileges and protection of the State, it should not be too much to require him to vote once in every three years.

Hon. G. Taylor: And if three years is too short a period, we might make it six.

Mr. LAMBERT: It might be beneficial to the hon. member if it were made nine.

Mr. Davy: It would not matter to you?

Mr. LAMBERT: I suggest that the hon. member make a strenuous effort to have such a provision inserted in the Bill.

Hon. G. Taylor: I would have your co-operation.

Mr. LAMBERT: I do not know that I would have great opposition to it. I am opposed to giving votes to half-castes. We are too prone to respect these natural corollaries, traditions and usages that surround Parliament and have application to many of our laws. The sooner we attempt to break new and fruitful ground, the better it will be for our public life. No one has greater respect for tradition than have I so long as it involves useful institutions, but if it stands for old-time customs that should have died with the long dead centuries, I

have no respect for it. It is regrettable that the provision to give votes to half-castes should have crept into the Federal Act.

Mr. Teesdale: It is worse that it should have crept into ours.

Mr. LAMBERT: It has not crept in yet.

Mr. Teesdale: Two "hear, hears" to that.

Mr. LAMBERT: And it will not creep in with my vote.

Mr. Teesdale: Three "hear hears" to that.

Mr. LAMBERT: There are people in Australia with maggot-like brains having no respect for the natural instincts that they should display.

Mr. Teesdale: That is good.

Mr. LAMBERT: The best stock in Australia has been drawn from the English, Irish and Scotch peoples, who are most pronounced in their national pride. The sooner some of the people receiving benevolent asylum in this free continent display a little more pride in the country, the better it will be. Australian-born people, too, should have greater regard for the land of their birth. It is regrettable that the Australian Natives' Association, which is supposed to be a national organisation free from party politics should tolerate the idea of giving half-castes the right to vote or to sit in the legislature.

Mr. Teesdale: The half-caste against the Englishman.

Mr. LAMBERT: Australian-born people too often disregard the noblest instinct of the human race, namely, a love for their own country. That is a noble instinct to possess, and it should be fostered. After all said and done, those who consider that Australia, isolated as it is from other parts of the world, with its White Australia ideal, will never be challenged, can only be fools—maggot-brained fools. So sure as Australia exists, she will experience, as all other countries have experienced, a challenge respecting the ownership of this continent, and that challenge will come, not from the white races, but from the races that may be black or partly black, and races that would not be welcome here. We have often heard of the Asiatic menace, and while it is not real to-day, the day will assuredly come when the ownership of this continent will be challenged by some race or other. We should, as far as it is possible to do with our moral and physical force, keep Australia for the white peoples of the world. Then no reproach will be thrown upon those who may have cast a vote against placing, even half-castes, on an equal footing with the white people in Australia.

**MR. J. H. SMITH** (Nelson) [5.48]: I congratulate the Minister for Justice on introducing the Bill. It is a long-felt want and will prevent in the future the confusion that has always arisen on account of the two systems of enrolment, State and Federal. I am only sorry that the Minister has not also made provision for the Legislative Council enrolment to be compulsory. The Minister could have embodied that in the Bill and then we would have had something complete in respect of the electoral laws. The member for Coolgardie (Mr. Lambert) stressed the point of the half-blood. I cannot for a moment conceive our friends opposite, who have always been advocates of the White Australia policy, abandoning that idea which they have held for a number of years in fact, since the birth of that party. If we extended the franchise to half-bloods, they might, in places like the Kimberleys, elect one of their number to occupy a seat in this House. I trust that, when the Bill is in Committee, the Minister will see fit to amend the clause relating to half-castes. To-day we go so far as to say that if a white woman marries a Chinaman, or an Afghan, she accepts her husband's nationality, and therefore becomes disfranchised. That applies to both State and Commonwealth. Yet the Minister, while denying such a woman the right to vote, would extend it to half-breeds. I do not think we shall have any difficulty in persuading the Minister to delete that clause or at any rate to amend it. For a long time the State rolls have been in a deplorable condition. You, Mr. Speaker, have known the difference between the Federal and the State rolls, and how much more up-to-date are the Federal rolls. This is simply due to the fact that the Federal electoral officer in each district has been paid by results for the work he has done, whilst the State electoral officer, working on different lines, does not care whether an individual's name is on the rolls or is struck off. In the past it has been the duty of canvassers representing each side to put names on the roll. At the same time many have been left off it. Under compulsory enrolment that kind of thing will be done away with. In my experience of organising at election times, I have come across men who have refused to be enrolled. There are many of those entitled

to enrolment who refuse to sign claim cards for fear that the Taxation Department will locate their whereabouts. There is no need to say any more except that I intend to support the compulsory voting clause because I consider it to be necessary. It is advisable that we should have a thorough expression of opinion at election time and that can be done only by compulsory voting.

**MR. SLEEMAN** (Fremantle) [5.52]: I have been rather interested during the course of the debate in listening to some members opposite all at once championing the cause against colour. But whilst they are anxious to debar half-bloods from exercising the franchise, never a word do they say about the Asiatics who man the boats on the coast of this State and who, in that way, help to starve the white sailors of our country, nor do they utter a word about Asiatics employed in clubs. I intend to vote against the half-blood being allowed to have his name enrolled in this State, and hon. members opposite, if they carry out their intentions to a logical conclusion, must stand up against the colour line throughout.

**MR. MILLINGTON** (Leederville) [5.54]: As one who has had considerable experience in connection with enrolments, I welcome the proposal to amalgamate the State and Federal rolls. I realise that there will be some difficulty experienced; the matter will not be as simple as it appears. Since the State rearranged the boundaries of its electorates, the Federal Government have had a redistribution, and in that redistribution simply ignored the State boundaries. Take the instance of Leederville: unless an adjustment can be made, there will be required, three State rolls in that electorate, and, I presume, three supplementary rolls, to enable a person to make sure that his name is on the roll. A way out of that difficulty will have to be found when the amalgamation is brought about. The same thing will happen in Kalgoorlie, where five subdivisions have been reduced to four.

The Minister for Justice: They are now in one division.

Mr. MILLINGTON: The boundaries of Leederville will also have to be altered, otherwise serious complications will arise.

Hon. Sir James Mitchell: The Bill does not give power to alter boundaries of electorates.

The Minister for Justice: No.

Mr. MILLINGTON: The Federal Government have to take notice of the State boundaries. They failed to do that on the last occasion. The whole matter could have been arranged during the last Federal redistribution, but our position was ignored, and now it requires an expert to say which State subdivision an elector is in, and which in the Federal. As a matter of fact, one can raise an argument at any time on this subject. A good many people have been misled. I have advised people to send in their names and addresses and allow the subdivisional officer to decide. I am pleased that the amalgamation is to be brought about. This in itself justifies the introduction of the Bill. With regard to compulsory voting, I shall not labour that point, but I suggest that the champions of those who desire the right to do something are championing those who want the right to do nothing, a sort of negative right. My experience is that the most contemptible man one can come across is the poler, the man who will not do his share, or who will not accept his responsibility of citizenship. If we could get a list of those who did not record their votes, we would find amongst them some well-known people in the community. They will not take the trouble to vote. They do not hesitate to admit that they refrain from voting, and in that way dodge their responsibilities. At the same time I do not think they would make much fuss if they were to be compelled to exercise the franchise, and so take upon themselves the responsibilities of citizenship. I fail to see why crocodile tears should be shed because it is proposed to compel people to do something that it is their duty to do. What would happen if there were a gradual falling off in the voting? The member for West Perth said it would tend to a better representation in this House. I do not know that it would, but I do know that it would certainly tend to compel people to realise their responsibilities. The moral effect on the community of having a large number of people taking an interest in, and being a party to deciding who should represent them, will certainly be good. A decline in that number would have the opposite effect. Undoubtedly it is worth while trying to compel those who, in the past, have not accepted their responsibility, to do so. There are many clauses in the Bill with which I do not agree, but I will not refer to them now as they are purely of a machinery kind. I shall cer-

tainly require some explanation in regard to them before I vote for them. The other point that has caused some contention is the giving of a vote to the half-bloods. I was not aware that that provision was contained in the Bill until I read it in this Chamber. As a native of this country, I certainly am not going to support it. I do not know that I feel particularly superior in saying that, either. Of course the Britisher became superior by thinking he was superior. The old Britisher considered himself equal to seven Frenchmen, but he has had that knocked out of him. Although the other white races have shown themselves very nearly his equal, he is at least sure that he is superior to the half-caste. When it is suggested that the half-caste should be put on an equality with us, at once our racial prejudice comes to the rescue, and we declare that it shall not be. I do not agree with that clause, and I do not think it is going to pass. It managed to get into the Federal Electoral Act, but there is not much danger of its getting into this measure. Apart from that, the two principles that have been discussed are well worth while, and long overdue. I will support the second reading.

**MR. MARSHALL** (Murchison) [6.2]: There are one or two important features in the Bill, features with which I agree, although I am opposed to certain other provisions. I welcome the measure because there has been some difficulty in keeping people on the roll, the reason being that there are too many rolls to keep them on. Over and over again voters have believed that they were on the Federal roll when actually they were on the State roll, or vice versa. In that regard this measure will convenience the elector, who in future will know that if he be on one roll he is on both. I congratulate the Minister on that provision. Being a man of great electioneering experience, the Minister probably appreciates the importance of the clause. Still, I do not know that I should be prepared, as he is, to hand over the rolls to the Federal department. I am taking rather a hostile stand towards the Federal Government. Nor do I say that because I am attached to a certain political party. I am beginning to look on the Federal Goverment as something apart altogether from the Commonwealth in their relation to this State. They are heaping burdens on us, and making our position so intolerable that one is justified in refusing to give them the slightest concern, even the concession proposed in the measure. Perhaps the Minister can justify his statement that the Federal rolls are more complete than are the State rolls. Even if it be so, we have to remember that the Commonwealth Government have afforded greater inducements, positive and negative to electors to get on the rolls. In the first place the elector has not to pay the postage and in the second place, as I know from bitter experience, the Federal Department enforces the compulsory enrolment provision. Several people in one little town have been fined for neglecting to enrol, but I have yet to hear of a prosecution by the State.

The Minister for Justice: We shall have to initiate some.

Mr. MARSHALL: Of course under such inducements, negative and positive, the Federal Department gets a better roll than does the State. We could do the same if we followed the methods of the Federal Department. The Minister now proposes to pay the postal charges.

The Minister for Justice: No, the Federal Government do that.

Mr. MARSHALL: Then how does the Minister propose to get over the difficulty of enrolling people outside the congested areas where no postal deliveries are made? Who is going to pay for enrolment in those instances? Although there is a postal delivery in the town of Meekatharra, it extends over only a radius of a mile from the post office; outside that radius nobody will be remunerated for placing electors on the roll. Again, in the past the adjustment of our State rolls in remote districts has been left entirely in the hands of the clerk of courts, so if there are any plums to be offered, that official ought to be able to justify a claim to them, for he has had to take all responsibility in the past.

The Minister for Justice: It is part of the official's duty.

Mr. MARSHALL: It matters not whether the clerk of courts attends to the roll or not, his salary is the same.

The Minister for Justice: He will be sacked if he does not do his work.

Mr. MARSHALL: You may be able to dismiss him, by my point is that he has not had any increase in salary through having to look after the State rolls. If the Bill becomes an Act and he no longer has the roll

to look after, his salary will remain the same.

Mr. Thomson: And he will be saved the trouble of compiling the roll.

Mr. MARSHALL: That is so. So it is no use saying he is paid for the duty, because he is not. As I say, he should be able to justify his claim to the proposed remuneration. For years we have used him in the compilation of the rolls and he has shown that he can do it just as efficiently as can the Federal Department.

The Minister for Justice: It has been part of his job.

Mr. Thomson: He is paid extra when an election is on.

Mr. MARSHALL: But I am referring to enrolment. I protest against handing over enrolment to the Federal authorities; it is work that we can do just as well ourselves. When the Federal Department take over the compilation of the rolls, we shall have no say in it whatever. Yet the Minister has confessed that it will not represent any great saving to the State.

The Minister for Justice: It will be a big convenience to the electors.

Mr. Teesdale: And it is good for the politician.

Mr. MARSHALL: I admit the advisability of a joint roll, but I do not agree with handing the authority over to the Federal Government. Members here take the Federal Government to task for daring to encroach upon State prerogatives, notwithstanding which when we have an opportunity to do something for ourselves we sacrifice it and say to the Commonwealth Government, "You can have this also."

The Minister for Justice: What would you have? You cannot take over the Commonwealth rolls.

Mr. MARSHALL: I do not see why we cannot take over their rolls, if it be possible for them to take over ours. If the Bill becomes law and the Federal Government do take over our rolls, I am not sure that the Minister for Justice will not have occasion to regret it. A provision in the Bill welcome to me, is that for compulsory voting. I do not know that citizens who refuse to accept the responsibility of voting for members of Parliament should be allowed to remain here. They have no interest whatever in the welfare of the State. Compulsory voting is essential to the getting of the consensus of the opinion of the people. Not that, as the member for West Perth (Mr. Davy) put it, it would provide any better Government; personally I do not know that it would be possible to improve on the present Government. Certainly we have the satisfaction of knowing that it was a majority of the people who put them in office, and that they represent the consensus of opinion of the people. At some elections we have had less than 50 per cent. of the electors voting. It will be wholesome when every elector has to come along and record his vote, at all events whenever possible. No objection can be taken to the provision for compulsory voting, for it is not to be made a rigid rule. Exceptions and exemptions are provided.

Mr. North: Would you apply it to a local governing body?

Mr. MARSHALL: Yes. If you give me the same basis on which to work, namely a one man one vote franchise.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. MARSHALL: Before tea I was touching upon the question of compulsory voting. While nothing will induce me to refuse to support the clause, I shall feel disappointed in time to come if this clause is ultimately embodied in an Act, and it is not enforced with more vigour than the compulsory enrolment provisions. I hope that whoever is in power will see that the Act is enforced. The fact that legislation upon our statute-book is allowed to stand by without being put into practice tends in a great measure to hold Parliament up to ridicule. Therefore I hope that if this compulsory clause is embodied in the Act it will be enforced as well as the compulsory enrolment section. I have given a good deal of thought to the clauses of the Bill relating to enrolment, to qualifications and disqualifications, and to the provisions regarding persons who may move from their addresses although remaining in the same district. Anyone who is on the roll, and has changed from one district to another, is allowed four weeks' grace in which to claim enrolment, and then receives a further 21 days in which to make application for enrolment. He is therefore allowed seven weeks in which to change from one district to another. If a person is changing his address from one place to another within the same district he is allowed three weeks. I do not say there is anything detri-

mental to people in that part of the Bill except that certain provisions are contained in it that I do not regard as essential. It is proposed to exempt such persons as boundary riders, commercial travellers, farm hands, kangaroo hunters, prospectors and others. That is quite unnecessary. Many parts of the State offer facilities for the changing of addresses, but people become apathetic, and ignore the law because it is never enforced. Certain classes of work do justify some consideration. I refer to seamen, shearers, prospectors, and kangaroo hunters, all of whom are generally on the move. A kangaroo hunter goes far away from the mail routes, and is often out of touch with the homesteads. He may be away for a considerable time. As he is outside the knowledge of the registrar or some other officer, he would be struck off the roll without having any knowledge of it. If he left on a trip with the intention of returning in a couple of weeks, but was delayed through adverse weather or other circumstances, he would be struck off the roll and deprived of his vote. Some provision should be made for men who are absent from the usual facilities of communication. The clause to which I refer exaggerates the position more than is justified. My chief grievance against the Bill is that whilst protection is given to those who can take advantage of the facilities for enrolment that are offering, and can notify their changes of address, there is no provision for giving the right to vote to a man who is compelled continually to travel in the earning of his living. Drovers, prospectors and others come withtin this category. A prospector may be engaged in examining a large belt of auriferous country. The well sinker, too, may have to travel from one district to another in following his occupation. I met four men who had lifted cattle 18 weeks before in the Kimberley electorate. These men can be said to be resident in any electoral district between Kimberley and Geraldton. They are single, and have no permanent place of abode. They are continually travelling to and fro with stock. Under the Bill people are compelled to enrol for the district in which they live, and if they do not live in a district they cannot be enrolled. The Minister might have provided for men who are continually on the move, and who have no permanent place of abode; otherwise, because they have to travel in order to earn their living, they may be deprived of the right to be enrolled. There are married men who are also engaged in droving cattle, or well sinking, or fencing. They pass from district to district, but because they are married they have their permanent home in Meckatharra or some other town. These men can retain their names on the roll by notifying the registrar that their absence from home is only of a temporary nature. A person who is not married and has no permanent home, and yet is a valuable citizen of the State, may be deprived of the right to vote.

Hon. Sir James Mitchell: Why can he not get married?

Mr. MARSHALL: Possibly he knows the effects of marriage. This Bill does not provide for compulsory marriages. Last but not least is the provision in the Bill relating to half-castes. I could not possibly support that clause. I know of many half-bloods who, from all points of view, could fairly be said to be justified in seeking enrolment.

Hon. Sir James Mitchell: I dare say there are many.

Mr. MARSHALL: Those I refer to live, to all intents and purposes, the lives of white men, and in that respect are practically white themselves.

Hon. Sir James Mitchell: Yes.

Mr. MARSHALL: They are fine fellows. They come of very good stock. The forefathers of some of these individuals are reputed to be important citizens of this State, but I do not know whether that is so. To some of them it would be hard to deny the right to enrolment, but all things considered, I cannot support this particular part of the Bill. I have always advocated the principle of a white Australia. If I had my way I would prefer to compensate a lot of the Asiatics and other people for any loss that may accrue to them, and send them back to their own country. The aborigines are the original citizens of this country, but even so I do not feel disposed to vote for a provision giving them the right to enrol. At the same time, I would not support the attitude of some members opposite, one of whom never hesitates to advocate indentured labour.

Hon. Sir James Mitchell: I do not think anyone on this side of the House has advocated that.

Mr. MARSHALL: I could tell the hon. member who it is.

Mr. Richardson: Who is it?

Mr. MARSHALL: The hon. member heard it stated.

Mr. Richardson: I did not.

Mr. MARSHALL: Members who think it is right to introduce indentured labour for the purpose of undermining the standard of living of the white man should be the last to refuse to full-blooded aborigines of Australia the right to be enrolled. In the main, the Bill finds favour with me and I can support the second reading, reserving to myself the right to oppose certain clauses of it in Committee.

**THE MINISTER FOR JUSTICE** (Hon. J. C. Willcock—Geraldton—in reply) [7.45]: Only two or three principles have been debated in connection with this Bill. It may be said that the Bill contains only two or three principles of importance. Most of the speakers have patted the Government or myself on the back for introducing one phase of the Bill, and then have proceeded to condemn another portion to which they took exception. I think it will be agreed that most of the members who spoke approve of the principle of amalgamated rolls. It is agreed generally that under the amalgamated system the machinery of the State and Federal Departments, acting conjointly, will produce the best possible rolls.

Hon. G. Taylor: I hope that will prove true.

The MINISTER FOR JUSTICE: It has proved true in other States. The Leader of the Opposition took no great objection to compulsory voting, but other members on the Opposition side disagree with that principle.

Hon. Sir James Mitchell: I confess that I do not like it.

Mr. Richardson: Only one member, I think, disagreed.

The MINISTER FOR JUSTICE: One or two. The member for West Perth (Mr. Davy) took no great exception to the principle, but asked why should compulsion exist? I dealt with that aspect in introducing the Bill. There are many different things we are compelled to do in order to conform with the law, or in order to further the convenience and well-being of our fellow citizens. Those things are so numerous that it is hardly necessary to argue the principle further. In my opinion, the outstanding feature of the Bill is that agreement with and obedience to the laws made by Parliament is absolutely essential. That being so, it seems right to make people vote for those who will make the laws which the people are compelled to obey. That is a very good reason for the introduction of compulsory voting.

Mr. Davy: Would you have compulsory voting for divisions in this House?

The MINISTER FOR JUSTICE: We do, where there are principles involved.

Mr. Davy: Is there not a principle involved in this Bill?

The MINISTER FOR JUSTICE: Yes.

Mr. Davy: But you will not make every member vote on this Bill.

The MINISTER FOR JUSTICE: If I had only one member with me on this Bill, I would call for a division.

Mr. Davy: But the member who is not here and does not vote will not be fined.

The MINISTER FOR JUSTICE: If the hon. member likes to extend the principle to this House, he can do so. We do extend the compulsory voting principle to this House when we demand a division.

Mr. Davy: But members come and go as they like.

The MINISTER FOR JUSTICE: That may be. The principle of compulsion exists in our laws. We say to every person in the State, "You have to obey the laws that are made by Parliament."

Mr. Davy: That is why we ought to be very careful not to make laws which the people will not obey.

The MINISTER FOR JUSTICE: We are very careful as to that. Members opposite object to and vote against Bills which they do not regard as being in the general interest. If they think a law is not acceptable to the majority of the people, they vote against it. The statement has been made that the provision in question represents an infringement of the liberty of the subject, who should not be compelled to do anything. But it is a great principle of democracy to take part in the election of those who make the laws.

Mr. Thomson: You do not regard compulsion as democratic, do you?

The MINISTER FOR JUSTICE: Are not we supposed to be living in a democracy now, and are not we compelled to obey the laws for the good of society in general? And is not that democratic? Of course it is. Nearly everything is compulsory.

Mr. Davy: You have to justify it somehow.

The MINISTER FOR JUSTICE: As regards the talk about infringement of the liberty of the subject, all the Bill does is to ask a man once in every three years to give up half an hour of his time to the discharge of his civic responsibilities.

Mr. E. B. Johnston: Will the provision apply to Upper House elections?

The MINISTER FOR JUSTICE: Yes. I think it must be agreed that the optional vote is a failure in view of the fact that not two-thirds of the people entitled to vote at elections exercise the franchise now. It is a matter of wonder to me, having regard to the smallness of polls, that people who are denied the civil right to vote should make such a row and fuss, should create riots and wage civil war, because of the privilege. When they get it, only two-thirds of them make use of it.

Mr. Davy: What is the inference to be drawn from that?

The MINISTER FOR JUSTICE: I state the fact as being peculiar. The inference, if one wishes to draw it, is that people are so apathetic in regard to their civic responsibilities that they will not take the trouble to walk across the street to carry out their duty in the government of the country.

Mr. Heron: And they are the people who yell.

The MINISTER FOR JUSTICE: If one of them happens to go into the polling booth and finds that by some mischance he is off the roll he creates all sorts of bother and trouble and exhibits much virtuous indignation. Yet at the next election he will probably omit to go to the poll at all.

Mr. Marshall: A lot of that trouble has been due to the different rolls and will be overcome by this Bill.

The MINISTER FOR JUSTICE: Yes. Why this tender regard for people who have no sense whatever of civic responsibility?

Mr. Davy: I am not prepared to put the boot into people because they do not agree with me.

The MINISTER FOR JUSTICE: I do not care whether they agree with me or not as far as that goes if only they will take their share of civic responsibility, a privilege which has been fought for during many years. If we have a better percentage of voters there will be better respesentation in Parliament. Under compulsory voting it is quite possible that none of us who are now here might be members of this House but at least the House will be a true reflex of the opinions of the people.

Mr. Davy: People who do not vote now have not got any opinions.

The MINISTER FOR JUSTICE: Why does the hon. member seek to protect persons who have no principle or sense of responsibility?

Mr. Davy: I do not seek to protect them.

Hon. Sir James Mitchell: He does not want them punished.

The MINISTER FOR JUSTICE: We propose to enact a law which will make such people sit up and take notice and accept their proper share of civic responsibility. The member for West Perth desires to have that provision deleted and to abolish anything in the nature of compulsion.

Mr. Davy: I am not prepared to support a law to compel people to brush their teeth although it is a good thing and they ought to do it.

The MINISTER FOR JUSTICE: That is coming down from the sublime to the ridiculous.

Mr. Davy: No. It is very much more important to the community as a whole.

The MINISTER FOR JUSTICE: I think we shall get better laws and better administration and also better consideration for the interests of the people from a group of representatives who know that the whole of the voters are paying attention to what is done in Parliament. In such circumstances we would get better legislation and improvement all round.

Mr. Davy: One volunteer is worth ten pressed men.

The MINISTER FOR JUSTICE: That has not been proved. The adage has not stood up to facts. The history of England during the naval wars when press gangs went round Portsmouth and other towns of the south coast of England shows that the men who were pressed fought as well and did as much for the Empire as any volunteers. History proves that conclusively. The principle of compulsory voting is one for which this party stands, and members on this side of the House will, I expect, vote for it. As regards other principles, the measure is entirely non-party, and I suppose some members on this side may vote against some clauses of the Bill. I am somewhat surprised at the remark of

the Opposition Leader that this is a Caucus Bill.

Hon. Sir James Mitchell: No one contradicted me when I said I thought it was.

Mr. Heron: You tried to get us to bite, and we did not.

The MINISTER FOR JUSTICE: The Opposition Leader seemed also to imply that the Bill was a deep-laid scheme by some members on this side of the House to round up a lot of half-castes and get them to vote the Labour Party into power. Practically all sections of the House are agreed that the amalgamation of the rolls will be a step in advance. In order to give effect to that principle of amalgamation as far as possible, we desire to make the principles of the State franchise as nearly as possible uniform with the franchise principles of the Federal Constitution, so that both rolls may be the same. If we have different qualifications for the State and for the Commonwealth, the amalgamated roll will be a series of asterisks and other marks denoting that one or other person is entitled to vote at a State election, but not at a Federal election, and vice versa; and the whole business would be so confused and complicated that there would be no gain from the amalgamation. The Opposition Leader dealt particularly with the question of half-castes. That proposal is not a Caucus proposal, nor even a Government proposal.

Hon. Sir James Mitchell: I withdraw the charge against Caucus.

The MINISTER FOR JUSTICE: Will the hon. member also withdraw his subsequent charge that self-preservation was more than racial preservation to members on this side of the House?

Hon. Sir James Mitchell: No, I will not withdraw that.

The MINISTER FOR JUSTICE: The hon. member said that this was a Caucus Bill, and that to members on this side of the House self-preservation was of more importance than the preservation of the racial purity of Australia.

Hon. Sir James Mitchell: I cannot accuse my friends of the Caucus, but someone is guilty.

The MINISTER FOR JUSTICE: I think that was rather a rotten statement to come from the Opposition Leader, who is usually fair in his criticisms. He said that self-preservation meant more than racial preservation to members on the Government side of the House.

Hon. Sir James Mitchell: Someone made the proposal, and whoever did was wrong.

The MINISTER FOR JUSTICE: It is practically a departmental proposal for the purpose of securing the maximum of uniformity in the joint roll. The Leader of the Opposition must have been reading a speech by the Prime Minister, in which he found that phrase and was so much taken with it that at the first opportunity he worked it off in the House. The Prime Minister had previously used the phrase in respect of a totally different principle and, as I say, the Leader of the Opposition must have read it and appreciated it. At all events he used it in accusation of this party. I am surprised at its coming from the Leader of the Opposition, who usually is very fair in his criticism. His statement was entirely unjustified. This law, giving the half-bloods a vote, obtains in every other State in Australia, and has had a place in the Commonwealth statute since the first Commonwealth Parliament.

Mr. Teesdale: In Queensland, after exercising it for some time they withdrew it.

The MINISTER FOR JUSTICE: I think the Queensland Act contains it.

Mr. Teesdale: One of the States went back on it.

The MINISTER FOR JUSTICE: I cannot find any disqualification of half-bloods in any of the States.

Mr. Teesdale: In the other States half-castes are classed as full bloods.

The MINISTER FOR JUSTICE: This principle was introduced by the first Commonwealth Government, composed of the ex-Premiers of all the States—Forrest, Deakin, Lyne, Kingston, and others counted the greatest men in Australian history. That Government gave the half-blood the right to vote, and actually it was the Labour Party of the day that raised objections to it and painted the same doleful picture as the Leader of the Opposition painted here the other night. Mr. Chris. Watson said—

> What I am afraid of is the state of things in Western Australia, where I understand the aborigines are largely indentured to squatters. They are practically the slaves of those squatters and so much under their influence that even had they the knowledge requisite to enable them to express opinions on political affairs they would not dare to attempt to exercise their votes in defiance of the wish of their masters, in the face of the gentlemen who will, of necessity—because there are not other white men available—constitute the poll clerks and officials in that part of the country.

He paints much the same picture as we had from the member for Roebourne (Mr. Teesdale) the other night. Generally I believe the hon. member, but I can hardly credit his statement that he had heard of a number of half-castes being driven to the poll to vote.

Mr. Teesdale: It was a municipal poll.

The MINISTER FOR JUSTICE: I do not know that there are in any municipalities so many half-castes that a big number could be driven to the poll in gangs, looking pitiable, as the hon. member said the other night.

Mr. Teesdale: I said it was pitiable; not that they looked pitiable.

The MINISTER FOR JUSTICE: You drew a picture of 40 or 50 of them being driven to the poll, and you said it was pitiable. I do not think you ever saw it. I remind the Leader of the Opposition that this proposed franchise has been in the Commonwealth law since 1902, yet there have been no crowds of half-castes driven to the poll. None of the things the Leader of the Opposition predicted have occurred during the time the law has been in operation. I do not think the Leader of the Opposition knew that the Commonwealth law contained that provision, else he could not have painted so doleful a picture.

Hon. Sir James Mitchell: Yes, you had told us it was in the Commonwealth law.

Mr. Thomson interjected.

The MINISTER FOR JUSTICE: All law is supposed to be administered with common sense. These wild half-castes running about in their natural costume, as described by the Leader of the Opposition, or with no clothes at all——

Mr. Heron: Plenty of them go back to the tribe.

The MINISTER FOR JUSTICE: But for the past 23 years these people have had the right to get on the Commonwealth roll.

Mr. Heron: That is not to say that it is right.

The MINISTER FOR JUSTICE: They have not attempted to get on the Commonwealth roll, and they will not attempt to get on the State roll.

Hon. G. Taylor: We won't give them the chance.

The MINISTER FOR JUSTICE: We have had the law for the past 23 years, yet nothing dreadful has happened.

Mr. Teesdale: If the Federal law be a dead letter, why perpetuate it?

The MINISTER FOR JUSTICE: I have tried to introduce this merely that we might get a roll as uniform as possible with the Federal roll. The member for Roebourne heroically declared "Once a half-caste comes into this House I will get out." It is a wonder the hon. member ever submitted himself to election.

Mr. Teesdale: You cannot take exception to what I say; it is my own funeral.

The MINISTER FOR JUSTICE: I am advised that under the Constitution even a full-blooded aborigine has the right to be elected to this House or to the Council. I am advised that all people born in Australia are Australian citizens and so have full rights of citizenship.

Mr. Panton: You require to get higher advice.

The MINISTER FOR JUSTICE: It is the highest I could get conveniently. People of Asia, Africa or even the North Pole if born in Australia, have citizen rights and are entitled to exercise the franchise.

Mr. Angelo: I think the Minister is wrong. Amongst the exceptions provided in the Act are aboriginal natives of Australia and any half-castes.

Hon. G. Taylor: The Minister has no chance.

The MINISTER FOR JUSTICE: I think I can see the writing on the wall in respect of this, but I do resent the imputation of the Leader of the Opposition that with some members on this side self-preservation counts for more than race-preservation, that the Bill is a caucus Bill, and that certain members of this party had done something to enable them to get back into Parliament by driving half-castes to the poll.

Mr. Teesdale: Well, it sounded very much like it.

The MINISTER FOR JUSTICE: Personally I am not keen on giving those people votes, but I do say there are many half-castes who are thoroughly desirable citizens, who produce much wealth in the State and who pay taxes. I know a hundred or more of them who own land and who pay taxation. As the member for Kimberley (Mr. Coverley) pointed out the other night, half-caste children are taken from their parents, educated at mission stations and turned out thoroughly desirable citizens. They are very sore about having to pay taxation without having representation. They have the right

to get on the Commonwealth roll, but are disqualified from getting on the State roll.

Hon. Sir James Mitchell: You said they were not on the Commonwealth roll.

The MINISTER FOR JUSTICE: I was referring, not to those educated persons but to the wild nomadic half-castes going about in their national cosume. They are not likely to get on the roll, but I think the educated half-castes are fully entitled to a vote. We saw in yesterday's newspaper that an Australian aboriginal had been ordained a minister of religion.

Mr. Taylor: He was a Queenslander.

Mr. Angelo: He is an exception to the rule.

The MINISTER FOR JUSTICE: Those who pay taxation should have representation, and I would give them a vote. Some members have objected to people, while living in a division, having the right to change their address and still remain on the roll. When in Wyndham three or four years ago, I found that people living there had submitted cards seven or eight weeks before the roll closed, but as there was no mail to bring them down, they were disfranchised. The member for Roebourne (Mr. Teesdale) spoke about the aerial mail and its advantage to the North-West, but the North-West does not consist solely of the few towns along the coast. The wealth of the North-West is not produced in the coastal towns that are well served by the aerial mail. It is produced by the people inland on the stations. There are numbers of men engaged in the pastoral industry who have no fixed address, and if there are any men doing good work in the production of wealth, they are those hardy workmen who make a living by taking contracts on stations. They go to one station for a few weeks and take a contract for fencing, move on to a neighbouring station and do some well sinking, and then move on again. They are constantly changing their addresses, although they are in the one division all the time. There are not the facilities to enable those people to notify changes of their addresses, and even if there were, they would not take advantage of them. They move about from station to station wherever there is work to be done. As they are doing so much of the real work of the country, it would ill-become us to deny them the right to exercise their franchise. The Leader of the Opposition and another member referred to the three months qualification. This is one of the things we desire in order to secure uniformity. Not many people will settle in the State and be here only three months when an election comes along. The principles that divide parties in all the States are practically the same, and a man coming here from another State to take up his residence would be au fait with the principles of the different parties, even though he had been here only three months.

Hon. Sir James Mitchell: I do say that if such a man came here from one of the other States he would do your party a great injustice.

The MINISTER FOR JUSTICE: Perhaps so. Even we in Western Australia are sufficiently Australian not to object to a man who has become a citizen of the Commonwealth having a vote in Western Australia simply because he happened to come here from another State. People coming from overseas will still be required to have the six months qualification. A man may have lived 20 years in Australia and be au fait with all political subjects, and we should not be sufficiently un-Australian to deny him the franchise here until he has been resident for six months. People who have been here three months and who intend to settle here should be permitted to exercise the franchise. It is inadvisable to have different qualifications. The roll will not be successful unless we have uniformity. The member for Nelson (Mr. J. H. Smith) stated that some people desired to remain off the roll for fear that the Taxation Department would become aware of their addresses and hit them up for taxes. I agree that that impression prevails, but the idea is fallacious. Each employer of labour has to supply lists to the Taxation Department of persons employed by him during the year. Anyone who has received wages has his name submitted to the Taxation Department, and the mere fact of his being on an electoral roll makes no difference in this respect. The member for Leederville (Mr. Millington) spoke of the Commonwealth having no right to make an alteration of boundaries. The only thing the Federal Government agree to in order to make the system more workable is that the subdivisional boundaries of those places entirely within a Commonwealth division may be altered to conform to the State divisions. Many of them do not conform at present. In my district the Geraldton State boundary and the Federal subdivisional boundary are

different, and the same thing occurs in many parts of the State. The Commonwealth agree to make their subdivisions coterminous with the divisional boundaries of the State.

Hon. G. Taylor: When this Bill is passed, will it mean there will be no Balcatta division in Fremantle? The Commonwealth will have power to call it Leederville?

The MINISTER FOR JUSTICE: Yes. Portion of Leederville is in the Federal division of Fremantle and portion of it in Perth, and there will have to be two subdivisions for that. I have had copies of the joint agreement between the Victorian Government and the Federal Government distributed for the information of members so that during the Committee stage they will be able to come to a proper understanding of the amalgamation proposed for the Western Australia and Commonwealth rolls.

Question put and passed.

Bill read a second time.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

*In Committee.*

Resumed from the 9th September.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 14—Amendment of Section 58:

The MINISTER FOR WORKS: The Leader of the Opposition asked for an explanation of this clause. Its object is to widen the jurisdiction of the court and not allow legal technicalities that now surround it to operate. The first paragraph provides that the court shall of its own motion step in if it is of opinion that it can settle or prevent a dispute. At present the court has no jurisdiction unless a dispute can be proved to exist. Although in recent years the court has not insisted upon receiving proof of a dispute, prior to that it was difficult to get established in the court unless it was proved that a dispute existed. A stoppage of work had frequently to be arranged in order to prove the existence of a dispute.

Hon. Sir James Mitchell: I do not object to that.

The MINISTER FOR WORKS: This provision will prevent parties from standing off and refusing to go to the court while the public suffer. In such a case the court will be able to step in and deal with the dispute.

Hon. G. Taylor: Regardless of the numbers involved?

The MINISTER FOR WORKS: Yes, so long as it is a registered union.

Hon. G. Taylor: Suppose there was no union at all

The MINISTER FOR WORKS: That is dealt with in the next paragraph. The next paragraph gives power to the Minister to refer a matter to the court. I do not suppose any Minister would be anxious to be placed in that position, but when an industrial dispute is on and there is a likelihood of an industry being hung up, and no one is taking any action to refer the matter to the court, it is most desirable that someone should have this authority. The Minister will have this power irrespective of whether the parties to the dispute are a registered union or not, provided there has been a cessation of work. A section may break away from an organisation, or may not be a registered body, and its decision may affect many hundreds or thousands of men. A case in point was in connection with the woodlines and the mining industry. Whatever decision is arrived at shall be given to the union that is registered, covering that particular calling. There will be no inducement for men to break away and take independent action. There are some unions in the building trade which have never registered. If the hod carriers stopped work it would practically mean the hanging up of the building industry. Power is therefore given to refer the dispute to the court irrespective of whether a body is registered or not. It is worth taking the risk of possibly affecting some registered body, but it is more risky to allow a disorganised body to materially affect the position of the industry as a whole.

Mr. Davy: Is this taken from the Commonwealth Act?

The MINISTER FOR WORKS: We are asking for wider powers than are contained there. The latter part of the clause deals with the reference to the court of any matter that remains in dispute as the result of a compulsory conference, or about which an agreement has not been arrived at as the result of other conferences. This widens the jurisdiction of the court with the sole object of preserving industrial peace and keeping the wheels of industry going. We

are getting away from the fine technical points that might prevent the court from stepping in. It is desired to make the way to the settlement of a dispute as open and as easy as possible.

Hon. Sir JAMES MITCHELL: I do not see why the Minister should have power to refer any matter to the court. Why should not the court itself have all the power? The Minister is taking too much on himself in interfering with matters that ought not to concern him.

Mr. THOMSON: I must oppose paragraph (b). It may lead to a lot of interference with the rights and privileges of the court. It gives the Minister a right not yet possessed by the court of compelling those who are not registered to go to the court. Many people may not desire to belong to a union, but this will force them into it.

Clause put and passed.

Clause 15—agreed to.

Clause 16—Amendment of Section 62:

The MINISTER FOR WORKS: The clause as printed does not read correctly. I move an amendment—

That in lines 2 and 3, after the words "by the" the words "Minister or" be inserted.

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

Clause 17—Amendment of Section 63:

Mr. DAVY: This clause proposes to extend the prohibition regarding the appearance of lawyers in industrial matters to industrial boards, conciliation committees, or commissioners appointed under the Act. It also proposes to wipe out the exemption which the principal Act gives in favour of the appearance of lawyers in the case of enforceable applications, or prosecutions for offences under the Act. With the first intention one can hardly find fault at this stage, although experienced industrialists have expressed the opinion that the working of the court might be more expeditiously performed if lawyers were allowed to appear. The original intention of excluding lawyers was to avoid technicalities, and prevent unions from being at a disadvantage, because the employers were able to engage highly skilled advocates. That position hardly appertains to-day. When a man has been employed in the Arbitration Court, as some laymen have been for a long period, they acquire just as much skill, cunning and technical knowledge as a trained lawyer.

Mr. Marshall: That would be impossible.

Mr. DAVY: Not at all. A lawyer is just a person trained in a particular way. An advocate in the Arbitration Court gets the same kind of training as the lawyer appearing in the law courts. I must protest against the exclusion of lawyers on enforcement applications and prosecutions under the Act. It is a gross injustice to ask a man to plead to a charge for which he may be fined up to £500, when he is unable to engage for his defence any man he likes to employ. The very essence of British justice is that a man standing his trial for an offence shall be permitted to be defended by the best man he can obtain. Poor men as well as rich men, thin men as well as fat men, may be charged in the Arbitration Court, and be heavily fined, and in the event of inability to pay the fine may have to face the consequences of such failure. On an enforcement application a point involving some phase of construction or the application of a legal principle is frequently raised. I have myself heard union advocates, men not legally trained, say in such circumstances, "I am not capable of arguing this point, and I want an adjournment in order to obtain the assistance of counsel." There is an admission by the unions themselves of the need, on occasion, for legal aid. The unions themselves have made use of the services of the best arbitration lawyer in Western Australia No ill can ever result from giving a man charged with an offence all the skilled assistance available. The Minister for Works seeks authority to search throughout Australia, or even throughout the British Empire, for the man most suitable to hold the position of President of the Arbitration Court. A fortiori a man charged with an offence should not be limited in regard to the field from which he may select the man he wants to defend him.

Mr. PANTON: Laymen who have spent much time in the Arbitration Court become just as skilful as lawyers, but not as technical. In enforcement cases lawyers rarely attempt to defend on the facts; they hunt up some precedent or other and defend the case on that. We want arbitration, and not litigation. With a Supreme Court judge as president and with lawyers appearing in the court, we shall have litigation. The existing Act says that the court shall act according

to equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms. In a judgment recently given by our Arbitration Court, the question was as to 33 breaches all on the same lines. That question, whether the breaches had been committed or not, seemed in the judgment to have been quite forgotten, and the whole case seemed to turn on precedent. That sort of thing is going on all the time. When an employer is brought before the Arbitration Court, it is a question not of law, but of fact—whether he committed the breach or not. Surely the Arbitration Court is quite capable of interpreting its own award, without any legal technicalities. We have long ago made up our minds that the union advocate is capable of holding his own against any of the legal fraternity on questions of fact. Industrialists, however, do not study legal technicalities. The lawyer referred to by the member for West Perth is generally retained by the employers, and therefore is rarely available to the unions. When he appeared for the unions, he was also appearing for certain employers who considered that they were subjected to unfair competition.

Mr. GRIFFITHS: I was much struck with the arguments of the member for West Perth. In enforcement cases it is not in the interests of fair play that the person charged should be denied legal assistance.

Mr. THOMSON: I hope the Committee will not agree to the deletion of the provision that when the court sits for the trial of any offence counsel or solicitors shall be entitled to appear and be heard either for the prosecution or for the defence in the same way as on the trial of an offence in a court of summary jurisdiction. The member for Menzies said that what was wanted was arbitration, and not litigation. If proceedings involving the possibility of a fine of £500 are not litigation, to be charged before a court of summary jurisdiction is certainly much preferable to being charged before the Arbitration Court. The member for Menzies further stated that the union representatives knew what they wanted and had to all intents and purposes become experts in Arbitration Court proceedings. They know all its weaknesses and flaws. To counteract that we shall have to educate specialists on the other side. So it is actually coming to the same thing and the position is farcical, since a man charged with an offence will have to pay an advocate.

Mr. North: Who is probably a non-unionist.

Mr. THOMSON: Yes. I hope the Minister will not persist with this. It has been said that what we want is arbitration, not litigation; but it seems to me the general principles of the Bill are, not arbitration, but aggression and compulsion. Only to-night members on the Government side have declared themselves in favour of compulsory voting. Of course, they are in favour of compulsion of all sorts. Under common law a man charged with an offence is entitled to retain counsel, but in the Arbitration Court he is denied that privilege. It is not justice, and I hope the Government will not press for the deletion of the proviso.

The MINISTER FOR WORKS: We are accused of doing something unfair. Surely there can be nothing unfair if all are placed on the one footing!

Mr. Thomson: Under common law all are on one footing to-day.

The MINISTER FOR WORKS: No, the man with the big purse is at an advantage, for he can engage highly skilled counsel. The man without money cannot do that. Lawyers have themselves to blame for the attitude taken up by unions in this matter, for whenever lawyers have appeared in the court they have relied on technicalities, evading the real points at issue.

Mr. Thomson: Cannot the advocates do the same thing?

The MINISTER FOR WORKS: When have trade union advocates appealed to the court for a decision on a technicality? On the other hand, the lawyers always try to get a decision on technical points. It is their training.

Mr. Davy: When a man is charged with an offence, it is their duty to get him off by any honest means.

The MINISTER FOR WORKS: There may be a difference of opinion as to the interpretation of "honest." On the hon. member's showing, it is the duty of counsel to get around the decision of the court by technicalities, if he can. I am opposed to that. I say let arbitration go on.

Mr. Davy: But this is not arbitration; it has nothing to do with arbitration.

The MINISTER FOR WORKS: You think that all that relates to arbitration is getting an award. If it were so I should not be an advocate for arbitration to-day.

If arbitration is to begin and end with the decision of the court, what is the use of arbitration? The court's decision should rest on the merits of the case. We get a decision on wages and working conditions, and then we know that somebody flouts it.

Mr. Davy: Who knows?

The MINISTER FOR WORKS: Your interjection was that it is the duty of the legal practitioner to escape the verdict of the court by a technicality, if he can.

Mr. Davy: It is the duty of the prosecution to prove its case. That is an essential element of British justice.

The MINISTER FOR WORKS: But your interjection was that if there be a legal loophole, it is the duty of the legal practitioner to make use of it. We cannot get arbitration to function on that basis. Yet it clearly depicts the legal attitude. That is the motive behind the attitude of legal practitioners in all courts, and it is that very thing we want to keep out of arbitration proceedings.

Hon. G. Taylor: It creeps in when you have an experienced layman before the court; he will use all the points he can.

The MINISTER FOR WORKS: The hon. member has not had very much experience in the Arbitration Court, and what he has had occurred many years ago. The trade unions want the court to arrive at its decision on the facts, stripped of legal technicalities. On the admission of the member for West Perth that is utterly impossible if lawyers are to appear in that court, for they regard it as their duty to get out of any hole by technicalities. It may be all very well in other courts, but it should not be permitted in the Arbitration Court. As it is, all the advantage should be on the side of the employer, for he is trained in argument and in striking deals, and when in the court he has to face only poor Bill Bowyangs.

Mr. Davy: Not Bill Bowyangs, but a man trained in the court.

The MINISTER FOR WORKS: Still, only Bill Bowyangs, for they are all drawn from the working class and have not had the training the employer has had. The employers regard themselves as superior men; yet when asked to face their own employees in the court——

Mr. Davy: Not their own employees, but skilful union secretaries.

The MINISTER FOR WORKS: They are men drawn from the trades—bricklayers, plasterers, bootmakers.

Mr. Davy: You do not suggest that because he is a bootmaker a man has no brains. These union secretaries are picked men.

The Premier: Picked men, every one of them.

The MINISTER FOR WORKS: And of course the employers have not any picked men on their side! They are such weaklings, altogether unfitted to be pitted against trade union secretaries.

Mr. Davy: In the Arbitration Court the average employer is quite helpless against union secretaries.

The MINISTER FOR WORKS: Yes, quite helpless, and we are asking them to face impossible conditions in meeting a trade union secretary in argument about their own business.

Mr. Thomson: No, about the Arbitration Court.

The MINISTER FOR WORKS: Matters relating to their own businesses and factories, in which they are supposed to be particularly trained. Through all our conferences and discussions with them we have been told that we as workers have no right to suggest how they should run their businesses, that they know all about the question. But when we say to them, "Stand on your feet and discuss your differences with the representatives of the workers" we are told that we are doing something unfair. I should have thought that if there be any unfairness the handicap were all on the side of the workers. The facts are that, as the member for West Perth said, no matter how they can get out of having a decision given against them they regard it as a duty to take that course, and so the case is not decided on its merits. So long as that goes on there can be no successful arbitration. In one case I was for eighteen months trying to get a union on a footing in that court. At every turn I was held up by a technicality. First it was that no proper meeting had been held, then it was contended that there was no dispute, then it was not an industrial matter, then it was not an industry. As fast as I overcame one point they raised another.

Mr. Davy: Where were the lawyers in that?

The MINISTER FOR WORKS: On the opposite side of the table.

Mr. Davy: How did they get a footing.

The MINISTER FOR WORKS: At that time they were allowed in.

Mr. Davy: I am not asking that they be allowed to appear in cases of that sort.

The MINISTER FOR WORKS: I am giving a little history to show that lawyers have themselves to blame. The first case in the Commonwealth court was taken by the bootmakers' union, and it cost them £10,000 to fight legal technicalities before they could open their case. Parliament tries to make the scope of the law as wide as possible so that parties may go to the court and settle their disputes on the merits, and yet we are asked to permit lawyers to appear and get around the issue. If that is to be allowed, arbitration will be impossible. Wherever lawyers appear it is their business to raise technical points. Though fines and penalties are provided, they are applicable to both sides, and the employers will be at no disadvantage as compared with employees. The further lawyers are kept away from the court, the better. I had a case of private arbitration where a lawyer appeared. I objected to the appearance of the lawyer, but he pleaded to be allowed to remain, considering that he would be at a disadvantage as compared with me. I made a sporting offer to raise no objection to his appearance if he undertook to fight the case on its merits, but he would not give that undertaking. His existence as a representative of the employers depended upon his ability to raise some technicality on which I was not equal to meeting him. If lawyers are prevented from appearing, the whole machinery of arbitration will work more smoothly. Naturally the resentment of the workers is aroused when they go to the court to deal with an issue on its merits and find themselves sidetracked on a technicality.

Mr. DAVY: There can be no arbitration where a man is accused of an offence. Arbitration is the decision of a dispute to which there are two parties. If the proviso is eliminated, a man charged with an offence will be deprived of his right to assistance in defending himself. That has nothing to do with arbitration. The trial of quasi-criminal charges happens to be in the hands of the Arbitration Court, as well as of the police courts. If a man is charged with some other offence, he is able to employ the best help available to defend himself. Why not so in the Arbitration Court? The Arbitration Court is a sub-legislature; its awards and common rule agreements are in the nature of legislation. If they do not conflict with laws passed by Parliament, they are the law of the land and a man would disobey them at his peril. All I ask is that if a man be charged with a breach of one of those laws, he should have the privilege enjoyed by any other citizen charged with an offence to engage any man to assist him. If this proviso be eliminated, not only will a man be deprived of his right to legal assistance where he is charged with a breach of an award or common rule agreement, but he will be deprived of his right to assistance where he is charged with a breach of the Act. Part VI. of the Act lays down offences, which vary from taking part in a lock-out or strike to resisting or obstructing the court or any officer in the performance of his duties or the exercise of powers under the Act, failing to produce documents, wilfully misleading officers of the court, or refusing to give information asked for by officers of the court. All those offences are just as much crimes with which a man may be charged and on which he is entitled to be defended as are charges of driving to the public danger, vagrancy, assault, stealing or manslaughter. I do not know what the Minister means by a technical defence. The duty of anyone charging another man with an offence is to prove his case. The Minister apparently wants to adopt haphazard methods which might be suitable in industrial arbitration where laymen, untrained in the laws of evidence based on the principles of justice, accept hearsay statements. The proviso will make for smooth working between employers and employees. Employees are just as liable to be charged with breaches of the Act as are employers. On the one side will be a skilled union secretary as advocate while on the other side may be Bill Bowyangs, scarcely articulate, yet liable to be fined up to £500 for an alleged offence. Why should not that offence be properly proved against him? Each side needs as much protection as the other when the individual is charged with a breach of the law. The arguments adduced by the Minister are of no value in a case of this kind.

Hon. Sir JAMES MITCHELL: In this argument the trained lawyer has undoubtedly beaten hollow the trained advocate. If the Minister excludes lawyers, he should also exclude the specially trained laymen. Let

us be logical, and allow the men and employers to handle their own cases. I move an amendment—

That in lines 5 and 6 the words "and the proviso of Subsection 4 of Section 63 of the principal Act is hereby repealed" be struck out.

Mr. NORTH: Under the local court Act we have tried to separate technicalities from the lawyers, and I suggest that some such provision be also included in this Bill. What is required is to prevent technicalities, rather than the appearance of lawyers.

Mr. THOMSON: The Minister referred to unsophisticated union secretaries. It is remarkable how many union secretaries we have in this Chamber, who have appeared in the court from time to time on behalf of their organisations. Amongst these are, I think, the Minister for Mines, the Minister for Works, the member for Leonora, the member for Murchison, the member for Kalgoorlie, the member for Menzies, the member for Guildford, the member for Cue and the member for Leederville.

The Minister for Works: There are some on your side, too.

Mr. THOMSON: And there may be others. These are the poor unsophisticated union secretaries who have to fight the lawyers. We know how skilfully the Minister for Works and the member for Menzies would deal with a charge laid against an individual employer. When an offence is committed the person concerned should be permitted to employ the best advice available. The matter is one for the court to decide, and the Minister should have no hesitation in agreeing to the amendment.

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

| | |
|---|---|
| Ayes .. .. .. .. | 18 |
| Noes .. .. .. .. | 19 |
| Majority against .. | 1 |

AYES.

| | |
|---|---|
| Mr. Angelo | Mr. Sampson |
| Mr. Barnard | Mr. J. H. Smith |
| Mr. Brown | Mr. Stubbs |
| Mr. Davy | Mr. Taylor |
| Mr. Denton | Mr. Teesdale |
| Mr. Griffiths | Mr. Thomson |
| Mr. E. B. Johnston | Mr. C. P. Wansbrough |
| Mr. Mann | Mr. Richardson |
| Sir James Mitchell | *(Teller.)* |
| Mr. North | |

NOES.

| | |
|---|---|
| Mr. Chesson | Mr. Marshall |
| Mr. Collier | Mr. McCallum |
| Mr. Corboy | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Panton |
| Mr. Heron | Mr. Troy |
| Miss Holman | Mr. A. Wansbrough |
| Mr. Kennedy | Mr. Willcock |
| Mr. Lambert | Mr. Wilson |
| Mr. Lamond | *(Teller.)* |

Pairs.

| AYES. | NOES. |
|---|---|
| Mr. Maley | Mr. Angwin |
| Mr. Latham | Mr. W. D. Johnson |
| Mr. Lindsay | Mr. Hughes |
| Mr. J. M. Smith | Mr. Sleeman |
| Mr. George | Mr. Clydesdale |

Amendment thus negatived.

Clause put and passed.

Clause 18—Intervention of Crown:

Mr. NORTH: Does this mean that the Crown may call in troops? The clause has a very wide meaning.

The MINISTER FOR WORKS: An armed force surely is not needed to make representations to a court. If a State industry is affected, the Minister under this clause will have power to make representations to the court; in the case of the timber industry, for instance, representations so far as the State Sawmills may be affected. Again, the State probably employs more navvies than all the private employers, and in a case affecting the wages of navvies the Government should have the right to intervene.

Hon. G. Taylor: The provision applies only to State employees?

The MINISTER FOR WORKS: Yes.

Mr. MANN: If an award has been given and the employees are not inclined to accept it, while the employers are insisting on it, will this clause give the Minister power to intervene and declare that Government employees may not accept the award?

The Minister for Works: No.

Clause put and passed.

Clauses 19, 20—agreed to.

Clause 21—Demarcation of callings:

Mr. DAVY: From our own points of view we are all agreed that the court should have untrammelled powers, and I fail to see why the court should not be empowered

to decide whether an application is a good one. I move an amendment—

That "shall," in line 6, be struck out, and "may" inserted in lieu.

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

Clauses 22, 23—agreed to.

Clause 24—Amendment of Section 76:

Hon. Sir JAMES MITCHELL: This clause, providing for awards retrospective to the date when a dispute was referred to the court, is almost an impossible clause, as the Minister must know full well, and may be productive of great injury to the public. If an award can be made retrospective, the claim will be regarded as the basis of wages, and the employer will put up the price of his goods to customers accordingly pending the hearing of the case. The position would be the same as when the Tariff Board recommend that a duty be increased: the additional amount of duty is immediately added to the price of the article. We know that trouble has already been occasioned by retrospective awards. I admit that there ought not to be any great delay in the hearing of cases by the court. I admit also that future increases are not likely to be so steep as they rightly were in the past. Would the Minister care to make the award retrospective if wages were reduced? I should like his chance of getting a refund.

The MINISTER FOR WORKS: This power has been in the Commonwealth Act since the beginning, and I do not know of any case where it has worked great hardship. The Federal Arbitration Court has awarded retrospective pay in several instances. The largest amount was in connection with the timber industry, and that arose from the fact of the court having so much business that the timber case could not be reached for a long period. Meantime the cost of living was going up, and so the men were at a loss through no fault of their own. They continued at work on the plea of the union officials that the court would grant retrospective pay if it could be shown that the men had suffered substantially through the delay in the hearing of the case. Unfortunately the signs of the times are that the cost of living will not come down. The figures show an increase almost every quarter. Our own Arbitration Court has recently increased the basic wage, and the same thing has occurred in other States.

Mr. Davy: If you raise wages, you must raise the cost of living.

The MINISTER FOR WORKS: Wages are only raised as the cost of living goes up. I do not know that there is much chance of retrospective reduction being asked for, but the Act applies both ways, although it is far easier to apply it in one way than in the other. Generally speaking, retrospective awards operate unfairly or harshly; but it is only in a very few cases that awards have been made retrospective, and only in the circumstances I have indicated. Moreover, the retrospective period is limited to the date when the original application is made to the court.

Hon. Sir James Mitchell: Of course the employers can protect themselves by putting up prices.

The MINISTER FOR WORKS: The employers do not lose much, for if the award means an increase of an half-penny, they generally cover themselves by increasing prices more than that. However, the Leader of the Opposition knows that this principle of retrospection has frequently enabled us to keep industry going. At present the court has not that power. We can rest assured that the court will exercise this power with all discretion and without hardship to anybody. Moreover, there should not be the necessity for retrospection that there has been in the past, for it is hoped that the court's decisions in future will be arrived at with greater despatch.

Clause put and passed.

Clause 25—Amendment of Section 78:

Mr. DAVY: This clause means that if I employ a man to paint my fence I am bound to pay him the union rate. That is all right, but if I do not pay him such rates I am committing an offence. Although we all ought to pay union rates for whatever we have done, yet it is asking too much that a man should know the award rates in every possible industry. It is going too far.

Hon. Sir JAMES MITCHELL: It goes farther than the hon. member imagines. It means that if a farmer situated 20 miles from the nearest blacksmith's shop wants a bit of rough blacksmithing done, and one of the farm hands undertakes it, the farmer must pay him the union rate. So, too, if a farm hand should paint one of the ploughs on the farm. The employer will require to have copies of all the awards ever issued by

the court, and even then will be liable to prosecution about three times a day. As the Minister argued this clause last session, one could understand it. He then said that to avoid paying union rates some people employed casual hands. That, of course, is reprehensible. But to say that any man who employs another for a few days must pay the award rates, whether the temporary employee is or is not capable of doing the work, is quite another matter. In wet weather farm hands do all sorts of handy jobs about the place, carpentering and the rest. I do not know that they should be paid carpenter's wages because of that. Certainly if it were necessary to take out a carpenter to the place to do the job the job would not be done. While not being of much use to anybody, the clause will mean a great deal of trouble to everybody. Why should we make it difficult to employ people? What we ought to do is to encourage employment and induce employers to extend it more and more.

The MINISTER FOR WORKS: As I said last session, the clause arose from the position set up when a pastoralist who has a palatial residence in the city employed men to paint his house, paying them less than the award rate. When the union took him to court it was held that he was not in the painting industry, and so was not bound by the award. This man, not being in the industry, could employ a painter and pay him what he liked, whereas every employer in the industry would have to pay the award rate. The judge in that case held that Foy and Gibson, not being in the painting industry, could employ painters to paint out their shop and could pay the men what they liked.

Mr. Davy: But Foy and Gibson would have the work done by contract.

The MINISTER FOR WORKS: The judge was merely naming a big firm in the city and pointing out what could be done if the firm were so disposed.

Mr. Mann: Apart from the case you have quoted, have there been any other cases?

The MINISTER FOR WORKS: The judge, in reciting Foy and Gibson, showed what could be done. An employer not in the industry could undermine all the employers that were in the industry.

Hon. Sir James Mitchell: The men themselves would not stand it.

The MINISTER FOR WORKS: Now you are inciting the men to take direct action, to decline to work, to strike. It is the unfair man for whom we have to make laws; we are not concerned with the fair men on either side.

Mr. Davy: Is it good to hit a lot of fair men in order to catch one unfair man?

The MINISTER FOR WORKS: This is not going to hit anyone. It is merely a safeguard. The Leader of the Opposition was exaggerating a little when he spoke of farm hands doing some rough blacksmithing, for the award does not extend to farming areas.

Mr. Mann: Suppose a motor truck broke down and the driver effected repairs. Would his employer have to pay him engineer's wages?

The Premier: Yes, we would have him all right.

Mr. Davy: Suppose I employed a man to dig the garden and he painted my fence, perhaps without my asking him to do so?

The MINISTER FOR WORKS: In that case you would not be liable, but if you definitely engaged him to paint the fence you would have to pay the award rate.

Mr. Mann: You are legislating for one isolated case.

The Premier: Like that Divorce Bill of yours.

The MINISTER FOR WORKS: It is to guard against such cases that we have the clause.

Mr. SAMPSON: I cannot imagine any big firm bringing in a number of unskilled men to paint their warehouse.

Mr. Munsie: They were not unskilled men, they were tradesmen.

Mr. SAMPSON: Tradesmen would not do it, unless they were disloyal to their union by not observing the award. There would be a thousand breaches of this clause if it were pressed to its utmost. If a man working on a farm effected repairs to a tractor he could claim engineer's wages for the period during which he was so employed. A man on a farm doing odd jobs carried out some cement work by way of repairs to an outbuilding. He would be able to claim additional wages for that.

The Minister for Works: There is no award applying to the farming areas.

Mr. SAMPSON: But that might happen in a small garden at a place like Bayswater.

Clause put, and a division taken with the following result:—

| | |
|---|---|
| Ayes .. .. .. .. | 20 |
| Noes .. .. .. .. | 18 |
| Majority for .. .. | 2 |

AYES.

| | |
|---|---|
| Mr. Chesson | Mr. Lamond |
| Mr. Clydesdale | Mr. Marshall |
| Mr. Collier | Mr. McCallum |
| Mr. Corboy | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Panton |
| Mr. Heron | Mr. Troy |
| Miss Holman | Mr. A. Wansbrough |
| Mr. Kennedy | Mr. Willcock |
| Mr. Lambert | Mr. Wilson |
| | *(Teller.)* |

NOES.

| | |
|---|---|
| Mr. Angelo | Mr. North |
| Mr. Barnard | Mr. Sampson |
| Mr. Brown | Mr. J. H. Smith |
| Mr. Davy | Mr. Stubbs |
| Mr. Denton | Mr. Taylor |
| Mr. Griffiths | Mr. Teesdale |
| Mr. E. B. Johnston | Mr. Thomson |
| Mr. Mann | Mr. C. P. Wansbrough |
| Sir James Mitchell | Mr. Richardson |
| | *(Teller.)* |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Angwin | Mr. Maley |
| Mr. W. D. Johnson | Mr. Latham |
| Mr. Hughes | Mr. Lindsay |
| Mr. Sleeman | Mr. J. M. Smith |

Clause thus passed.

Clause 26—Power to remit, etc.

Hon. Sir JAMES MITCHELL: This clause gives the court power to remit any industrial matter or dispute to an industrial board. I commend the Minister on having adopted this idea, and hope it will be developed. Many minor matters connected with arbitration could be attended to by the board, and its work should lead to a better feeling between employers and employees.

Clause put and passed.

Clauses 27 to 31—agreed to.

[*Mr. Panton took the Chair.*]

Clause 32—Continuance of award:

Mr. DAVY: This clause gives the court power to make an award retrospective. I move an amendment—

That the proviso to the proposed new Subsection (1) be struck out.

Amendment put and negatived.

Mr. DAVY: I move an amendment—

That in the proposed new Subsection (2) the words "and to the power of the court to give a retrospective effect to its awards and orders" be struck out.

Amendment put and negatived.

Clause put and passed.

Clause 33—Amendment of Section 84:

Mr. DAVY: Subclause (3) provides that any rules prescribed under paragraph (b) of subsection (1) shall bind every person engaged in the industry notwithstanding that he may not employ any worker. This is intended to hit the baker who does not employ any hands. The one-man baker is probably as effective a check on the price of bread as we could possibly get. Such a man could overwork no one except himself, and surely he is the best judge of the number of hours and the conditions under which he wishes to carry on. I move an amendment—

That Subclause (3) be struck out.

Mr. SAMPSON: Unless the subclause is struck out it will be almost impossible for any man to start in business. To do so he would have to work longer hours than those prescribed in the award in order to pay his way, at any rate during the first year or two.

The MINISTER FOR WORKS: Paragraph (b) gives power to prescribe rules for the regulation of any industry to which an award applies as may be necessary to secure the peaceful carrying on of the industry. Such rules would not affect wages, hours, or overtime conditions. One rule deals with night baking.

Mr. Davy: Why should not a man bake at night if he wishes to do so?

The MINISTER FOR WORKS: There are a lot of reasons why there should be no night baking. Small men set up in business on their own account, and nullify the conditions laid down by the court.

Mr. Sampson: This clause may prevent a man from becoming an employer.

The MINISTER FOR WORKS: I do not see that. The paragraph merely asks men who set up in business to conform to the rules under which the industry concerned is carried on. Although we want the small men to get on in business, we cannot permit the kind of competition that is being waged in opposition to the older established businesses. Some men bake at night in order to get an unfair advantage over others.

Hon. G. Taylor: Such men may be working for themselves.

The MINISTER FOR WORKS: If that sort of thing is allowed to go on without any regulation, the whole industry will be brought down to that level. This paragraph does not prevent people from setting up in business.

Mr. MANN: This applies only to three small bakers in the city. One has a shop in William-street. For two or three years he has defied the master bakers, and sold his bread at 1d. a large loaf cheaper than the other bakers. Every miller refused to supply him and his credit was stopped. He then paid cash for his flour and his supplies were stopped. He has now had to resort to other tactics. He is supplying bread to a working class district at the cheaper price. There are two other shops in Beaufort-street doing a similar business. These bakers have refused to raise the price of their bread. The secretary of the Master Bakers' Association appeared at the court with the secretary of the bakers' union, and both endeavoured to induce the president to put a stop to this.

The Minister for Works: With the object of preventing night baking.

Mr. MANN: This clause will play into the hands of the master bakers and bread may go to any price. Small men will have no chance of carrying on their business. The little infringements, if any, should not be considered in comparison with the fact that for the last two years these men have been supplying bread cheaper than the master bakers. If they are to start only when the operatives start, they will not be able to deliver bread.

The Minister for Works: You were speaking in the singular, and the man you mentioned does not deliver any bread.

Mr. MANN: He sells over the counter, and at the kerbstone market, and delivers to certain shops.

The Minister for Works: He does not deliver any bread. I am going by the evidence he gave before the Royal Commission the other day. Anyhow, what has this got to do with the clause?

Mr. MANN: If the clause is put into operation, that man and others like him, will be put out of business.

Mr. DAVY: I suggest that the Minister and others are getting a little myopic. They cannot see anyone but the employer on the one hand and the employee on the other. That perhaps is natural. To their surprise and annoyance they now find that somebody who is neither an employee nor an employer is competing. They become indignant, as also do the employers. Everybody calls competition with himself "unfair competition." However, competition is the only thing that keeps prices within reason. People of independent character who do not want to be either employees or employers are one of the chief safeguards against those trusts and combines at which hon. members opposite are constantly railing. In passing this clause hon. members opposite would be doing a bad turn to the people whom they claim to represent solely—the poor people who should be protected from exploitation.

Progress reported.

*House adjourned at 10.45 p.m.*

# Legislative Council,

*Wednesday, 16th September, 1925.*



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

## QUESTION—WATER CONSERVATION.

*Norseman, Esperance, Scaddan.*

Hon. J. E. DODD asked the Colonial Secretary: 1, Do the Government intend to provide means for water conservation in the Norseman-Esperance district before the end of the winter rains? 2, Is an early start to be made on the construction of a reservoir at Scaddan?