Legislative Council

Tuesday, the 14th October, 1958.

CONTENTS.

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

QUESTIONS ON NOTICE.

PUBLIC WORKS DEPARTMENT.

Buildings Erected on Day-labour Basis.

1. The Hon. J. M. THOMSON asked the Minister for Railways:

(1) In the periods listed hereunder, what buildings have been erected by the Public Works Department on the day-labour basis, and what are their respective itemised costs—

(a) the 1st January to the 30th June, 1953;

(b) the financial years ended the 30th June, 1954, 1955, 1956, 1957 and 1958?

(2) What buildings are being erected and what other buildings is it anticipated will be commenced during the current financial year on the day-labour basis and what are their respective itemised actual and estimated costs?

The Hon. H. C. STRICKLAND replied:

(1) The schedules which I will now table, indicate building works of a value of £10,000 or over that have been carried out by the Public Works Department on a day-labour basis during the above periods.

There were numerous other building works of a value less than £10,000 carried out by the department on a day-labour basis during these periods. Particulars of any of these works will be made available to the hon. member on inquiry at the office of the Principal Architect. The schedules indicate the period in which each particular work was commenced. The figures indicate actual costs for completed works and estimates for uncompleted works.

(2) The schedules also indicate building works of a value of £10,000 or over, that have been commenced or will be commenced during the current financial year. As none of these works has been completed, only estimated costs can be indicated.

Buildings Valued at £10,000 or Over Erected by P.W.D.

Day-Labour Organisation.

Period 1/1/53 to 30/6/53.

Item.	Work.	Cost or Estimated Cost. £
1.	Fremantle Hospital—remodel kitchen	14,140
2.	Sunset Home—additions and improvements	12,062
3.	Inglewood School — additions and improvements	12,585
4.	Wooroloo Sanatorium—sewerage and drainage	32,000
5.	Housing—158 houses	426,600

Period—Financial Year 1953-54.

Item.	Work.	Cost or Estimated Cost. £
1.	Applecross School—additions	17,342
2.	Osborne Park School	15,979
3.	Kent St. High School	12,100
4.	University—arts building	38,500
5.	Midland Junction—sale yards	12,000
6.	North Wembley School—additions	12,050
7.	M.W.S., S. & D. Dept.—head office remodelling, etc.	14,492
8.	Floreat Park School—additions	14,844
9.	Richmond School—additions	11,690
10.	Fremantle Hospital — x-ray department	11,477

Period—Financial Year 1953-54—*continued.*

Item.	Work.	Cost or Estimated Cost. £
11.	Crawley Reserve—latrines and dressing sheds	10,007
12.	Mullewa Hospital—new laundry, kitchen, hot water, etc.	11,500
13.	State Insurance — new head office	474,140
14.	Claremont Mental Hospital—occupational therapy	16,943
15.	Medina—canteen	21,639
16.	Perth Technical College—heavy metal trades annex	93,838
17.	Housing—376 houses	1,015,000

Period—Financial Year 1954-55.

Item.	Work.	Cost or Estimated Cost. £
1.	Mt. Lawley—new high school	400,891
2.	University—additions to agricultural department	17,000
3.	Fremantle (John Curtin) High School	545,648
4.	Armadale—new high school	294,650
5.	West Perth—nurses' training centre—remodelling	28,984
6.	Hilton Park — new infants' school	38,039
7.	Claremont Mental Hospital—drainage	18,000
8.	Point Walter Immigrants' Hostel—improvements	12,219
9.	Midland Junction—new high school	462,199
10.	Fremantle A.D. Workshops—erection	26,157
11.	Wooroloo Sanatorium—water supply	10,480
12.	Devonleigh Hospital—additions and remodelling	115,861
13.	Bedford Park School—additions	15,061
14.	East Cannington School—additions	13,134
15.	Housing—415 houses	1,037,500
16.	Hillcrest School—additions	14,832

Period—Financial Year 1955-56.

Item.	Work.	Cost or Estimated Cost. £
1.	Calista Maternity Hospital	27,411
2.	Cunderdin — new pumping station	10,000
3.	Fremantle Hospital—laundry	24,049
4.	South Perth—new agricultural laboratories	450,000
5.	Subiaco — new Government printing offices and works	600,000
6.	University—animal house	14,938
7.	Fremantle Hospital—improvements	13,953
8.	Hawthorn Hospital—Staff quarters	24,028

Period—Financial Year 1955-56—*continued.*

Item.	Work.	Cost or Estimated Cost. £
9.	Claremont Mental Hospital—Montrose House	14,190
10.	Housing—358 houses	895,000
11.	Medical School	118,000

Period—Financial Year 1956-57.

Item.	Work.	Cost or Estimated Cost. £
1.	Tuart Hill—new high school	373,806
2.	Koongamia—new school	22,352
3.	Middle Swan School—additions	10,848
4.	Tuart Hill Infants' School—additions	10,997
5.	Welshpool—M.R.D. depot	13,000
6.	Midland Junction Infants' School—additions	12,015
7.	Fremantle Hospital—extensive additions	340,000
8.	Scarboro Infants' School—additions	11,505
9.	Royal Perth Hospital—remodel block B	108,500
10.	Canning Vale—new school	17,066
11.	Stoneville Boys' Home—lavatories and ablutions	10,678
12.	Welshpool A.D. Depot—furniture store	14,772
13.	Bentley Park School—additions	10,123
14.	Hollywood High School—stages 1 and 2	230,000
15.	Applecross High School—stages 1 and 2	250,000
16.	Central Government Buildings—alterations and additions	70,000
17.	North Scarborough new infants' school	22,440
18.	Claremont Mental Hospital—alterations and additions	30,340
19.	Housing—300 houses	720,000

Period—Financial Year 1957-58.

Item.	Work.	Cost or Estimated Cost. £
1.	University—engineering school	495,000
2.	University—maintenance workshop and offices	16,750
3.	Princess Margaret Hospital—laboratory block	38,240
4.	Perth—offices for Lotteries Commission	67,000
5.	Royal Perth Hospital—pathology	14,500
6.	Mt. Lawley Receiving Home—alterations and additions	13,610
7.	Lucknow Hospital—alterations and additions	12,000
8.	Central Government buildings—new elevator	19,000
9.	Medina High School—erection	101,735
10.	University—laboratory for M.R.D.	24,500

Period 1/1/53 to 30/6/53—*continued.*

Item.	Work.	Cost or Estimated Cost. £
11.	Claremont—new police station and quarters	16,000
12.	North Nollamarra—new school	19,315
13.	Bentley Park Infants' School—erection	17,356
14.	Belmont High School—second stage	91,642
15.	Welshpool—Mines Department workshop	19,600
16.	Leederville—visual education centre	12,458
17.	University—bio chemistry building	201,812
18.	Royal Perth Hospital—laundry sorting rooms	23,000
19.	Royal Perth Hospital—remodel block C	150,000
20.	Bayswater School—rebuild after fire	17,077
21.	Mt. Yokine—new school	28,019
22.	Wanneroo—new school	11,384
23.	Perth Parliament House—additions	400,000
24.	Mosman Park Deaf and Dumb School—additions	12,662
25.	Kalamunda School—additions	10,400
26.	Caversham—new boys' reformatory	130,000
27.	Claremont Mental Hospital—new kitchen	75,000
28.	South Perth Community Hospital—additions	22,000
29.	Housing—312 houses	748,800
30.	Offices for Transport Board—Parliament Place	14,500
31.	Albany—new regional hospital	790,000
32.	Albany (Spencer Park)—new school and additions	27,147
33.	Lemnos Mental Hospital—remodel bathrooms, etc.	15,160
34.	Greenplace Mental Hospital—remodelling and additions	11,515

Period—Financial Year, 1958-59.

Item.	Work.	Cost or Estimated Cost. £
1.	Nollamarra School—additions	15,500
2.	Carawatha—new school	23,000
3.	Scarborough—new high school stage 1	A
4.	South Scarborough—new school	28,000
5.	Perth Modern School—additions	A
6.	Leederville Technical School—additions	A
7.	Automotive Trades School	A
8.	Mt. Lockyer School—additions	10,000
9.	Belmay School—additions	12,500
10.	East Hamilton Hill—new school	10,500
11.	Central Laundry	225,000
12.	Osborne Park—new hospital	A
13.	K.E.M. Hospital—additions	770,000
14.	Guildford—new mental hospital	A

Period—Financial Year 1958-59—*continued.*

Item.	Work.	Cost or Estimated Cost. £
15.	Claremont Mental Hospital—new kitchen block, etc.	A
16.	Claremont Mental Hospital—laundry (building only)	30,000
17.	Claremont Mental Hospital—additions, etc.	15,000
18.	Sunset Men's Home—remodel blocks C.1 and C.2	16,000
19.	Subiaco—new traffic and C.I.B. offices	11,700
20.	Stoneville Boys' Home—kitchen and dining block	A
21.	Wanslea Children's Home—staff quarters	10,000
22.	Supreme Court — alterations and additions	40,000
23.	Wooroloo Sanatorium—conversions	45,460
24.	Institute of Radio Therapy—linear accelerator	176,000
25.	Housing—190 houses	456,000

A—Itemised estimates for these works have not yet been prepared.

UPPER KING RIVER BRIDGE.

Land Resumptions, Widening of Approaches, etc.

2. The Hon. J. M. THOMSON asked the Minister for Railways:

(1) (a) Are any land resumptions deemed necessary for the widening of approaches to the proposed new bridge over the Upper King River at Albany?

(b) If so, what steps have been taken in this regard?

(c) If not, when is it anticipated the approaches will be widened?

(2) (a) Are plans and specifications for the proposed new bridge in course of preparation?

(b) If not, is it intended to prepare same during the current financial year?

(3) Does the design of this bridge allow for two lines of traffic, inward and outward bound?

(4) (a) When is it contemplated that work will commence on this bridge?

(b) When is it anticipated that the work will be completed?

(5) What arrangements are contemplated to enable the volume of traffic at present using this bridge to pass over the King River at this point during the period when the new bridge is under construction?

The Hon. H. C. STRICKLAND replied:

(1) (a) Yes.

(b) Plans are in course of preparation.

(c) Answered by (b).

(2) (a) Yes.
(b) Answered by (a).

(3) Yes.

(4) (a) Early 1959.
(b) A firm date cannot be given. It is expected that the construction of the bridge and approaches will take approximately six months.

(5) The proposed bridge will be on a new alignment, and therefore, until it is completed, traffic will be able to use the present structure.

SAWN JARRAH.

Cost of Production at Banksiadale and Holyoake.

3. The Hon. J. MURRAY asked the Minister for Railways:

Will the Minister inform the House of the cost of production of sawn jarrah—

(a) at the Railway mill, Banksiadale;

(b) at the State Building Supplies mill, Holyoake?

The Hon. H. C. STRICKLAND replied:

(a) The average cost of production per load of sawn timber at Banksiadale during the year ended the 30th June, 1958, was £20 17s. 6d. exclusive of interest and royalty, on a recovery of 47.92 per cent.

With respect to (b), the Minister controlling State Building Supplies is not prepared to disclose information of this nature which would be of vital interest to competitors.

The Hon. J. Murray: A funny story!

HOSPITALS.

Expenditure on New Buildings, Renovations, and Equipment.

4. The Hon. A. R. JONES asked the Minister for Railways:

(1) What amount of money was expended during the financial year ended the 30th June, 1958, on all hospitals—

(a) in the metropolitan area;

(b) in the country areas, for

(i) new building;
(ii) renovations;
(iii) equipment?

(2) What amount of the money expended (referred to in No. (1) above) was subscribed by the public, other than by taxation, in—

(a) the metropolitan area;

(b) the country areas?

(3) What amount of money was expended in the financial year ended the 30th June, 1958, and what amount is provided for in the Estimates for the current financial year in relation to hospitals for—

(a) new building;
(b) renovations;
(c) equipment

in the electoral districts of Albany, Bunbury, Geraldton, Merredin-Yilgarn and Warren?

The Hon. H. C. STRICKLAND replied:

(1) Separate records are not kept for expenditure on new buildings, renovations and equipment. In most cases approvals for expenditure on hospital buildings include both completely new work and renovations and modifications to existing buildings.

Similarly, the furniture and equipment provided in new buildings is included in the appropriate loan item covering both building and equipment.

Total expenditure from State funds on new buildings, renovations and new equipment (i.e. not replacements) during 1957-58 was—

	£
Metropolitan area	320,247
Country	447,155

(2) The figures shown in No. (1) do not include amounts subscribed by the public other than by way of taxation. These amounted to—

	£
Metropolitan area	20,025
Country	5,699

(3) Total Government expenditure on new buildings, renovations and equipment in 1957-58 in the following electoral districts was—

	£
Albany	45,902
Bunbury	6,018
Geraldton	50,359
Merredin-Yilgarn	5,640
Warren	133,198

Government expenditure estimated for 1958-59 is—

	£
Albany	200,150
Bunbury	Nil
Geraldton	16,043
Merredin-Yilgarn	7,715
Warren	34,072

None of the figures in Nos. (1), (2) and (3) above include contributions from the Lotteries Commission.

WATER SUPPLIES.

Badgingarra Townsite Bore.

5. The Hon. A. R. JONES asked the Minister for Railways:

(1) What was the final depth reached with the bore put down by the Government on the Badgingarra townsite?

(2) Is testing of the bore still being carried out?

(3) If testing is complete—

(a) what was the gallonage per day;

(b) what was the quality of the water?

(4) Is it the intention of the Government to continue boring for water in the Badgingarra area?

(5) Did the geologist responsible for the selecting of boring sites suggest that another site should be bored upon?

The Hon. H. C. STRICKLAND replied:

(1) 702 ft.

(2) Testing gear is being obtained, and a silt screen will then be installed in the well.

(3) (a) Gallonage per day will be ascertained when testing gear is installed.

(b) Good water with 20 grains sodium chloride only showing in field test. Laboratory tests are being made.

(4) No.

(5) Other sites were selected for use if water was not obtained in earlier bores.

HEALTH EDUCATION COUNCIL BILL.

Third Reading.

Read a third time and returned to the Assembly with amendments.

CATTLE TRESPASS, FENCING, AND IMPOUNDING ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 8th October.

THE HON. A. L. LOTON (South—in reply) [4.42]: I thank hon. members for the interest they have shown in the debate and for the various points which they raised. To overcome the difficulties raised by Messrs. Cunningham, Bennetts, Teahan and Heenan, I have agreed to adopt the suggestion of the hon. Mr. Wise, and I intend to move during the Committee stage that the provisions of the Bill be confined to the South-West Land Division.

The South-West Land Division extends from the Murchison River, along the rabbit proof fence until it reaches the sea between Hopetoun and Esperance. That amendment will meet with my requirements and will answer the objections raised as regards prospectors, timber cutters, kangaroo shooters, etc.

I do not follow the point raised by the hon. Mr. Mattiske relating to the minimum and maximum penalties, and to the right of an individual to take the name and address of trespassers. In the past it has been practically impossible for a property owner to get such particulars from any trespassers on his property. Some people who own or drive a motor car seem to think they have a right to go into country areas, climb over or under fences and not be questioned. Such people seem to think that a property owner should not have the audacity to seek the names and addresses of offenders. The obligation of a property owner to seek out a justice of the peace or a policeman with a view to getting names and addresses in these instances will make the law fall into disrepute. It will make the law difficult to police.

The Hon. H. K. Watson: If trespassers refuse to give their names and addresses, the property owner would still be battling.

The Hon. A. L. LOTON: In that case the property owner should try to detain the the offender until such time as he could obtain some authorised person to take the name and address of the offender. The property owner can at least take down the number of the motor car concerned. If there are two people watching the trespasser it may be possible to follow him until such time as the property owner can do something about the matter. However, if property owners are armed with the necessary authority, then people will abide by the law.

The minimum penalty of £2, as proposed in the Bill, is small in comparison with the maximum penalty of £10 which was placed in the very early Act, being Victoria No. 7. assented to on the 21st September, 1882. Today the equivalent of the maximum penalty of £10 would be £50. If the maximum penalty was £50 then surely the minimum penalty of £2 is warranted. I do not think there are any other points which need clarification. Everything has been covered by the 16 hon. members who have spoken to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. A. L. Loton in charge of the Bill.

Clause 1—put and passed.

Clause 2—Section 13A added:

The Hon. A. L. LOTON: I move an amendment—

Page 2—Add the following subclause:—

(3) The provisions of this section apply to the South-West Land Division only.

Hon. members have already heard the reasons for this amendment.

The Hon. L. C. DIVER: In recent times a letter was received by the President of this Chamber on this matter. It was written by a resident of Kurrawang. I would like to read it for the benefit of the Committee to show that even a pastoralist in the Kurrawang district wants this Bill. That being the case, I oppose the amendment. The letter is dated the 1st October, 1958, and reads as follows:—

I am forwarding you a copy of a letter I have written to the Minister for Lands; also a rough plan of my pastoral lease showing lakes inspected for

possible shooting reserves; it will give you some idea of why I am so concerned.

The lakes are Kurrawang and Red Lake. The Bullock Hole marked is the place we had to guard so much last summer so our sheep could get a drink. I saw Mr. Evans, he said the matter will be discussed in Parliament.

Yours faithfully,
R. R. Kennedy.

Mr. Kennedy wrote to the Minister for Lands as follows:—

I recently had a visit from the Pastoral Inspector, who was here to investigate possible shooting reserve for duck shooting.

My lease is only 100,000 acres, which is not very big in pastoral properties. It mainly consists of a north and south paddock.

The shooters have asked for Red Lake in my south paddock. This lake very seldom has water in it, but there are fresh water holes close to the lake which are absolutely necessary for me to have my sheep, also it is an excellent feeding area, as is the case around nearly all lakes. If this area was granted to the shooters it would deprive me of a valuable feeding area as the sheep would not be able to feed anywhere near.

I have a plan to place a bank across a gorge near the lake and hope to make a big dam suitable for irrigating this area for growing lucerne. I have already spoken to the Agricultural Department about testing the ground to ascertain if it will hold water.

In the north paddock we have part of Kurrawang Lake. This lake is only two or three miles from my main water supply in this area. This would be a real tragedy to me if this was allotted to shooters, because they camp at Kurrawang Lake and walk over my property to shoot. It was at this water where I took legal action against shooters some time ago.

During last summer it was pretty hot, as you know. The water in this area was all I had and had to sit on it for months to see that my sheep got water. I have tried hard to reason with the men that come shooting but it was useless so I was forced to take action against them through the Court at Kalgoorlie.

Kurrawang Lake is fresh water until it gets very low, with the result that this lake is a great asset to my stock.

At one time when I had no sheep in this south paddock, I gave it to the shooters for their sport, but they still continued to annoy me in the north paddock. No matter what area was given to them they would not stay there. If Kurrawang Lake is given to them it means that I will have to sit on my water again. One cannot watch alone, because it is not safe; and if action is to be taken a witness is required. This of course will put me to unnecessary expense. With the wool at the present price it would be almost impossible for me to carry on by the shooters having these two places mentioned. They would have both my north and south paddocks.

I have done my best to co-operate but the shooters want to run about my paddocks as they please, and when they please. I had a good stock horse shot, also sheep have been wounded and have had to be destroyed. We have had sheep stolen from the mustering yards on the watering places.

I have great difficulty in mustering because the sheep have become so wild and when I go to watering places, expecting to pick up a mob, I find the shooters have been there before me and frightened the stock away.

At shearing time I have difficulty in mustering the sheep owing to them being disturbed by shooters and have had to get the shearers back again. All this adds to expense and makes it very hard and disheartening. I only had one half bale of broken wool this season because I kept constant watch on the water, but other work was neglected. Our neighbour had 25 bales of broken wool. He was not able to spend so much time on his water. If the sheep are kept off the water, it causes a break in the wool and of course a devaluation in the price.

The manager on our neighbouring station was brutally and unfairly beaten when he spoke to shooters about leaving remains of kangaroos on his dam. If it had not been for the manager's wife appearing on the scene, it could have been a fatal tradegy. The manager was severely punched in the stomach.

There has been talk of poisoning our waters. I told the police about this. Also one shooter said a pastoralist could be shot in mistake for a kangaroo.

Summing up the situation as I see it, unless the shooting is controlled by a warden, who could accompany the parties, the shooting will have to be banned. Not only the individual pastoralist will be greatly affected, but the country as a whole will suffer.

Picnic parties have thousands of acres of common around Kalgoorlie to satisfy their needs. Kalgoorlie is well catered for for sport. This matter is so serious my wife and son made a special trip to Perth to see

you, but you were leaving for Broome the next morning and they were not able to see you.

This property is our living and I am sure we are more entitled to it than a handful of selfish shooters who should not be allowed to stand in the way of progress in this young State.

The letter then gets away from the subject matter. I thought this correspondence was of such moment that it should be placed before the Committee before we made this alteration to the Act. I think it gives a glaring example of how necessary it is for controllers of property to have some rights to prevent trespassing. It also gives an idea of what damage can be done on these properties, and it is up to every shooter to realise that he has some responsibility, not only to his neighbours and fellow-men, but to the State also. For these reasons, I propose to vote against the addendum that is being moved by the hon. Mr. Loton.

The Hon. H. K. WATSON: I do not know whether anyone can enlighten me as to what is the eastern boundary of the South-West Land Division? I understand it is somewhere between Kalgoorlie and Southern Cross or Merredin.

The Hon. F. R. H. Lavery: Burracoppin.

The Hon. H. K. WATSON: It does seem to me that the clause ought to stand as printed, and the amendment restricting its operation to a part of the State should not be agreed to. The hon. Mr. Diver has given a classic example of some of the dangers that exist at the moment, and it does seem to me pretty illogical to say that the provisions of this Act shall apply to farming or pastoral property this side of Burracoppin and not to that on the other side. I do feel that the clause, as printed, is fair and reasonable and that in respect of pastoral property, where the owner has gone to the trouble of fencing it at a cost of £100 or £200 a mile—clearly he has done so to keep his cattle within the area—he should not be put to the peril of having his livestock suffer the damage and harassment to which they are apparently subjected in quite a few districts, and certainly in the case that has just been cited by the hon. Mr. Diver. I feel that the benefit of this proposal ought to be extended to include any property-owner in the State no less than those in the South-West Land Division.

The Hon. E. M. HEENAN: I hope the Committee will agree to the amendment, as otherwise the Bill will have a far-reaching effect on the Goldfields. It is surprising how much Crown land has been taken up under pastoral leases in recent years. I had not been in Kalgoorlie more than half-an-hour last week-end, when this matter was mentioned to me. The gun club in Kalgoorlie—a reputable body—is taking the matter in hand, and it does not approve of indiscriminate shooting such as has occurred in some instances. Mr. Kennedy, a comparative newcomer to the district, has had one successful prosecution against a trespasser already. It must be remembered that the law at present offers considerable protection to people whose property or stock is damaged by trespassers.

The Hon. H. K. Watson: He has his common law rights.

The Hon. E. M. HEENAN: Yes, and rights under the Act with which the Bill deals. The hon. Mr. Diver quoted the threat that some property manager would be shot. It does not require legal advice to know that that man has a remedy against the person concerned.

The Hon. H. K. Watson: Not a financial remedy.

The Hon. E. M. HEENAN: The criminal law deals seriously with a person threatening to shoot someone or to poison water.

The Hon. L. C. Diver: He said the manager would be mistaken for a kangaroo; so it would be an accident.

The Hon. E. M. HEENAN: I do not think the judge or magistrate would believe that story, in association with someone being beaten up. The position on the Goldfields differs vastly from that in the more closely settled areas, where the holdings are smaller and where in most cases the land is freehold and has been developed at considerable cost. On the Goldfields, most holdings are vast areas for which only a small rental is paid. Only the other day, travelling to Menzies, I thought what an injustice it would be to many people if this measure were applied to the Goldfields, in view of the position in which it would place picnickers, prospectors and others. The hon. Mr. Jones raised a query regarding the position of prospectors, but the Mining Act entitles miners only to mine on Crown land, although they can get permission to mine on private property.

The Hon. A. F. Griffith: They would then be there for a lawful purpose.

The Hon. E. M. HEENAN: It remains to be seen. The words "without lawful reason or excuse" are not defined. I think the hon. Mr. Loton will achieve his purpose if the effect of the Bill is confined to the South-West Land Division. There have been only rare instances of trouble of this nature on the Goldfields and Mr. Kennedy is a comparative newcomer—

The Hon. G. C. MacKinnon: How long has he been there—ten years?

The Hon. E. M. HEENAN: I think it is a good deal less than ten years.

The Hon. A. F. Griffith: What bearing has that on the argument?

The Hon. E. M. HEENAN: He is only one of many pastoralists; and others, who have been there for many years, have

apparently found the answer to the trouble. He may be in an unfortunate position, through having on his property, swamps or lakes that attract shooters, but I think his troubles could be overcome. I believe the situation about which he complains will largely solve itself in time and, if not, we could consider necessary remedies next session. I think hon. members should hesitate before defeating the amendment.

The Hon. J. J. GARRIGAN: I hope the Committee will agree to the amendment. I have had a lot of correspondence from duck shooters, station owners and others recently, as this is a serious matter on the Goldfields. Most of the older station owners seem to have been able to reach a compromise with the duck shooters. I have had dealings with Mr. Kennedy, who will not compromise at all. There is a very well conducted gun club on the Goldfields, but its members are not allowed on his property, nor are rabbit trappers, holders of miners' rights, or those with woodcutters' licences.

The Hon. L. A. LOGAN: It is an extraordinary attitude to adopt, to say that a man shall be fined for trespassing in one part of the State and not in another. The hon. Mr. Heenan spoke about the wide-open spaces, but it must be remembered that it is generally only around the water holes that trouble of this nature occurs.

On millions of acres the situation does not arise. It is no wonder that Mr. Kennedy will not permit anyone on his property, particularly after all the trouble he has been caused. Surely the man who is earning his living on the land will not wish to jeopardise that living. The reputable gun clubs at Kalgoorlie can quite easily apply to the managers of the properties for permission to shoot over the water holes. If the lease holder or property holder says, "No," he is entitled to do so.

The Hon. E. M. Heenan: What if they are prospectors?

The Hon. L. A. LOGAN: The prospectors will be there for a lawful purpose and that is different. If a man with a woodcutter's licence asks if he can shoot kangaroos and is told, "No," then he should keep out.

The Hon. A. F. GRIFFITH: It appears that this Bill will be supported by hon. members provided it does not affect a particular section, because that would be the result of the hon. Mr. Heenan's argument. He says we should apply this to the South-West Land Division but not to Kalgoorlie. That is not right. The law should apply to all. I heard the hon. Mr. MacKinnon say that, because of the areas involved it would be easy to trespass on properties in the South-West, but it is a different proposition on the Goldfields. I would like the hon. Mr. Loton to have a look at Section 13 of the Cattle Trespass, Fencing, and Impounding Act, where a fine of £10 is provided. Would he tell us what else is in the Act? Pending his explanation I might say we are not prepared to accept the point of view of the Goldfields members. If it is to apply to one area, it should apply to all.

The Hon. J. MURRAY: We should legislate for all sections of the community; not for any particular people. The law should apply to all.

The Hon. A. L. Loton: Does the Traffic Act or the Electoral Act apply to the entire State?

The CHAIRMAN: Order!

The Hon. J. MURRAY: The only complaints I have heard have been from pastoralists and others who have holdings adjacent to the Kalgoorlie Muncipality; and who have found that members of gun clubs and other people trespass on their properties, and shoot over their waterholes and the like. When these people are interrogated by the owners as to stock disturbance, etc., they tell the owners to "go and jump in the lake"; indeed, they are much more forceful in some cases. It is wrong to exempt the people in one particular area from the law.

The Hon. G. C. MacKinnon: There are also gun clubs in the South-West.

The Hon. J. MURRAY: Yes, but this exemption is sought for a certain portion of the State. If we are to frame a law, it should apply to all sections of the State. We all know what happened at Collie in relation to the Betting Control Act. The people there said "no betting, no coal." That is a most undesirable state of affairs.

The Hon. A. R. JONES: It seems that once again we are legislating for a minority of people to protect them against the activities of those few who will persist in doing the wrong thing. A person dependent on land for his livelihood should have the greatest protection that can be afforded him.

In all walks of life, we find people who do the wrong thing. However, I fancy that gun clubs would be well organised. Hon. members from the Goldfields have said that in most instances the clubs made an approach to the owner or manager and were given permission to shoot. If that is the position I do not see why we should make any exception by accepting this amendment. I do not know the circumstances, but Mr. Kennedy may have been a nark and not been prepared to co-operate. He may have raised the ire of those who engage in this sport, and it is possible he was victimised to the extent the letter explains.

It often happens that there is somebody in a district like that, but surely there are enough people around who will co-operate

with gun clubs and give them sufficient ground on which to do their shooting. We cannot make flesh of one and fowl of another.

We must not forget that an employer, owner or manager would not be silly enough to make a show of himself by prosecuting in cases where he would possibly have to pay the costs. In a place like the Goldfields where distances are great and court procedure is heavy, a person could face a bill of £50 for costs. I oppose the amendment.

The Hon. J. D. TEAHAN: There is a great difference between land west of Burracoppin and land east of Burracoppin. West of Burracoppin the land is generally freehold, but it is easy to get land in the pastoral areas because it is only 5s. per 1,000 acres. At one time there were no fences within hundreds of miles of Kalgoorlie, but at the present time it is difficult to find any country not fenced.

The hon. Mr. Murray said we should not have sectional legislation. The Taxation Act is sectional legislation because it provides for Zone "A" and Zone "B"; its application is less rigorous to those in the outback than to those in the more comfortable areas. Kalgoorlie does not have as many amenities as the metropolitan area; there are no beaches, yachting—

The Hon. H. K. Watson: There is an olympic pool.

The Hon. J. D. TEAHAN: That is true, but the amenities are few; people look to the bush for their recreation. There have been many complaints from the property in question and they must have come from the same person. The complaints are not only in connection with people trespassing for the purpose of shooting, but also against natives and native dogs. I support the amendment.

The Hon. G. C. MacKINNON: It appears, from what the hon. Mr. Teahan has said, that it is a matter of alternative entertainment, but I suggest that the hon. Mr. Loton consider a further amendment so that all towns which have not a picture theatre and swimming pool might be excepted. There are many small towns with no alternative sport or entertainment. They have no hockey clubs or olympic pools. At Burracoppin, before the closing of the railway service, all they had to do was watch the engine come in. At Darkan—

The Hon. H. C. Strickland: It is only a few miles from Collie.

The Hon. G. C. MacKINNON: It is quite a considerable way for the mill workers, and their main sport is shooting. If the Act is to apply to people on the Goldfields, I see no reason why it should not apply to people in other towns where there are quite a number of clubs.

The Hon. A. L. LOTON: I do not propose to alter the intention of the parent Act whatsoever. The person quoted by the hon. Mr. Diver must have invoked the provisions of the parent Act, because the hon. Mr. Heenan said he was able to obtain a conviction. I now come to the question raised by the hon. Mr. Griffith, and point out to him the provisions of Section 13 of the parent Act.

The Hon. A. F. Griffith: You are talking yourself out of your own Bill.

The Hon. A. L. LOTON: It is all right saying I am talking myself out of the Bill, but the hon. member asked for an explanation.

The Hon. A. F. Griffith: Don't get shirty!

The Hon. A. L. LOTON: I am not getting shirty.

The CHAIRMAN: Order!

The Hon. A. L. LOTON: I am certain that the hon. Mr. Logan could not have looked at the parent Act because had he done so he would not have made the remark he did. With regard to the objection raised by the hon. Mr. MacKinnon, the Bill deals only with enclosed country land which does not include land in a townsite. I hope the Committee will agree to the amendment.

The Hon. L. A. LOGAN: If a man on a pastoral lease has protection under the old Act, then a man down here has the same protection because the Act applies over the whole State. If the areas that the hon. Mr. Heenan was talking about are not enclosed by a fence, they do not come under the Act. Only pastoral holdings that are fenced, come under the Act. A man who owns or leases a property shall have the right to say who shall go on to it and who shall not.

The Hon. H. C. STRICKLAND: I hope the Committee will agree to the amendment because to apply the provisions of the Bill over the whole State would cause inconvenience on pastoral properties in the North. In those parts, one could travel for, perhaps, 1,000 miles and not be out of enclosed areas. The public, living in the towns in the North-West, would be restricted to the commonages. I do not know that a pastoral lease gives the leaseholder complete rights over natural water holes, although it does give him the right to the use of them. Every year on pastoral properties in the North, I read notices warning shooters to keep off tanks, and so on, because they have been provided by the owners; but the position is different if there is a natural water hole. In the North, there may be a water hole which is the only one for hundreds of miles at which anyone can get a drink. I do not know how the natives there would get on if the provisions in the Bill applied to those Parts.

I understand that Mr. Kennedy intends to irrigate from a water hole on a pastoral lease. I do not know whether he has the right to do that under his lease. What he should do is to take up the land under the conditional purchase arrangement, or approach the Minister on another angle. He could ask the Minister to reserve the area as a bird sanctuary if the duck shooters are his problem; although I do not know the Minister's views on the matter. I do not think the approach to the question, through this measure, is the correct one.

If pastoral leases, generally, were to be brought under the measure, without the amendment, a terrible lot of bitterness could be engendered by the pastoralists which, perhaps, they do not desire. The pastoralist in question may be on the wrong track in moving through this measure.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the ayes.

Division taken with the following result:—

Ayes—12

Hon. J. J. Garrigan	Hon. A. L. Loton
Hon. W. R. Hall	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery *(Teller.)*

Noes—11

Hon. C. R. Abbey	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. A. R. Jones
Hon. J. Murray	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. G. Fraser	Hon. L. C. Diver
Hon. E. M. Davies	Hon. J. Cunningham
Hon. G. Bennetts	Hon. H. L. Roche

Majority for—1.

Amendment thus passed; the clause, as amended, agreed to.

Title—put and passed.

Bill reported with an amendent.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

MUNICIPAL CORPORATIONS (POSTPONEMENT OF 1958 ELECTIONS) BILL.

Returned from the Assembly without amendment.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

First Reading.

Received from the Assembly and, on motion by the Hon. W. F. Willesee, read a first time.

LEGAL PRACTITIONERS ACT AMENDMENT BILL (No. 2).

In Committee.

Resumed from the 8th October. The Hon. W. R. Hall in the Chair; the Hon. J. D. Teahan in charge of the Bill.

Clause 2—Section 13 repealed and re-enacted (partly considered):

The Hon. J. D. TEAHAN: I move an amendment—

Page 2, line 22—Add after the word "public" the following passage:—

> Provided that in the event of the practitioner refusing to give his consent, the articled clerk shall have the right of appeal to the Board.

It was felt by some hon. members that the employer of an articled clerk might possibly refuse him permission to work outside his usual hours. I hope the Committee will agree to the amendment.

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

Title—put and passed.

Bill reported with an amendment.

LONG SERVICE LEAVE BILL.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [5.45] in moving the second reading said: The object of the Bill is to enable the granting of long service leave to those employees who at present are not entitled to such leave under awards and industrial agreements of the Federal and State arbitration authorities, or under special Government long service leave conditions.

The Bill embodies to a major degree, and wherever practicable, the wording contained in Award No. 55 of 1958, which was a consent document filed in the State Arbitration Court and approved by the court on the 1st April, 1958. A departure from the award is the omission of what has become known as the offset clause and which reads—

> An employer shall be entitled to offset any payment in respect of leave hereunder against any payment by him to any long service leave scheme, superannuation scheme, pension scheme, retiring allowance scheme, provident fund or the like, or under any combination thereof operative at the 1st day of April, 1958.

I am advised that in order to obtain the employers' consent to leave, the unions were obliged to agree to this clause which was thereby included in the agreement between the Employers' Federation and the unions, and which resulted in the consent award. I understand the unions are to attempt to have the clause removed from the agreement, and it has therefore been omitted from this Bill. It is considered that the clause is too embracing and could act to the detriment of employees.

At the hearing before the court, Mr. F. E. Chamberlain appeared on behalf of the industrial unions affiliated with the Australian Labour Party, and Mr. F. S. Cross appeared on behalf of the Employers' Federation. The Bill will include those workers who are not covered by an award or agreement but who are working under the provisions of the Factories and Shops Act, 1920-1957. These include employees engaged in—

Toymaking,
Manufacturing of waterproofing compounds and laboratory work,
Paper and paper products manufacture,
Poultry dressing,
Name plate manufacture and engraving,
Insecticide and fertilizer manufacture,
Manufacture of industrial gases,
Paint manufacture,
Yeast and cornflour manufacture,
Emulsified bitumen work,
Oil seed milling,
Venetian blind manufacture,
Liqueur manufacture,
Clothing repairs,
Plan printing and display artists,
Rubber stamp making,
Sporting goods repairs,
Sewing machine, typewriter, calculating machine and time clock repairs,
Millinery and pleating,
Musical instrument manufacture and repairs,
Firearm repairs and gunsmith work,
Oil refining (reconditioning),
Clothing waste and flock manufacture,
Milling of minerals,
Fruit juice processing, vinegar manufacture and honey blending,
Silversmith, glass blowing and sheet plaster manufacturing,
Saw and knife repairs, and
Potato chip manufacturing.

Excluding workers covered by Federal determinations, the estimated number of workers not now receiving the benefits of long service leave conditions is between seven and eight thousand. The Bill also seeks to grant long service leave conditions to workers covered by Federal awards and agreements in which there is no provision for long service leave.

The Bill may appear a little bulky, this being caused by the fact that, as the workers concerned cannot be harnessed to any industrial award or agreement, it is necessary to go into some detail, especially in regard to matters such as boards of reference, appeals and offences. The provisions of the Bill have been made as wide as possible, as the Government considers that all workers should be entitled to receive the benefits of long service leave.

The entitlement for leave, as previously pointed out, is exactly the same as the agreement reached between the two largest industrial organisations in Western Australia, namely the State A.L.P. and the Employers' Federation, being on the basis of three months after twenty years' service. All appeals against any decisions of a board of reference are to be heard before our own industrial authorities, namely the court or the Conciliation Commissioner, and enforcement may be heard before an industrial magistrate.

As far as the policing of the conditions is concerned, provision has been made for Factories and Shops Department inspectors, to be inspectors under this Act. This, of course, is necessary for obvious reasons in those cases where there is no union, or award or agreement, to assist in this regard.

There is a great deal of agreement between all hon. members in connection with the principle of long service leave, and the Bill is designed to cover every type of worker who could reasonably be covered. I move—

> That the Bill be now read a second time.

On motion by the Hon. H. K. Watson, debate adjourned.

NATIVES (STATUS AS CITIZENS) BILL.

Second Reading.

Debate resumed from the 8th October.

THE HON. F. D. WILLMOTT (South-West) [5.50]: Although I do not agree with the Bill, I do agree with a lot that the Minister had to say when he introduced it. The Minister said words to this effect—

> A large proportion of natives have been educated to a standard where citizenship should be conferred upon them.

I agree with that. I do not know whether the expression "a large proportion" would be correct, but certainly a proportion of them have been educated to a standard where citizenship, in my opinion, should be conferred upon them. It is my belief that others should be brought to a similar standard before citizenship should be conferred upon them, and the Bill is approaching the matter in the wrong way. It would be far better if automatic citizenship rights were tied in some way to an educational standard.

When speaking on the measure, the hon. Mr. Logan had something to say about the methods adopted by the Department of Native Welfare, and how officers of that department were taking away all the pride that there should be with the attainment of citizenship rights. I am very much in agreement with his remarks in that regard, and the way this question is being approached is not helping to give natives a pride in obtaining citizenship rights. It is my belief that a native on reaching a certain educational standard should automatically be granted citizenship rights without his having to apply for them. If that practice were adopted we would be making some advancement in our approach to this problem. I think the standard that should be attained should be second year at high school—that is sub-junior grade —and my reason is that that is the standard required of a person desiring to be apprenticed to a trade.

The Hon. R. F. Hutchison: How would you suggest they reach it?

The Hon. F. D. WILLMOTT: By normal education, in the same way as any other Australian reaches that standard. I do not think for one moment that these people should be subjected to any sort of examination before being granted citizenship rights. Any native who has reached the second grade at high school should automatically be granted those rights. I think that would be a far better approach than the proposition contained in this Bill.

Welfare workers, mission workers and the like can do a lot to help these people. But at the same time, the main drive should come from the people themselves; and the only way to do that is to get the young people interested, particularly the girls. The girls are the future mothers, and I think all hon. members will agree that all families depend to a large extent upon the quality of the mother. In fact, every nation depends upon the quality of its mothers. So it is through the young native girls that the soundest approach to this problem can be made. If we tie the granting of citizenship rights to educational qualifications, these people, when they attain those rights, will have a sense of achievement which is not the case today. I think that is very necessary.

At the same time I would not debar any native from applying for his citizenship rights, as he is permitted to do at present. That practice should be continued; but the granting of automatic citizenship rights on attaining a certain educational level would do more to uplift the natives, and to improve their status, than would the Bill if it were agreed to in its present form. It proposes to grant citizenship rights automatically; yet in the next breath it proposes to take them away by declaring certain natives to be protected natives. To grant a native his citizenship rights automatically, without any standard being required, gives him no sense of achievement or pride; but it does attach a stigma to those who are declared to be protected natives, and the position would be worse than it is today under the present legislation. A native declared to be a protected native would feel that he was not good enough, because his fellows would look down on him.

That is something we must avoid at all costs. We should try to build up their sense of pride and achievement in attaining citizenship rights. We want to build up their pride in themselves as individuals and in themselves as a people. Perhaps some hon. members might think that I am attaching too much importance to pride; but what has sustained the British people through their darkest hours? It was pride—stiff-necked British pride—and I think it is something we should introduce into the minds of our native people in an endeavour to raise their status. I am of the opinion that the approach envisaged in this Bill is far from satisfactory.

Another point mentioned by the Minister was the unsatisfactory employment position as regards these people. While I will agree that the employment position may not be satisfactory, I will not for one moment agree that this legislation will help it; in fact, I think the effect will be in the reverse, because many people will take the view that as natives have been granted citizenship rights they should be able to compete on the labour market with every other Australian.

The Hon. R. F. Hutchison: Why should they not?

The Hon. F. D. WILLMOTT: Because it would be extremely unfair to them. They have not been educated up to that standard which would enable them to compete with the average Australian. That is why I think this legislation will not throw more employment open to natives, but, on the contrary, will do the opposite. Firstly, we should give them a chance to reach a reasonably high educational standard and then let them compete for employment with the average Australian. At the present time I think most employers would take the stand that a native could take his chance with everyone else, and I think that that would prove to be most unfair to any native seeking employment.

I have read the report of the committee which inquired into this question and although I do not say that the personnel should not have been appointed to the committee, I think that other members should have been co-opted to act on it so that this matter could have been thoroughly considered from all angles. For instance, I think the Police Department should have been represented, because on reading through the report I notice that the members of the committee skimmed over the liquor question very lightly. It is of no use anyone trying to say that a

native does not react to liquor more violently than the average European, because anyone who has had experience with natives who have been under the influence of alcohol knows that their reactions are generally extremely violent.

I definitely consider the Police Department has a great deal of experience in regard to this side of the question and it should have had a representative on the committee that was appointed to inquire into native welfare. Another body which could have given valuable information to the committee as a whole would have been the Pastoralists' Association. Therefore, I am of the opinion that the facts presented in the report are not very realistic. I have often heard the remark, "The ordinary Aussie objects to drinking in a bar with a native," but, generally speaking, I do not think that is correct. On the occasions I have been in a hotel bar when natives with citizenship rights have entered to have a drink, I have noticed it was not long before the bar was cleared. However, the reason for that is not that the white patrons object to drinking whilst natives are in the bar; it is because they know full well that after natives have been drinking for a while a brawl is sure to start, which often ends with someone being tapped on the head with a bottle.

The Hon. H. C. Strickland: That does not happen in the North.

The Hon. F. D. WILLMOTT: It may not, but it certainly happens in plenty of other places.

The Hon. R. F. Hutchison: What other places? Tell us one!

The Hon. F. D. WILLMOTT: I have see it happen on many occasions in my own home town. By granting citizenship rights to a native, without giving any thought to his educational standard or without preparing him in any way to use them properly, could very easily lead to that which we should avoid at all costs; that is, segregation. It is in the hotels that we will find segregation will commence. I am sure that if this measure becomes law, it will not be long before certain hotels will be catering for natives and other people will not go there.

The Hon. L. A. Logan: That has already happened up my way.

The Hon. F. D. WILLMOTT: In my opinion, segregation will be encouraged by not conditioning the people's thoughts in regard to this question. Segregation is something that we should avoid. Firstly, we should condition the minds not only of the natives, but also of the white population so that we can gradually assimilate the natives into our community.

I am fully aware of the fact that if my suggestion were put into practice the road would be hard and long, and it would be bristling with difficulty and frustration. However, I would remind hon. members that this question has not just cropped up overnight, but has been building up for a hundred years or more. Therefore, we cannot expect to solve the problem within a few weeks. If what I say were adopted, perhaps not a great deal would be achieved in the first decade or two; but that fact should not deter us from making the right type of effort to solve the problem. If we are to assimilate these people into our community we should first educate them. The mere granting of citizenship rights to them at the present moment would be a step in the wrong direction.

These people have been denied citizenship rights for a hundred years or more, but now we propose to throw these rights at them as we would throw a bone to a pack of hungry dogs. In my opinion, what would happen would be the same in both instances. If this measure were passed the position would become chaotic and the Government would be well advised to give some thought to the suggestion of providing that a native shall reach a certain educational standard before he becomes eligible to citizenship rights. The standard of living of the natives will only be raised by starting with the native children and, even then, I am not sure that we will achieve very much during the present generation.

If this Bill is passed, I will go so far as to say that it will force many natives into a man-made hell of drink and prostitution. That is the effect the measure will have on the natives unless we condition their minds before we grant this privilege to them. It would be extremely foolish to throw citizenship rights to them without preparing them beforehand. I have tried extremely hard to express my sincere thoughts on this problem. They are thoughts that have not come to me only since this legislation was introduced, but are the conclusions I have arrived at over many years, because I have been associated with natives for a long time. In fact, my parents and grandparents before me often discussed this question in my presence.

In considering the Bill, hon. members should keep their minds completely free of any political consideration and remember that they are dealing with human lives.

The Hon. F. R. H. Lavery: Those are the very words I used three years ago.

The Hon. F. D. WILLMOTT: If hon. members consider the question in its true light, they will be unable to reach the conclusion that this legislation is in the best interests of the natives. I am not averse to these people being granted citizenship rights, but I think our approach to the problem must be a great deal slower than the rate of progress envisaged in the Bill. If we provide that a reasonably high standard of education

shall enable a native to qualify for citizenship rights it will encourage the parents to make sure that their children attend school. I am not advocating that a very high educational standard should be set. I suggest that the sub-junior standard is not very high. The Minister admitted that, when placed on an equal footing, native children assimilate knowledge just as quickly as white children. By and large, I think he is quite correct, and therefore I repeat that sub-junior standard would not be too high for them.

The educational standard, however, should not be so high that the native children would baulk at reaching it, but, on the other hand, if we set the standard too low we would not achieve the object aimed at. Due to the fact that about 50 per cent. of our native population live in that part of the State north of the 26th parallel, I would like to hear the views of both the hon. Mr. Wise and the hon. Mr. Willesee on the suggestion I have made, because I feel that the approach I have suggested to the problem, or a similar one, is the only way by which we will effect a solution.

The Hon. F. R. H. Lavery: Where would you draw the line betweeen a native and a non-native in connection with your suggestion?

The Hon. F. D. WILLMOTT: There would be no differentiation. Citizenship rights would be granted to those natives who have attained a reasonably high standard of education. I would like the legislation to remain as it is now so that natives would not be debarred from applying for citizenship rights. I have often read in newspapers, letters to the editor—it was fairly obvious that they were written by natives—wherein it was stated that the correspondents refused to apply for citizenship rights because they did not feel obliged to apply for something that was their right. Another statement that has been made by various Press correspondents is to the effect that although they know that many of these people are going to drown themselves in drink, they still think they should not have to apply for citizenship rights. Those people are thinking only of themselves. Their approach to the question is entirely wrong. Natives seeking citizenship rights should apply in the normal way. This is a question that should be dealt with gradually, and if we are to assimilate successfully these people into out midst we should have an eye to the future. Therefore, I sincerely and completely oppose the second reading of this Bill.

Sitting suspended from 6.15 to 7.30 p.m.

THE HON. R. F. HUTCHISON (Suburban) [7.30]: In making my contribution in support of this measure for native rights, I am sure that every hon. member will give me the credit for at least being concerned and earnest about what I say. I shall make a few observations before dealing with the body of the Bill. To me citizenship is a prerequisite to the nation's social welfare in relation to human relationship. If there is any repercussion from the proposed legislation we should be prepared to face up to it. I really believe that. Recognising that it is the impact of the white man's civilisation that has been the cause of the present unsatisfactory conditions, we should accept the responsibility and be prepared to take the step to begin to right this wrong, and to mete out a fundamental justice, namely, that in a free land people are born free.

History tells us of many blots on our escutcheon, and the fight to abolish slavery is one of them. In the fight to abolish slavery we experienced a situation that had as many anomalies as the present one. Is a native to be classed as a slave in Australia in 1958? He is a human being within the ambit of the United Nations; and citizenship is the natural right of any person born in a country.

The Hon. A. R. Jones: What are you reading from?

The Hon. R. F. HUTCHISON: From my own notes.

The Hon. A. R. Jones: You should not be reading them.

The Hon. R. F. HUTCHISON: It should not be ours to give or withhold. Australia is a signatory to the principles of equal dignity and rights propounded by the United Nations Organisation.

I made those few notes to speak from tonight because I wanted to retain the ideas as I thought them out. In this instance, we have the Opposition members in the same vein as usual, that is procrastinating.

The PRESIDENT: The hon. member cannot reflect on the hon. members of this House.

The Hon. R. F. HUTCHISON: Many of them got up and said that we should procrastinate and they meant that in the words they used. I have taken a note of the remarks made by the hon. Mr. Logan. He said there would be a rush of applications for protection if we gave natives citizenship rights. I heard the same hon. member, when speaking to the Juries Bill, say that there would be hundreds of thousands of women rushing in and applying to be taken off the jury list. I would like him to find out how many have rushed in in that manner. He said they would not even wait for the passage of the Bill.

The Hon. A. F. Griffith: Has that Bill become law yet?

The Hon. R. F. HUTCHISON: The same thing will happen in respect to native citizenship, and the result will confound

the prophets. Their behaviour is, by and large, most exemplary. For the way in which natives have been treated in this country in the past—and by that I mean in the whole of Australia—their behaviour has been exemplary. No part of history will show a blacker mark against the white race than the history of the last 130 years. and about which the hon. Mr. Willmott spoke. He used the excuse that we should not give them citizenship rights straight away, but that they should be conditioned and educated. I wonder what the hon. member means by education? Does he mean that he is to sit in judgment, or does he mean that a native has to be able to read and write? Does he mean that a native girl has to be able to manage a house and be able to cook meals, or does he mean that a native must be a learned person and be versed in languages and professions?

I say this: All education is relative. It is relative to the condition and the place in which one lives, and to one's occupation. I once asked a most learned professor how long he thought it would be before I mastered a language I was learning. I said, "When I think of what you know, I feel I am being very foolish." He said, "If you are depending on me to get the lunch which is to sustain you during the afternoon you will not think that I am very learned, because I cannot bring you anything more than a glass of water from the tap." To me education is relative. I do not know why any hon. member should try to set the standard of subjunior.

There are thousands of white children who have never reached that standard but it does not mean they cannot earn a livelihood. Even with mentally afflicted children, we find that under the new idea of the colony system, down to the lowest grade, they are educated and taught to some degree. The argument of the hon. member is made even more foolish when we refer to a man like Namatjira, possessing a gift of intellect not bestowed by us, but bestowed impartially on him by a higher power and which we have done everything to debase. When he was worth money to our society we took advantage of him. At this juncture I would like to read the remarks of Mr. Paul Hasluck, the Federal Minister for the Interior, as reported in "The West Australian"—

> Hasluck criticised people who brought Namatjira to civilisation and failed to honour assurances they gave on his welfare.
>
> "If any thing lies on our conscience," Hasluck said, "it is that at a time when Albert was under our protection and was not a citizen, we did not resist strongly enough the pressure from various quarters—doubtless acting in good faith—to take him away from his own environment.
>
> "Although at that time we sought certain assurances from those who invited him out of the Territory, our sad experience was that these assurances were not always honoured."

Those remarks were not made by a member of the Labour Party. They were not made by the Party that is in Government in this State, but not in power. I also want to read another letter which appeared in this morning's "The West Australian" concerning citizenship rights for aborigines. I do not know the authoress of the letter, but she said—

> Albert Namatjira was sentenced to gaol for six months for having shared his cup with a friend.

That is one of the oldest customs of the natives—to share their belongings. As a child from four years of age, I was on the Goldfields and mixed with native children. I played with and accepted them as equals; there were no other children to play with. The hon. Mr. Willmott said that he knows the natives in his home town; similarly I know them also from my own early days on the Goldfields.

In the Northern Territory, white children mix freely with native children in State schools at seven years of age. They are all carefree and happy, and they do not see any difference between themselves. At 14 years of age, the native child begins to grow shy. He begins to sense some difference but cannot work it out. At 18 years of age he becomes an unhappy person, withdrawn and sometimes sullen, and aware of social caste—a victim of circumstances beyond his control.

The Hon. F. D. Willmott: You are making a good speech in favour of my idea.

The Hon. R. F. HUTCHISON: I shall soon destroy that idea because many of the native girls of 18 and 19 years of age, who come from the missions, marry the most degraded European males because by such a marriage they obtain citizenship rights. That is true and no-one can deny it if they know anything about the place I am referring to. The letter to which I have referred goes on to state—

> The cloak of the magistrate was that the "whole principle of the law is to protect aborigines against themselves." This is our law for them.
>
> We came to this country and wrested from its people the tribal grounds which yielded them material and spiritual sustenance. Within decades many of the lands which had been preserved by them have been exposed to soil erosion, and beautiful freshwater lakes, teeming with wildfowl, have been reduced to dry salt pans.
>
> In place of the things they cherished, we tried to bring them under our law without providing a meeting ground,

and in our so-called Christian wish to protect them we stripped them of the dignity of human status.

Albert Namatjira, who to those who have met him is not only a great artist but one of the great men of our time, in experiencing the frustrations of his race from our protection and so-called rights conferred, takes comfort in the white man's antidote. In the inherent way of his forebears, he shares what he has with his fellow artist and countryman, and in the name of protection was condemned to hard labour in a gaol.

The sentence can be mitigated for a great man who is held with affection in the hearts of so many, and whose condemnation presents a threat to the prestige of the nation, but how is this law being meted out to others of his race? For how long do our legislators intend to deny the rights of our fellow countrymen and to so degrade the help and assistance so many of them need?

I should say that the legislators there would be the Opposition members now speaking to this Bill. We have truly exploited Albert Namatjira. I was at Boans when he was brought to Perth, and it was not possible to get in because of the crush. I do not know whether all the people wanted to see his pictures. Many did not. I came away when I saw the crush and went back later when the crowd had dispelled. Everyone wanted to see Albert Namatjira and as soon as it was announced he was too sick to attend, the crowd melted away as if hot water had been poured on ice cubes.

How we have the nerve and impertinence to suggest that these people must be raised to a certain status, without even studying how we are going to raise them to that status, I cannot understand. It is easy to say these people should reach a standard in education before they get citizenship rights, but how are they going to reach that standard if we do not give them the opportunity to do so? Who should take the rap for any inconvenience that is suffered, but ourselves, who created this situation? The hon. Mr. Willmott talked about British pride, and we were told this pride sustained us in our darkest hours. I presume he means during wartime. But we were quite ready to accept as a soldier any native who had the right to enlist and we were quite ready to accept his gift of life itself if need be. We had some of the darkest hours in Australia and throughout the British Empire, but we have no crown to place upon our own head for the tolerance we have shown to these, our native peoples. If we would use the word tolerance in place of education we might really take a step forward in relation to this Native Citizenship Rights Bill now before us.

The Opposition members also mentioned that the pastoralists should be asked about this question. I wonder if they ever give any thought to what they would say, because of all the people who have been mentioned when they should not have been, the pastoralists top the list. I am not making an accusation against any pastoralist who is fair and square and who has done the right thing, but in the early days of this country—I know something of the North—there was no more exploited minority of people in the world than our native people. They were used, exploited, and shot at. If the history of the early days was written down and read, hon. members would shudder at their own temerity in talking about pride of race and about asking the pastoralists' opinion. That is the last thing that should be done.

The hon. Mr. Willmott said that the situation had been as it is for 130 years and that it was foolish to introduce any change overnight. A period of 130 years makes a very long night, and to the natives of this country it has been all night. They have been the subject of every indignity that can be placed upon them, but now the stage is being reached where they have not even enough food in their hunting grounds, and they cannot live as a nomadic race any longer. Through the impact of the white civilisation, we have that most terrible tragedy—the half-caste. Would anyone here suggest to me that that was the natives' fault or would it be the white man's fault?

The Hon. G. C. MacKinnon: It is usually 50 per cent. each, you know.

The Hon. R. F. HUTCHISON: That is a man speaking. I would say quite differently. So far as the segregation is concerned, they have never known anything but segregation. There is no fear of its growing as it has always been the situation.

We have always heard a lot about drink in this House, but for a change it is, this time, in connection with natives and not white workers. I have seen natives drink and have seen the effects of it but I have seen just as bad effects among the white people and more degradation among white people than among natives. And that is the truth.

The Hon. C. H. Simpson: Where have you lived?

The Hon. R. F. HUTCHISON: I have lived all right. I lived in the outback in the early days of the gold rush, so I know what I am talking about.

The Hon. F. D. Willmott: You are not that old.

The Hon. R. F. HUTCHISON: The hon. Mr. Willmott ended up with the statement that we would create a man-made hell of prostitution. It is not a very nice subject, probably, to speak about. But I want to point out to him that the hell will

not be any greater than it has been. All lives are hell, so far as I know, for the native population of this State, except for those few who have been able to climb a little and become educated. It makes my blood boil when I hear this race of people, that we have treated so unjustly, spoken of, by and large, like this.

We had a native lad address a meeting of Labour women a few months ago and he was a credit to any university. I know that it is all right to be facetious, and the hon. member takes refuge in that, but he cannot hide the facts I am giving tonight.

This Government has been the first to have the courage to come forward and introduce a measure of alleviation on a controversial subject, and I am praying that the Opposition will support the Bill. If they don't, I will tell them about my ideas of it in another speech I shall make.

The Hon. J. G. Hislop: That is a promise, isn't it?

The Hon. R. F. HUTCHISON: Yes, it is a promise. There is great work being done among the missions and this is proving very conclusively that the native children are just as capable of learning as are the white children. As I said during the discussion on the famous Juries Bill that passed in this House, intelligence is a thing that is impartially bestowed. Perhaps hon. members do not agree with me always, but intelligence is bestowed impartially despite race or creed or colour. There is just as much intelligence in a head with a black skin over it as in a head with a white skin over it. That applies to all degrees of intelligence, and so we have the native people just waiting for the opportunity to be taught; and I am not stupid enough to stand here and say if a magic wand is waved, all will be well over night. It is really going to take a generation or two for the situation to right itself. There will be many years of trial and error but, for God's sake, let us try! At least we can try—and we have not yet!

Everything that has been accomplished has been achieved by trial and error. We are still amending, defeating and passing laws by trial and error, so why should we expect to overcome this difficult situation, except by trial and error? It seems to me a dreadful thing to think that a black man can be born in a free nation—and do not forget we stand up and put our chests out and say: "Thank God for our free nation"—and yet not have the same right of freedom as the white man. There will be some unpleasantness and some will suffer unjustly but, by and large—

The Hon. F. D. Willmott: Certainly some will suffer unjustly if this Bill is passed.

The Hon. R. F. HUTCHISON: —when this Bill becomes law the situation will right itself, and as the years go on we will see a happier race, which means everything. In my opinion if our streets were paved with gold but our people were unhappy, we would have nothing. It is happy homes which make for a successful civilisation and there are many homes of natives in Western Australia which are not happy.

I believe that the Commonwealth Government should come to our aid in regard to this problem, because it knows the situation. It should make an educational grant for the natives and not spare the money. If we have £17,000,000 for defence that could not be spent by the Commonwealth Government—and I take it that was so—why could not some millions be devoted to the native problem? All kinds of methods will have to be adopted, and an attitude of give and take will be necessary to meet the problems as they arise. It will not always be easy but, as I have said before, it is a fundamental truth that we should be big enough to take the caning we deserve in this matter and should not squeal about it all the time, or talk about fear, procrastination and intolerance.

Tolerance is the greatest virtue that is needed in the world today. When people become tolerant of each other they begin to think. We are becoming more tolerant in regard to our under-privileged people and great steps are being taken in educating our under-privileged children. There is also talk of being able now to educate and employ our white handicapped children. Of course, we know these things should have been done long ago. We can expect some trouble when we attack this problem of the native people.

One hon. member said that the police feared the implications of this measure. I asked some policemen about it and that was not their reaction. I know that occasionally they have a tough time in dealing with this problem, but it is the present law which causes their efforts to break down. One constable asked me, "If the Bill becomes law will it be possible to arrest a native who commits an offence?" and I told him that I understood it would be possible, if circumstances warranted it. He said, "Then what have we to fear? We also have to deal with other offenders against the law." So I do not think the Bill would create any difficulty in that regard—

The Hon. L. C. Diver: Was this constable from a country district?

The Hon. R. F. HUTCHISON: Yes. I have heard country hotel-keepers speak on this subject and I can understand certain of their fears; but that is where commonsense should enter into the question. We will never rectify the present position if we allow all sorts of obstacles to be placed in the way of progress. There are those who might ask, "How would you like your daughter to marry a native?", but I would not think of the question in that way; and in any case a native probably has his own reservations and might not want to marry a white girl. Most of the difficulties are

simply caused by prejudice, on either side. We know that people of different nationalities intermarry, but at present there is in this country a considerable amount of prejudice between the natives and the white people, and most of it is due to the fact that the problem is not being approached in the right way.

I have examined the report of the special committee closely and the whole question seems to be resolved into the two fundamentals that I have mentioned as necessary to improve the present position; I refer to justice and tolerance. Throughout history, when there has been a move to give greater benefits or greater freedom to certain individuals, there have always been on hand others to say that the recipients of the benefits were not yet ready for emancipation. Examples in this regard can be found in the freeing of slaves, the abolition of penal settlements, in the introduction of universal education and the enfranchisement of women. I cannot help smiling when I think of that, as I can recall my mother telling me of the days when she had to pay a fee of 1s. in order to have a vote. That shows how the approach was made in those days.

We do not like other nations to make reference now to our early convict settlements, or to point the finger at us for what we did at that stage. Very slowly, but also surely, all such troubles are being overcome as we, as a nation, become more educated. It is with great regret that I hear members of the Opposition in this Chamber speaking against the Bill and indicating that they are not ready to concede that human suffering and human dignity should be given their true value in a society that has all the advantages of education and a prosperous way of life.

The hon. Mr. Willmott spoke of the impact on the workers should this measure become law, and said that if the natives were given citizenship rights they could demand employment on a basis of equality alongside the white people. Why shouldn't they? I do not know whether he thinks the trade unions will fall down on their job and stand for just any kind of conditions—

The Hon. G. C. MacKinnon: You are misinterpreting what he said.

The Hon. R. F. HUTCHISON: I made a note of what the hon. member said, and he did mention the impact of the measure on the employment position; but I am sorry if I misunderstood him and will be glad to be corrected if I have misinterpreted what he said. I took it that the hon. Mr. Willmott meant that the natives would be able to work on the same conditions as white men—

The Hon. F. D. Willmott: No, I said it was wrong to force them to compete with the white man when they were not yet ready for it.

The Hon. R. F. HUTCHISON: But how will they be competing, if they are to work under the same conditions, the same union rules and Arbitration Court awards as the white people?

The Hon. F. D. Willmott: That is just it; they have not sufficient education, and I say we should first give them more education.

The Hon. R. F. HUTCHISON: If a native were to take up a shovel to work as a navvy on a railway line there would always be someone available to educate him in how to use it. I have seen them at work, and I know that most natives are very clever at that sort of thing. I believe that any able-bodied native could use a shovel on ballasting a railway line, and it does not take a university degree to do that. A native woman taken into a house or a hotel can be taught to cook, without any education at all and, on becoming proficient, should be able to demand the same wages as any other female cook would get, so that argument falls down.

The Hon. F. D. Willmott: Do you wish to confine them to domestic work?

The Hon. R. F. HUTCHISON: No, but there are certain reservations. There is nothing wrong with domestic work and it is only the class consciousness which has been bred into some people that makes them look down on domestic workers. I have always believed that domestic work is of high value and that there should be domestic science schools which could grant to any girl or boy for that matter, a certificate or diploma that would carry the same dignity in a professional way as the qualification of a doctor or a nurse. To cook a first class dinner or to do good work with a spade does not require a university education, but these things are necessary to our pattern of life, so I cannot see the force of the hon. member's argument. The attitude of members of the Opposition is based on blind prejudice and intolerance. An example par excellence was the reference to our pride—as British people, I took it—yet no one said a word about pride when a native lost his life in defending our country in its darkest hour.

I think most people would have been glad to give a native the Victoria Cross, if he earned it on the field of battle, even though he could not write his own name—

The Hon. F. D. Willmott: Quite right, too.

The Hon. R. F. HUTCHISON: Then the hon. member has conceded the truth of all I have said. There is nothing but intolerance and blind prejudice that could defeat this Bill—

The Hon. H. K. Watson: It is camouflage.

The Hon. R. F. HUTCHISON: There is no camouflage about this Bill; it is too down-to-earth for that. The hon. Mr. Logan was most dogmatic and shouted out

what he had to say, with his fist on the table, so as to make sure we heard him. He said there would be a rush of applications for protection, but we will wait and see about that. I believe the native feels a great sense of injury and injustice when, having been born in this country, he has to apply for citizenship rights.

I think that if hon. members opposing the Government would support this Bill they would be doing a service to our nation. Let us try to be statesmanlike sometimes. Even under the set-up we have here, with a party in Government, but not in power, let us try to do a statesmanlike job on behalf of these oppressed and under-privileged people. I hope that when this Bill is put to the vote we will be able to muster sufficient voting strength to demonstrate that we have reached the stage where we can examine a question dispassionately and judge it on its merits. If we can do that and right the wrong that has prevailed for 130 years, we can continue and make any necessary adjustments by trial and error as time goes on.

If we pass this Bill and in that way at least try to rectify the wrong that has been done, it will no longer be possible for others to speak of us as we were spoken of last year, in the highest tribunals in the world, when it was said that we should put our own house in order before presuming to tell other nations what they should do. I appeal to members to approach this question not as a party measure, but as one of national and Australia-wide importance. I support the second reading.

THE HON. L. C. DIVER (Central) [8.13]: I trust that I will not deal with this legislation as a party measure. We have been told this evening that there is a Government in office in this State, but not in power, and I would use that statement as a parallel with the conditions that existed for many years in the State of Queensland, where there was a continuous Labour administration.

The Hon. R. F. Hutchison: How does that alter the position here?

The Hon. L. C. DIVER: That Administration was in power, unfettered, yet its legislation on this vexed subject is no better than our own.

The Hon. R. F. Hutchison: That does not affect the position.

The PRESIDENT: Will the hon. member please refrain from interjecting?

The Hon. L. C. DIVER: It shows that in Queensland, where Labour was in office for so many years, the position was such that those concerned were not brought into close contact with the real problem in this regard. That is not so in this State, where so many people on the Government side stand up and tell us what should be done, while lacking any close contact with native problems.

The Hon R. F. Hutchison: What rot!

The Hon. L. C. DIVER: I had wanted to express my views on this debate without being carried away, but it would appear that certain people will not permit me to do so. We have heard statements as to what Australia can do for these people. I recognise that our native problem is a very difficult one indeed, and we would all give these people citizenship rights tomorrow, if we thought that, by doing so, we would solve the problem.

I am one of those, however, who are convinced that such a state of affairs would not eventuate, because one of the greatest problems with which we would be confronted would be the effect on our police force; the men who would have to deal with the difficulty that would be created by giving these people citizenship rights. They would immediately come into conflict with that problem.

The Hon. R. F. Hutchison: Tell us your ideas about it.

The Hon. L. C. DIVER: I am doing so.

The PRESIDENT: The hon. member should make his speech, and not take any notice of interjections.

The Hon. L. C. DIVER: Very well, Mr. President, but, very often interjections can be most helpful. The police have to deal with these people and maintain order when they congregate in large numbers, as they will. If the Bill becomes law, by right they will have access to liquor, and we will find that, in the middle of the night, one man will be called out to quell the disturbances that arise. I wonder how many recruits we will secure when they find it is necessary for a man to go out on his own to quell these disturbances in order to protect out-of-the-way communities. That is why the Police Union is diffident about giving these people citizenship rights. They hold the opinion that we should certainly give them these rights if the natives show themselves worthy of them, and indicate that they are ready and able to accept them. If that position arose, then the police would be able to handle the native people.

I know of one township where the chairman of the local authority appealed to me to approach the Minister for Housing to ask him to refrain from building more homes in the town for the native population. He said that 3 per cent. of the homes in the town were built for natives, and they had no police protection. The trouble in that town was that the natives from the surrounding areas congregated there in order to hold their parties. There would be no police protection available, and it would be necessary to send out in all directions to secure the necessary police to quell the disturbances.

The police files will bear out that statement. Is it not natural that the Police Union would be diffident about this proposal to give natives citizenship rights?

Has not the same state of affairs existed in Queensland over the years? And is not that the reason why the rights sought for natives in this State have not been given to those in Queensland? The debate that has taken place, particularly the views expressed by hon. members opposite, has been a castigation of their fellow members on the other side of Australia, because they had not granted citizenship rights to natives many years ago.

As for the question of not giving these people citizenship rights; I remember only a few days ago that I heard one of our parliamentary representatives, who had gone to another country as a member of a delegation, say that in one city there were a million people sleeping on the kerbside. They had no housing accommodation whatever.

The Hon. L. A. Logan: And they had citizenship rights.

The Hon. L. C. DIVER: What is the use of citizenship rights if they cannot be exercised? The time is not ripe yet to grant citizenship rights to natives.

The Hon. F. R. H. Lavery: We have been hearing that for 35 years.

The Hon. L. C. DIVER: We may go on hearing it for another 35 years, because I would say to the interjector that he should consider how long the average white man has had full citizenship rights.

The Hon. G. C. MacKinnon: It took the white people in Britain 1,500 years to get them.

The Hon. L. C. DIVER: It was only towards the end of the last century that the people in the old country were given the right to vote.

The Hon. R. F. Hutchison: You agree with that?

The Hon. L. C. DIVER: I did not live at that time, and I cannot tell the hon. member about it. It is possible, however, that she might have lived in those days! It is a question of progress. And when we consider progress, we should see that it is applied in the best interests of these people. Accordingly it is not my intention to support this Bill.

THE HON. F. R. H. LAVERY (West) [8.22]: Although I do not want to say very much on this Bill, I certainly do not wish to cast a silent vote. I was born in this country, and I am proud of the fact. The only thing that causes me a little shame is the way we treat these people who have blood similar to ours; who are as human as we; who are born and who die in the same manner as we do. I only wish to address myself to the debate from the humanitarian angle. I was most impressed tonight when I heard the hon. Mr. Willmott speak, because in my six years in this Parliament he is the only person, speaking in opposition to such a measure, who has suggested some alternative.

I refer to his suggestion that there should be a standard of education from which citizenship rights should spring. I commend the hon. member for those sentiments. The speech made by the last hon. member on this Bill struck me as being very close to piffle.

The PRESIDENT: The hon. member must not reflect on other hon. members of this Chamber.

The Hon. F. R. H. LAVERY: I said that his speech sounded like piffle. The hon. Mr. Willmott spoke from his experience with natives; and he has probably had far more experience than any of us in this direction. We continue to hear this everlasting cry as to what the police force will suffer. There is also the continuous assertion concerning the curse of drink. Hon. members who represent provinces in the south of the State know that what I am about to say is correct. There are towns in the south where there were no policemen, and where plenty of sly grog shops existed. We found that many grocers handed drinks out to the natives after dark; in fact, one of those grocers is now a J.P. in this State. I do not know how he holds the position.

Have we not got the intestinal fortitude to stand up to this problem? Surely we will make a start, some time during the twentieth century, to give these people something for which they themselves ask. I well remember an article which appeared in "The West Australian" of the 11th October, 1952. As a matter of fact I have a copy of it in front of me. The article is headed, "Not Slaves—Not Citizens." It may be of interest to hon. members to know that the article was written by a native.

The Hon. C. H. Simpson: Not an Australian native.

The Hon. F. R. H. LAVERY: The hon. member has said that before; but I have a photograph of the person who wrote it, and, that person was a native.

The Hon. L. C. Diver: That does not answer the question.

The Hon. F. R. H. LAVERY: The article reads—

> We do not want special dispensation from your laws, nor do we want special laws passed on our behalf. We do not want discrimination of any kind, favourable or otherwise, so long as consistency is observed in matters affecting our interests and welfare.
>
> We do want to be treated like other human beings, to be given the opportunity to rear and educate our children in proper homes and in good schools. At present we are being given a good education, but that is beginning in the middle.

It is not our fault that we are forced to live as so many of us are living in squalid huts and humpies on native reserves. That is your fault. You took our land away from our forefathers, all of it, and all you gave them in return was the "right" to live on unwatered, unlighted, barren or swampy reserves always situated well outside the boundaries of your cities and towns.

You did not teach our men to build houses and yet you criticised them for not doing so, on land which was not theirs. You placed the reserves on or near sanitary and rubbish dumps, with no proper provisions for cleaning our bodies and our clothes and then complained, publicly, that we were smelly and shabby.

I know in my own heart that this matter has gone on for years. It looks as though it will probably go on for many more years. I will say now, however, that I am prepared to surrender my seat in Parliament and go before the public; I am prepared to have a referendum taken on this matter and to nominate again for the seat I hold, to see whether the public will agree to give these people what we are asking.

The Hon. R. F. Hutchison: They would not let us have a referendum.

The Hon. L. A. Logan: As far as I am concerned you can have it any time you like.

The Hon. F. R. H. LAVERY: The remarks made about our police force are, I feel, a slur on that very fine body of men. They are most highly respected and thought of by the public. In fact, I would say that they are as fine a body of men as, if not better than, we would find anywhere else in Australia. They have been trained by the most humane instructors; they have intiative and, at the same time, they can deal out punishment when necessary. One of the reasons why the country people are in opposition to this measure—and I am not referring to the hon. members of this House, but to the people of the country—is that they feel that if citizenship rights are given to the natives, the hotel trade will suffer as a result of these people being able to claim hotel accommodation. But far greater tragedies than that have occurred in this country. A lot worse than that has occurred under our British flag, of which we are mighty proud.

I do not intend to say much more, but I object most sincerely to the criticism about what the natives will do when in drink. We are told that if they get a cheque they either gamble it or drink it away. How many of our own kith and kin are doing the same thing? Why is it that we have hundreds of thousands of deserted wives in this country? Nine-tenths of these cases are brought about by drinking. That situation exists with people of our own colour. So far as colour is concerned, it is a matter of pigmentation.

I feel very keenly about this matter. I thought the hon. Mr. Willmott made a very solid point when he spoke about education, but I think this is where we break down. We send these children to school; and I am led to believe by teachers that, up to 5th or 6th standard, they are equal in intelligence to white children, but from then on they lose a little ground. When they reach the age of 14 or 15, where do they go? I think we have to play a part in helping these people. The trade union movement will have to see that these children are kept at school until they are old enough—

The Hon. G. C. MacKinnon: I thought you represented the West Province.

The Hon. F. R. H. LAVERY: I represent the State on this matter and I am not being parochial. I feel that trade unions must play a part; the Employers' Federation and industry have to play a part; and we, as members of Parliament, have to play a part. A start has to be made somewhere and a trial made. I have other ideas which I could express, but I consider I am wasting the time of the House.

On motion by the Hon. G. C. MacKinnon, debate adjourned.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2).

Second Reading.

THE HON. G. E. JEFFERY (Suburban) [8.33] in moving the second reading said: A provision in the Carpenters' Union award states:—

No employer shall employ a worker, nor shall any worker accept employment for work under this award at piecework or labour only rates or at the rates for labour or material, unless the rates for such work shall have been fixed by the court.

No person who is a member of the Applicant Union shall, except in the capacity of a servant or worker, enter into any contract to execute any works involving service of a kind for which the rates and conditions are fixed by this award.

A position has arisen whereby some employers have let part of their contract on what is generally regarded as a subcontract basis, but what can be termed piecework, the tradesmen who perform the work being to all intents and purposes employees. To a great extent the relationship of employer and employee is present. By means of alleged subcontracting, some employees have been successful in evading the provisions of the award.

I understand a number of employers in the building industry are in favour of the proposal in the Bill which seeks to place

in the hands of the Arbitration Court the jurisdiction to determine whether in any particular case a worker is an employee or a subcontractor. Section 61 of the Industrial Arbitration Act provides—

> The Court shall have jurisdiction—
>
> (a) on its own motion to deal with and determine all industrial matters, and to prevent, settle, and determine all industrial disputes, pursuant to this Act, irrespective of whether the parties to any dispute are registered industrial unions or not, if the dispute has caused a cessation of work:
>
> (b) to settle and determine—
>
> (i) all industrial matters and disputes referred to it by any party or parties under this Act.

A case was recently taken in the court by the building trades unions, and the evidence was against the unions. They could not show that the men were actually employees. To overcome this difficulty it is suggested in the Bill—

> (i) that the court shall have power to declare for the purpose of an award or an industrial agreement that any person who is working or engaged in the industry to which that award or industrial agreement applies and who is performing work which is ordinarily the work of a carpenter—

members of other trades are referred to —shall, notwithstanding any contract or pretended contract to the contrary, whether made before or after the coming into operation of this paragraph, be deemed to be a worker; and

> (ii) that the person by whom the person referred to in subparagraph (i) of this paragraph is engaged shall be deemed to be his employer.

It must be understood that if this Bill is passed, those to whom I have just referred would not be automatically regarded as workers, but the court would have power to decide whether, in any particular case brought before it, the person was or was not a worker. If it were decided that the person was a worker, he would be entitled to the whole of the provisions of the particular award.

The Bill also contains a consequential addition to the definitions of "employer" and "worker" and to the definition of "industrial matters" as set out in the Act. I move—

> That the Bill be now read a second time.

THE HON. R. C. MATTISKE (Metropolitan) [8.37]: I hope the House will not agree to the second reading of this measure. I consider the Bill is another pernicious attempt by the Government to implement its policy of trying to bring more and more people within its political dragnet, and its industrial dragnet, by making contractors, employees under the provisions of the Industrial Arbitration Act.

The Arbitration Court already decides whether a person is a contractor or an employee, based on the relationship of master and servant. In the building trades case in 1938, the court established preference to unionists in the building industry. The basis for this was that if a man takes on contract work, he should leave the union. If, when the contract is finished, he seeks to rejoin the union, he should be refused.

In support of that statement, I would like to quote from remarks made by members of the board at the delivery of the minutes of the proposed awards on the 30th September, 1938, when they said, among other things—

> The building trades are especially subject to the inroads of the entrepreneur, of the jobbing labourer, and jobbing operative who goes around cutting prices, really working in the relationship of servant but under cover of pseudo contractual arrangement. This state of affairs was deplored by the unions and by almost all the employers. There is a general desire to "do something" about it. The general consensus of opinion was that it was bad for the trade. My colleagues and I have formed the opinion that something must be done to deal with this position. This system of working undermines fair standards and leads to skimpy work. Instances were quoted of men working all sorts of irregular hours and on Sundays and holidays. Examples of poor workmanship were also cited. In an endeavour to make the most possible in money in the least time the artisan does not put his best into the task. I approach the question of preference to unionists and "piecework," or pseudo contract problem, as being linked together. If it could be so arranged that preference were given to members of the unions, and that no person who took on this class of jobbing work could be a member of the union, then we would be going a long way towards controlling what is a glaring evil. The domestic rules of the union could provide, as is done in other places, for expulsion of a member who was a so-called employer or master operative one day and a journeyman operative another day. In addition, a penalty could be provided for this particular type of individual. The unions in these references asked for the outright restriction

of piecework by providing that it could not be done without the sanction of the court as to the terms and conditions on which the work was to be performed. But is this the point? The question is—what is "piecework"? The only meaning piecework can have in the claims as couched is work done by the task or by the specific job by a worker working for another party who is a master in the strict sense, that is to say, there must be the relationship of master and servant. Even if I were disposed to grant the union's claims in their entirety, the unions would still find that the trouble which they seek to rectify would go unchecked. On the other hand, the employers desire to meet the position by providing that no member of the applicant unions is to be a master or jobbing operative. I am treating the employers' answer in accordance with what I consider is their intention, although there is room for some argument on the phraseology used in the issues. The unions are fearful that if the employers' answer be adopted the effect might be to cause serious diminution in their membership. After consideration and bearing in mind the extent to which this jobbing work is done by operatives, I think there is a good deal to be said for the unions' fears. How then can the position best be met? In my opinion, by conceding the principle of preference to unionists thus ensuring that there can be some discipline exercised by the unions over operatives in the trade. I have, however, decided on this principle more or less as an experiment, and it will be noticed that I have qualified it by providing that, if the unions or the majority of their members in any particular case take part in a strike, or a cessation of work, then the benefit of the clause will automatically cease. This, in my view, is necessary in order to ensure that the clause cannot be used as a weapon of oppression. Furthermore, I have given liberty to apply to either party at the expiration of six months from the date of the award, at half-yearly intervals. This will enable matters relating to the effect of the working of the clause to be put before the court, and any variations shown to be necessary in the light of experience can be made in the exigencies of the circumstances. It will be necessary for the proper working of the clause for the unions to put their domestic affairs in order. I desire to be assured, or the court will desire to be assured that the unions are giving a fair right of entry to competent operatives. Unless this guarantee is given and maintained, and the right of entry appears at all times to be unfettered so far as men with the necessary skill and character are concerned, the unions will not continue to enjoy the benefit of the clause.

The quotation demonstrates quite clearly that, in 1938, the Arbitration Court was fully aware that there were difficulties in the industry in connection with piecework and it took these steps to remedy the difficulty. I venture the opinion that since that date there has been a vast improvement in the building industry which, because of its very nature, necessitates subcontracting. We must have the small builders who, collectively, carry out a vast amount of work in the building industry. The small builders carry out a lot of residential work and other jobbing work which is not attractive to the bigger contractors; and, as I say, the volume of work they do is considerable.

The Government, I think, will agree that the small builder is essential. I recall that in 1953, when the Builders' Registration Act was being amended, a strong move was made by the unions for it to be widened in order to permit persons to construct buildings up to a value of £4,000, without the necessity of passing the builders' registration examination. The desire at that time was that persons who, hitherto, had been engaged in one trade or another, should have the opportunity to commence practice as builders in their own right. The Chief Secretary, when submitting the amendment to the Act in the House, said—

> Very often in past years I have complained about the manner in which the Builders' Registration Board operates, because I considered that the examination set by it was not suitable to the average tradesman who was desirous of becoming a builder.

I consider the legislation which is proposed now is wrong in principle because it will preclude the small man from having an opportunity to commence practice in his own right.

The Hon. H. C. Strickland; that is not correct.

The Hon. R. C. MATTISKE: The small builder cannot engage all his requirements on a day-labour basis. It would be quite impracticable for him to do that. One needs to use just a little imagination to see what would happen. First of all, it would mean that certain tradesmen would need to be employed to put down the foundations for a brick house. When that job was completed, if no other job was available at the time, these men would have to be sacked. Then the bricklayers would be employed. When they had completed the brickwork they, too, would be sacked; and so on with the carpenters, plasterers, painters, plumbers, electricians and other tradesmen.

Members can imagine the volume of work involved in keeping the records in respect to income tax deductions, and the other deductions that are normally made from salaries. Also there would be the computations to be made with regard to leave due to these people—annual leave and long service leave—and there would be the difficulties associated with the making out of sick leave entitlements and everything else.

The Hon. F. R. H. Lavery: You are making heavy work of it.

The Hon. R. C. MATTISKE: All these things would make it impracticable for the small builder to operate. Again, let us think of the costs. The small builder could not, if he had two or three jobs in widely separated places, carry out the necessary supervision. If he had these different tradesmen on a day-labour basis, he would have to employ supervisors to make sure that the men were really working and were not loafing. The supervisor would have to be paid £25 a week, or thereabouts, and he would need a motorcar for the purpose of going from one job to another. Apart from the initial cost of the vehicle, the running expenses of it would be in the vicinity of £5 a week; and the employer would be involved in incidental costs—in respect of the supervisor—such as annual leave and the like.

Therefore, the small builder would be saddled unnecessarily with expense in order that he might operate efficiently. How is he to meet this expense? Naturally the cost will be paid for by the person for whom the work is being done, because all these costs must be passed on. Again, in the employment and sacking of these various tradesmen, another big problem would arise. Whenever a tradesman is employed, there is a certain element of risk—unless he has previously worked for the employer—because he may not be satisfactory. Consequently, it may be necessary for the employer to dispense with his services after a few hours' work. If the man is sacked on the spot it means that for the rest of the day the time is dead time, as far as the employer is concerned, because he has to pay for it but gets no work in return. The employer also has to meet unnecessary costs the next day because he must give a day's notice when dispensing with the services of a tradesman. Therefore, on numerous occasions, two days can be involved when unsatisfactory tradesmen are engaged.

In certain aspects of the building industry, teamwork is vital. In bricklaying, it is customary to have three persons working as a team—two bricklayers and one labourer. After these people have got to know one another fairly well, they develop their teamwork, and their efficiency is considerably increased. A lot of brickwork is at present done on this subcontracting basis. Difficulties often arise when one member of a team is absent through sickness, because it is difficult for another person to fill in in such a manner that the team can operate with the same efficiency as it did previously. It takes some time for them to arrive at the understanding between each other that is so necessary.

I feel that in the Bricklayers' Union there are many persons who are engaged in work, on the subcontracting basis, and they should be entitled to continue to operate in that manner. If they are prepared to carry out work on a subcontracting basis, because they feel they can earn more money within the same span of working hours, they should be entitled to continue to do it because, not only are they benefiting, but so is the person for whom the work is being carried out. If this incentive were destroyed, because of the Bill, if it becomes law, it would be a sorry day for the industry.

We have already heard figures quoted in other places about the number of bricks that a bricklayer lays normally on the day-labour basis. The number has, on many occasions, been quoted as being in the vicinity of 400; whereas, on the same type of work, on a team basis, the number laid is approximately 700 bricks per man per day. These figures are not exaggerated; I can produce much evidence from builders to substantiate them.

Similarly, with tilefixing, plasterboard work, and many other things that are necessary in the building industry, the work is carried out quicker and at less cost to the person on whose behalf the work is performed, when it is done on the subcontracting basis. Again, by letting various jobs on subcontract, the builder is relieved of the necessity to provide the equipment used for the purpose—scaffolding and the like. He is also relieved of the necessity of providing the various minor materials required. Consequently, all he has to think of is his own particular section of the work, and the subcontractors make all the detailed arrangements for the work they do. This can only result in efficiency in the industry; and, I repeat, it reduces the cost to the client.

If the Bill were to become law, it would apply throughout the whole of the State because the Industrial Arbitration Act applies to the whole of the State. This will have a terrific impact on the farming community. At the present time the general practice throughout the country areas is that when a farmer, or a person in a country town, requires building work to be done, there is usually in the town, or in an adjoining town, a handyman who, for a set figure, will contract to do the various jobs required.

The usual practice is for this handyman to give the farmer a price for the construction of sheds, or the laying of a

few bricks, or to do painting or electrical work, or other work. He is sufficiently skilled in the various trades to be able to do these jobs, and although his work may not be of the highest tradesman-like standard, it is good enough for the particular requirements. Many farmers avail themselves of this set-up to get their work done. If the Bill becomes law, that practice will cease.

The Hon. H. C. Strickland: No. That is incorrect.

The Hon. R. C. MATTISKE: It would, because it would be possible for a person to be a member of only one union, so that one of these men, at present carrying out various jobs connected with different trades, would be restricted to one trade.

The Hon. H. C. Strickland: I am afraid your imagination is running away with you.

The Hon. R. C. MATTISKE: The farmer, in order to get his jobs done, would have to contact the union secretary, or advertise for tradesmen in the other trades.

The Hon. H. C. Strickland: That is not correct.

The Hon. R. C. MATTISKE: It is, because one man could not do the work of all the trades connected with the building industry; and these trades come within the scope of the Bill.

The Hon. H. C. Strickland: Not for that purpose.

The Hon. R. C. MATTISKE: The hon. member who introduced the Bill said it was definitely laid down that all these trades were to be embodied in the Industrial Arbitration Act. How would a farmer get on if he had to get different tradesmen to do the various sections of the work? Think of the humbug he would be involved in with his book-keeping in respect to income tax deductions and a host of other things including workers' compensation cover and travelling expenses involved to and from the job. In addition, he would have to board these tradesmen while they were on the job. The farmer would have to attend to all these matters.

The Hon. H. C. Strickland: Who provides them now?

The Hon. R. C. MATTISKE: The odd-job man pays them himself. He comes from the adjoining town, and he is a sub-contractor. He is not an employee as provided in the Bill. Therefore, this measure will cause utter confusion right throughout the country areas, and I sincerely hope that it will not pass the second reading. Utter chaos must inevitably ensue if it is agreed to.

In conclusion I simply say that the Bill, apart from other things, is repugnant, because it will take away the freedom of the individual. At present the unions have the power to police piecework, as the Arbitration Court stated when it set out those provisions in 1938; and if the unions now feel that these provisions are not working satisfactorily, I can only say that it is because the unions are not playing their part and are dismissing from their membership people who are engaging as subcontractors. The court has clearly set out that a person can be either a sub-contractor or an employee. If an individual elects to be a subcontractor, the remedy is in the hands of the unions. I feel that they have sufficient protection at present, and if a genuine subcontractor feels that he would rather engage in that type of work, with a view ultimately to becoming a builder, as provided under the Builders' Registration Act, I think he should have that opportunity of entering the industry. Therefore, I oppose the second reading of the measure.

THE HON. A. F. GRIFFITH (Suburban [9.2]: We have heard a very good explanation of the Bill from the hon. Mr. Mattiske.

The Hon. H. C. Strickland: A very exaggerated one.

The Hon. A. F. GRIFFITH: That may be the Minister's opinion; but we all know that the hon. Mr. Mattiske, because of his connection with the building industry, has no small knowledge of it. I wish to have a few words to say in opposing the second reading. If hon. members wish to take away an individual's initiative they should support the Bill, because that is exactly what it will do. I venture to suggest that there are two reasons why the measure has been introduced; we heard the hon. Mr. Jeffery give one reason, and the other reason is, as I have mentioned, that it will take away an individual's initiative. Whether that is the express intention of the Bill does not matter; that will be its result. I can understand the Minister's attitude in supporting a Bill of this nature. It is a part of Labour Party policy, and he would not disagree with the policy of his party. If he did not subscribe to that policy he would not be where he is now.

The Hon. H. C. Strickland: That is what I told you the other night.

The Hon. A. F. GRIFFITH: That is right.

The Hon. H. C. Strickland: Then we agree.

The Hon. A. F. GRIFFITH: This will give me ample opportunity to say the same thing truthfully, and more truthfully than the Minister did the other night.

The Hon. H. C. Strickland: Mr. President, I must ask the hon. member to withdraw that; I did not speak untruthfully of the hon. member the other night.

The PRESIDENT: What does the hon. member want withdrawn?

The Hon. A. F. GRIFFITH: I do not know what the Minister wants me to withdraw. The other night he accused me of something by saying that if I did not subscribe to a certain policy I would not be here. I do not agree with him upon that point.

The Hon. H. C. Strickland: But it was not untruthful.

The Hon. A. F. GRIFFITH: What the Minister wants me to withdraw I do not know. I faced the electors three months ago, and here I am back in this House again.

The Hon. H. C. Strickland: I am not objecting to that.

The PRESIDENT: What words does the Minister want withdrawn?

The Hon. H. C. Strickland: That I was untruthful the other night.

The Hon. A. F. GRIFFITH: If the Minister construes my remarks in that manner, I will withdraw them. But I will repeat—he would not be where he is if he did not subscribe to a policy of this nature.

The Hon. H. C. Strickland: We agree.

The Hon. A. F. GRIFFITH: Good.

The Hon. H. C. Strickland: Then there is no argument.

The Hon. A. F. GRIFFITH: If we ask ourselves a simple question, "What does this Bill do?" we find the answer given in the hon. Mr. Mattiske's final words—primarily it takes away the initiative of the individual. A person who wants to work by himself under contract should be permitted to do so.

The Hon. H. C. Strickland: He will still be able to do that if the Bill is agreed to.

The Hon. A. F. GRIFFITH: That is how the Minister sees it. Such a person would have to apply to the court, and I think it is doubtful whether what the Minister says is correct.

The Hon. H. C. Strickland: You will agree that it is doubtful.

The Hon. A. F. GRIFFITH: He must apply to the court and give an explanation as to why he wants to work in that way. To my mind the Bill seeks to make people workers within the meaning of the Industrial Arbitration Act, whether they want to be so classified or not.

We all know that if a person wants to obtain a house there are a number of ways in which he can do it. He can buy an already constructed house; he can call for tenders and have a builder construct one for him; he can go to different builders and ask for quotes; or he might have sufficient initiative, as so many thousands of our young people have, to decide that he will be an owner-builder and construct the house for himself. If a person wants to get a builder to do the work for him, and he calls tenders or gets prices from different builders, he gets a set price for the job and he knows what the house will cost him, if there is no rise and fall clause in the contract. Usually in such contracts a date of completion is provided with, perhaps, some leniency clause; but the person building the house knows exactly where he stands.

If he wants to be an owner-builder, he and his wife plan their home, as so many couples have done for years. They plan their dream home and, usually after living in it for a short time, find that they could have made a lot of improvements. However, that is life. This young person would plan his home and then try to find out what it would cost him. The usual practice is for the young man to see a number of stonemasons and get quotes from them. The same applies to carpenters, who will lay the floor, and lay out the roof, and to electricians, plumbers, bricklayers, tile firms and all the other people connected with the building industry. When he has all these quotes he will sit home at night and work out just how much his house will cost. He can do that, because he knows exactly how much these subcontractors will charge him.

For instance, he will know that if he requires 30,000 bricks the bricklayer will charge him so much a thousand for the work. The same applies to all the other subcontractors. I do not know whether this is the position now, but the State Housing Commission let a number of contracts to carpenters who were prepared to set out roofs under certain conditions.

The Hon. H. C. Strickland: This Bill will not stop them from doing that.

The Hon. A. F. GRIFFITH: That is the way many young people get their homes. If the Bill becomes law, and the Arbitration Court is able to do what is set out in the Bill, most of these subcontractors will become day workers.

The Hon. H. C. Strickland: That is not the intention of the Bill.

The Hon. A. F. GRIFFITH: If the Minister contradicts that, then the hon. Mr. Mattiske and I have misinterpreted it, and there is no need for the Bill at all.

The Hon. H. C. Strickland: That is not the intention of the measure.

The Hon. A. F. GRIFFITH: That is the explanation of it, whether or not it is the intention of the Bill. I have been reliably informed that if the Bill becomes law, the building industry estimates there will be a 10 per cent. to 15 per cent. increase in the cost of building. If there might be a 10 per cent. to 15 per cent. increase, surely it is up to us to protect our own people!

The Hon. H. C. Strickland: That is a hypothetical argument.

The Hon. A. F. GRIFFITH: These things are hypothetical before they happen.

The Hon. H. C. Strickland: Your argument on that score is hypothetical.

The Hon. A. F. GRIFFITH: No, my argument is not hypothetical. It is not theory in the slightest degree.

The Hon. H. C. Strickland: The 15 per cent. increase is.

The Hon. A. F. GRIFFITH: It is not, because all one has to do is to compare the two methods of getting a brick wall built. Let us say that a bricklayer has to lay 20,000 bricks.

The Hon. H. C. Strickland: He can still do that.

The Hon. A. F. GRIFFITH: I would be pleased if the Minister would let me finish my speech. I would be quicker if he did not interrupt me. I do not mind interjections as a rule, particularly if they are helpful, but he is rather constant at the moment. The system envisaged by the Bill will be very costly. If the Minister thinks it is a theory, I suppose one is entitled to theorise about these things. But I do not think it is theory. If a man is prevented from doing a job under contract, and is put on to day-labour work, there is no knowing how much it will cost, and there must be a doubt as to whether the increase will be 1 or 15 per cent. In yesterday's paper, in the questions column —although this is not entirely relevant to the arguments surrounding this Bill, some of it is of interest in connection with this matter—appears the following:—

> Question:
>
> (a) What was the difference in the price of wool in the seasons 1949-50 and 1957-58?
>
> (b) How did the wool value affect the basic wage in these years?
>
> Answer:
>
> (a) The wool price in 1949-50 was 63.77d. per lb., and in 1957-58, 62.6d. per lb.
>
> (b) The basic wage in October, 1949, was £6 15s. 11d. In January, 1958, it was £13 12s. 3d.

In actual fact the price of wool today is about 43d. and not 62d. per lb. The hon. Mr. Mattiske spoke about the farmer, and what his situation would be if the Bill became law. He is a person who has had the bottom taken right out of his income, as the extract from the newspaper shows, and under this legislation he would not be able to effect any improvements to his farm under the contract system but would have to have the work done by day labour.

The Hon. H. C. Strickland: This Bill will not stop him.

The Hon. A. F. GRIFFITH: He would not know how much the job would cost. The Minister keeps on with these interjections, but it is interesting to see—

The Hon. H. C. Strickland: I will have an explanation for you.

The Hon. A. F. GRIFFITH: In addition to the terrific fall in the price of wool, there is the added impost of the basic wage being twice what it was in 1949-50.

The Hon. F. R. H. Lavery: That is because Mr. Menzies did not put value back in to the pound.

The Hon. A. F. GRIFFITH: I feel sure that the Legislative Council should not support this Bill for the reasons given. It would be far more satisfactory to allow workers in the building industry to continue as they have been doing and become engaged in work as they think fit. One has only to scan the "Situations Vacant" and the "Situations Wanted" columns in "The West Australian" every morning to notice how many tradesmen offer their services on a contract basis and, on the other hand, how many people advertise for quotes to be submitted by tradesmen for work to be done on a contract basis. In my opinion that state of affairs should not be disturbed.

The Hon. H. C. Strickland: We do not wish to disturb it.

The Hon. A. F. GRIFFITH: With the Minister continually making that remark that leaves me in the position that I need not say anything further, because when he rises to his feet we will hear his explanation as to why the existing state of affairs will not be disturbed if the Bill is passed.

On motion by the Hon. J. M. Thomson, debate adjourned.

CONSTITUTION ACTS AMENDMENT BILL (No. 3).

Second Reading.

THE HON. C. H. SIMPSON (Midland) [9.17] in moving the second reading said: The Bill seeks to clarify Section 15 of the principal Act by setting out more clearly the qualifications of electors for the Legislative Council. In that section at the moment, the qualifications in respect of the voting rights of individual property owners or lessees are clearly defined. They are as follows:—

> A freeholder who has a legal or equitable freehold estate in possession situate in the Electoral Province of the clear value of Fifty Pounds stirling.
>
> A householder within the Province occupying any dwelling-house of the clear annual value of Seventeen Pounds stirling.

A leaseholder who has a leasehold estate in possession situate within the Province of the clear annual value of Seventeen Pounds stirling.

A Crown leaseholder who owns a lease or licence from the Crown to depasture, occupy, cultivate, or mine upon Crown lands within the Province at a rental of not less than Seventeen Pounds per annum.

And now a fifth qualification, which has been added only recently, in effect, reads—

E.L.A.L.—Any person whose name is on the electoral list of any municipality or Road Board District in respect of property within the Province of the annual rateable value of not less than seventeen pounds.

There are also two provisos concerning the qualifications of aboriginal natives and naturalised British subjects, and subparagraph (iii) of the proviso reads as follows:—

No elector possessing more than one qualification within a province shall be thereby entitled to be registered more than once for that province.

To my mind that clearly sets out the intention of the Act regarding the limitation of voting powers in respect of any person possessing more than one property qualification. Such property owner has one vote only in regard to that particular province. Questions have been raised, however, regarding the status of corporation nominees who may come under the E.L.A.L. qualification. Incidentally, "E.L.A.L." means "Enrolled Local Authority List."

There has been a tendency, over the past few years, for business corporations to establish branches in the country. A number of such branches may be established in the one province. Each such property appears on the local authority's list in respect of the locality in which it is established. Stockbrokers, banks, cooperatives, oil companies, chain stores and the like are represented. With regard to some of these, living quarters are provided, and the occupier of such quarters would normally have a vote as a householder.

In other cases it might be that no living quarters are provided, and yet the corporation's nominee could be enrolled on the ratepayers' list, and the nominee of the corporation would possess the necessary E.L.A.L. qualification for the Legislative Council and would be entitled to a vote. It is therefore quite possible for any interested party to nominate one of its officers for each of the properties in respect of which it pays rates, and so long as a different person is nominated for each of these properties, I can see no legal bar to each of these persons being enrolled on the Legislative Council roll.

It is also possible that an interested party, such as I have indicated, might exercise some influence on the votes of his nominees. There are no means of checking on such a practice—if it were exercised—as votes are secret. In any case, as I have previously suggested, the nominee might be a householder; either provided with quarters by the company or occupying a house of his own. I do not know of any cases where there is evidence to suggest that employee-nominees, say, in the country, would be influenced by city owners, but as the law stands at present I cannot see that there is any legal bar to such a happening.

So long as any enrolment is legal, I can see no reason to question the practice of organising such voting strength as exists. This would, however, appear to be contrary to the intention and purpose of the Act as a whole, and more particularly the purport of subparagraph (iii) of the proviso. My amendment would clarify the position, and, in my opinion, would be in accordance with the intention of the Act. I trust that hon. members will agree to the amendment which is now submitted for their consideration. I move—

That the Bill be now read a second time.

On motion by the Hon. H. C. Strickland (Minister for Railways), debate adjourned.

TUBERCULOSIS (COMMONWEALTH AND STATE ARRANGEMENT) BILL.

Second Reading.

THE HON. W. F. WILLESEE (North) [9.22] in moving the second reading said: In 1949 the State Parliament agreed to a Bill bearing the same title as that which heads the Bill I am now introducing. That measure sought to ratify an agreement between the Commonwealth and the States by which, for 10 years, the Commonwealth would meet the cost of expenditure incurred in conducting a campaign against tuberculosis.

I am pleased to say that the relationship between the Commonwealth and Western Australia in this important health matter has been most successful; in fact, it might well be this State's most outstanding example of Commonwealth-State co-operation, and this, in a field where the Commonwealth, if it so desired, could have embarked upon the campaign through its own health department.

The progress of the campaign against tuberculosis in this State since the agreement came into force has been spectacular. The death rate for pulmonary tuberculosis has dropped from 22 per 100,000 of the population in 1950, to six per 100,000 in 1956. The number of patients receiving the tuberculosis allowance was reduced from 515 at the end of 1950, to 264 at the end of 1956. Indications from

special surveys in school children, and the fact that pulmonary tuberculosis is discovered at a less advanced age, suggest there is a marked lowering of the level of infectivity in the community.

Nevertheless, the more extensive case-finding measures, particularly the chest x-ray suveys in the metropolitan and country areas, are still discovering many new cases of pulmonary tuberculosis. This is realised by the fact that while 586 cases were notified in 1950, some 424 notifications were made in 1956. The prevalence rate has not as yet shown any marked signs of diminishing. In 1950, it was 376 per 100,000 of the population, 450 in 1955, and 428 in 1956.

The Director of the Tuberculosis Control Branch of the Public Health Department considers it possible that this peak has been passed. It must be realised too, that, in some measure, the recent higher figures are due to satisfactory treatment and that patients do not now usually succumb to tuberculosis. It is obvious that no modification should be made on the full-scale attack on tuberculosis on a national scale.

The agreement, or arrangement as it is termed, between the Commonwealth and the States expired on the 30th June of this year. A conference of health Ministers agreed that the States should advise the Commonwealth that they would be prepared to renew the agreement, but if the Commonwealth wished to vary its terms, no State would agree to sign without consultation and agreement with the other States.

In April last, the Prime Minister advised that his Government was prepared to renew the agreement on similar terms, subject to review in five years of the basis on which maintenance expenditure was to be re-imbursed. The Premier replied indicating this State's approval, which was shared by the other States. Apart from minor details, and its period of five years, the terms of the new agreement are similar to those of the previous one. It provides for the Commonwealth and the State to continue to participate in the campaign to reduce the incidence of tuberculosis and to provide adequate facilities for the diagnosis, treatment, and control of the disease.

The Commonwealth agrees to re-imburse capital expenditure in the provision of land and buildings, and in the erection, improvement equipping and furnishing of buildings, as well as the net maintenance expenditure by the State. I am sure that hon. members will be very pleased to support the extension of this agreement. I move—

That the Bill be now read a second time.

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

ELECTORAL ACT AMENDMENT BILL (No. 4).

Second Reading.

THE HON C. H. SIMPSON (Midland) [9.29] in moving the second reading said: This Bill proposes to amend the Electoral Act to achieve two main objects. The first is to modify the postal vote facilities as set out in the amendments to the principal Act which were passed last year, and the second is to secure to the voters in scattered areas the right of appeal for the establishment of polling places where there is an enrolment of 20 or more voters situate more than seven miles from an existing polling booth.

Although the Bill appears to be a long one, hon. members will realise that it is essentially a machinery measure embodying two main principles. The proposal to modify the system of postal voting embodied in the Act passed last year is a modification only, designed to suit the needs of both metropolitan and country voters.

It is not expected that a complete reversion to the old system of postal voting would be agreed to, as a majority of both Houses last year favoured a change to the new system which closely resembles the Federal postal vote system. It is understood, however, that while the new postal vote system might be more effective in correcting anomalies—particularly in the metropolitan area—the new system did not work so well in country areas.

This Bill proposes to constitute two zones—namely, a metropolitan zone, and an outer zone which would embrace the remainder of Western Australia. The metropolitan zone would include an area as set out in Clause 4 relating to Section 95A (1) of the Act—that is, the metropolitan area as defined in the Electoral Districts Act, 1947. The outer zone would consist of the rest of the State as set out in Clause 4 relating to Section 95A (2). The metropolitan zone would continue under the new system as at present. The outer zone would, in regard to postal voting, revert to the old postal vote system as operating prior to the passing of the amending legislation last year.

It may be argued that it might be worth while to give last year's amendments a trial, pending the State Assembly elections due early next year. The answer is that so far as the country areas are concerned, the new system was tried and found wanting. Its drawbacks were more clearly apparent in the recent biennial Legislative Council elections.

The system may have worked all right in the metropolitan area, and no changes are proposed in that regard. It is in the country areas that there is confusion; and, for the most part, complete ignorance of the new system. Therefore, it is only

wisdom, if the convenience of country electors is to be considered, to make a change now. Deferring any such change will only add to confusion and misunderstanding.

For the most part, the old system worked well in country areas, for which it seemed to be specially designed. Country residents were familiar with it, and the system was effective in securing a reasonably high proportion of votes in comparison enrolments. I can speak with some knowledge on this point as I was a postal vote officer in a country centre for upwards of 12 years. Conversely, I am in a position to know that in that particular area the Federal postal vote system did not work, and for years some electors were disfranchised.

As hon. members will readily appreciate, much of the matter in the Bill is concerned with the rewriting into it of the sections concerning postal voting which were deleted last year. These reinclusions are mainly covered by Clause 4.

Clause 6 of the Bill embodies a new amendment by adding after Section 100 a new Section 100A to provide for (a) time when polling places to be advertised; (b) appointment of polling places in certain cases. New Section 100A (1) provides that notice of appointment of polling places in a province or district in respect of an election shall be advertised in the "Government Gazette" on the same day as notice is published, as required by Section 65 of the Act, of the intention to issue a warrant directing the issue of a writ for the election. The aim is to give interested persons the earliest possible information regarding appointment of booths. This in turn enables electors in remote areas to make application for polling booths where a reasonable number of voters reside.

Proposed Section 100A (2) provides that where in any province or district 20 or more electors reside within a radius of seven miles from a townsite or any other place in that province or district, the Minister (a) shall, in the case of a townsite; and (b) may, in the case of any other place, on the written request of 10 or more of the electors so resident, by notice in the "Government Gazette" appoint such a polling place.

This provision is to make facilities available as required for the convenience of the electors. As an example of the need for this, I will cite the last Legislative Council election in the Midland Province where the combined influence of reduction of polling booths and the introduction of a new and unfamiliar system of postal voting caused a considerable drop in the polling response.

Figures for this election might prove to be of interest. They are as follows:—

Year.	Voters on Roll.	Percentage Electors Voting.
1950	5,104	55.72
1958	5,293	47.52

There was a drop of 8.2 per cent. in voter response. This was undoubtedly due to the reduction in polling booths and in the postal voting system change. The polling figures were as follows:—

Year.	Voters on Roll.	No. Polling Booths.
1950	5,104	63
1958	5,293	32

But the picture is perhaps more clearly revealed if we examine the subdivisions and the primary vote response. This can be seen from the following table:—

	Subdivisions.		
	Geraldton.	Greenough.	Moore.
	%	%	%
1958	47	38	32

In the Geraldton subdivision, the number of booths was reduced from 12 to seven, or a reduction of five. In the Greenough subdivision, the number was reduced from 26 to 14, or a reduction of 12. In Moore, the number was reduced from 25 to 11, or a reduction of 14.

In Geraldton, the response was relatively high as the voters did not have a great distance to travel. In the Greenough and Moore subdivisions, the drop in voter response was marked; and it is in these areas, where voting was made difficult by necessitating extra travel, that the percentage drop is so marked.

A drop of 8.2 per cent. in a roll of 5,293 represents 434 voters; and it becomes apparent that the great majority of these—possibly the whole—were enrolled in the two subdivisions of Greenough and Moore as it was in those two that the remote voters had so far to travel.

The following gaps between polling booths reveal the position:—

	Miles.
Mullewa to Moonyoonooka	50
Mullewa to Mingenew	53
Mullewa to Morawa	60
Wubin to Perenjori	65
Badgingarra to Moora	50
Kalbarrie to Northampton	70

Voters in some cases had to travel up to 20 miles to connect with a main road to a booth. So, as the voting was not compulsory, it can easily be understood why voters did not vote, and felt that they were deprived of their voting rights through no fault of their own. They feel strongly that those who live in remote areas, often pioneering and opening up

new lands, should be encouraged and not penalised. No-one is more deserving of special consideration.

From the foregoing, I think I have clearly shown that the present system is defective and that some remedy is needed. That remedy this Bill proposes to provide. From the candidates' point of view, it is obviously desirable that the conditions of any contest shall be fair, both to them and to their electors.

In the Midland Province the figures show clearly that the drop in the percentage of voters in the two subdivisions of Greenough and Moore represented a substantial number; and it can also be assumed that a substantial majority of these remote voters would have been Country Party voters—probably 90 per cent. of them.

I am not complaining personally. For the information of hon. members I can say that the pattern of primary voting throughout my electorate was practically identical, being 69 to 31 per cent. in the Geraldton subdivision; 71 to 29 per cent. in the Greenough subdivision; and 72 to 28 per cent. in the Moore subdivision.

The point is that a candidate under such circumstances must feel—as I did—that he was conceding a handicap to his opponent of 300 to 400 votes, because of the reduction of booths in remote centres. This could mean the difference between winning or losing in a close contest. I have given these figures by way of illustration.

In other areas the party complexion of the voting might be different. It could be that in the South-West Province, for instance, the Liberal candidate would be disadvantaged; in the North-East Province it could be the Labour candidate who would be disadvantaged. But in any case, it is not a matter of what party a person may support. What does matter is the preservation of his right to vote with reasonable facility and the minimum of inconvenience.

It has been stated that small booths are disproportionately costly. I say that the remote voter should, within reason, be specially catered for. I contend that if the cost of running a polling booth is balanced against the extra distance which the voter is called upon to travel, then it is more economical to provide a polling booth. In any case, the Government has spent large amounts of money in securing new enrolments. I have no objection to that, but I think that money spent in providing facilities for country centres is at least as important as paying staff to enrol voters in metropolitan and suburban areas.

There is a growing feeling of resentment on the part of many country dwellers at what they regard as being pushed around. When it is explained to them that a voting system to which they have become accustomed is being changed, or that polling facilities in certain areas have been withdrawn, then the tendency is to castigate the Government; and, where it is known that voting is not compulsory, to refuse to vote. It takes some persuasion on a candidate's part to convince an elector that such action only affects the candidate. It does not affect the Government at all.

With the centre of gravity, so far as population is concerned, shifting towards the capital city, and the weight of political representation becoming more and more metropolitan, the man in the country is not receiving that consideration to which he believes he is entitled.

A letter was written to "The West Australian" by Mr. D. S. Hooker of Naval Base, when he found that there was no polling booth provided at Naval Base for the Legislative Council biennial elections on the 10th May last. On inquiry, he was told that there were polling booths at Kwinana five miles away, Medina four miles away, and South Coogee four miles away. Mr. Hooker considered this to be a hardship. Compare these distances with those in the Midland and Central Provinces, where voters had to travel 30 to 40 miles to their nearest polling booth—sometimes over very indifferent roads—and one has some idea of the difference in attitude and treatment of the one group as compared with the other.

I have not considered it necessary to go through the Bill clause by clause. The two main principles have been stated. The first aims at creating an inner metropolitan zone and an outer zone for the purposes of postal voting; and the second is to allow electors the right to apply for a polling booth in a particular area. Otherwise the Bill is a machinery Bill to allow these changes to be made.

I trust hon. members will appreciate the conditions applying to country voters, and that they will give this Bill their support. I move—

> That the Bill be now read a second time.

On motion by the Hon. H. C. Strickland (Minister for Railways), debate adjourned.

TRAFFIC ACT AMENDMENT BILL.

Second Reading.

THE HON. L. C. DIVER (Central) [9.46] in moving the second reading said: This Bill is for an Act to amend the Traffic Act, 1919-1957, and is necessitated by changing times, in which we have witnessed a revolution in the mode of transport. The evolution of the motor-driven vehicle, in all its forms, which can fairly be claimed to be one of the wonders of our age, is bringing with it problems many and varied.

The particular problem this Bill deals with relates to trespass. About the City of Perth, many private car parks are being established, from which those operating them receive revenue by hiring parking space to various motorists on a weekly basis. Most of these private parks, therefore, are unattended. Others are solely private. Without authority or payment, some motorists are avoiding the expense of using parking facilities provided by the City Council. They find it much cheaper, and just as convenient, to use space provided in these private car parks.

The law of trespass gives no effective protection to private landowners. Therefore considerable difficulty has arisen with intruding motorists who drive on to private parking places and park their cars. It is proposed in this Bill to add to the Traffic Act a new section—57A—with the object of curbing the activities of those persons who poach on private parking space.

The Bill proposes to make a first offender liable in damages to the person in possession to a minimum penalty of £2; to a maximum penalty of £5; and a sum of £5 and not less than £10 for a second or subsequent offence. The application of this measure has been limited to that part of the city area defined as parking region No. 1 in the schedule to the regulation made under the City of Perth Parking Facilities Act, 1956. This limitation of area has been intentional. It is considered those regulations are the root cause of the problem which has arisen, necessitating the attention of the Legislature.

The same objection may be taken to the limitations of the provisions of this measure; and if exception is taken to such limitations, I think perhaps they may be justly queried in so far as the question of private car parks does exceed the limitations of the City of Perth parking regulations as defined in this Bill. For instances, we find that in towns as far away as Fremantle and Northam private parking place are being created, and with the passage of time the same objection may creep in there. If we limit the operation of this measure to the City of Perth, people who have created these facilities for their own benefit will find that the trespass law does not go far enough.

Some hon. members may say that we should rely on the law of trespass; but the position is that certain firms have made representation that a Bill of this nature be introduced because of the limitations of the law of trespass. It does not give effective protection; because, even after all the details have been ascertained and a man is charged with trespassing, it is likely that a verdict of guilty will be brought in, and only a small sum will be imposed as a fine.

To prevent these—shall we call them for want of a better expression—poachers of parking areas from getting free space, there is need for heavier penalties than are provided under the law of trespass at present. I am sure it is known by hon. members that even under the old city traffic laws, many people were prepared to pay a regular fine rather than shift their vehicles from some selected spot convenient to them. That shows that a substantial penalty has to be imposed to act at least as a deterrent to these people who want to use other people's land for such a purpose. I move—

That the Bill be now read a second time.

On motion by the Hon. H. C. Strickland (Minister for Railways), debate adjourned.

ROAD DISTRICTS ACT.

To Disallow Uniform General Building By-laws.

Order of the Day read for the resumption of the debate from the 7th October, on the following motion by the Hon. A. F. Griffith:—

That uniform general building by-laws Nos. 1 to 505 inclusive made under the Road Districts Act, 1919-1956, as published in the "Government Gazette" on the 18th August, 1958, and laid on the table of the House on the 19th August, 1958, be and are hereby disallowed.

THE HON. A. F. GRIFFITH (Suburban) [9.53]: Revocation of these uniform general building by-laws having appeared in the "Government Gazette," I move—

That the Order of the Day be discharged.

Motion put and passed.

Order discharged.

MUNICIPAL CORPORATIONS ACT.

To Disallow Uniform General Building Regulations.

Order of the day read for the resumption of the debate from the 7th October, on the following motion by the Hon. A. F. Griffith:—

That uniform general building regulations Nos. 1 to 505 inclusive made under the Municipal Corporations Act, 1906-1956, as published in the "Government Gazette" on the 18th August, 1958, and laid on the Table of the House on the 19th August, 1958, be and are hereby disallowed.

THE HON. A. F. GRIFFITH (Suburban) [9.54]: I move—

That the Order of the Day be discharged.

Motion put and passed.

Order discharged.

House adjourned at 9.54 p.m.