BILL—SOIL CONSERVATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th October.

MR. OWEN (Darling Range) [6.7]: When introducing the Bill the Minister explained to the House that its chief aim was to make the Act more workable. Section 5 is at present top-heavy and hinders the smooth administration of the Act. The Minister pointed out that since the legislation was passed in 1945 it has remained unaltered. That has enabled the Commissioner of Soil Conservation to do valuable work in saving our soils from wind and water erosion. The work done is greatly appreciated by those who have already benefited from it.

Much of our land has been subjected to soil erosion although the problem in this State is by no means as serious as in the longer settled States of the Commonwealth or in other parts of the world that have been settled for long periods. Experience of the Act has shown that it is too cumbersome to work properly. The Minister mentioned an instance in the Roe electorate where a lady objected to the work intended to be carried out on her property by the Soil Conservation Committee. By the time the machinery under the Act could be brought into operation to overcome her objection so much of the season had passed that the work could not be carried out till the following year.

Members can realise that a sequence of similar objections by landowners could make it possible for vitally necessary work to be held up, thus rendering the Act farcical. It is desired, under this measure, that the provisions of Section 5, which were taken from the New South Wales Act, be replaced by the provision in the South Australian Act, under which, on appeal to the Minister, he can have the case investigated and give judgment within a very short time.

Members may think that would place too much power in the hands of the Minister, but I think it has been demonstrated up to date that the Soil Conservation Committee is not a body likely to do anything rash. Its members have shown their genuine interest in the work they have undertaken and members need have no fear that the committee will arrive at rash decisions. Members can also rest assured that appeals that may be made to the Minister will not result in decisions detrimental either to the individual or the farming community as a whole. I do not think there is any serious objection to the measure and so I support the second reading.

On motion by Mr. Sewell, debate adjourned.

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, 18th October, 1955.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1. Associations Incorporation Act Amendment.
2. Electoral Districts Act Amendment.
3. University of Western Australia Act Amendment.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Third Reading.

Debate resumed from the 13th October.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [4.35]: I arranged with Mr. Thomson to adjourn the third reading on this measure until today in order to give him an explanation in regard to one portion of the Bill. In the course of his speech he said—

> I cannot for the life of me understand what is intended by the words—
>
> and whether gear or scaffolding of any height is or is not used in connection with the building or structure.

On examining that part, in conjunction with the earlier portion of the clause, I cannot understand what the hon. member cannot comprehend. I think the wording is quite clear, because it deals with the protection that must be given if an asbestos roof is being put on to premises.

The protection must be there, even though scaffolding gear is used, because the scaffolding and gear are not necessarily employed inside the building and a man could fall through. That protection must be given underneath where asbestos roofs are used. That is the explanation I promised to give to the hon. member.

Question put and passed.

Bill read a third time and *passed*.

BILL—ACTS AMENDMENT (LIBRARIES).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.37] in moving the second reading said: The purpose of this Bill is to sever the activities of the Public Library from those of the Museum and Art Gallery and to join them to those of the Library Board of Western Australia. A series of discussions has been held between the Library Trustees and representatives of the board, and agreement in principle for the amalgamation was reached. This appears a wise decision that should materially assist in promoting the growth of free library activities in the State.

Members may pardon me if I briefly recount the histories of the two bodies. The Public Library was founded in 1887 from funds voted by the Legislative Council for Queen Victoria's jubilee celebration. It was first known as the Victoria Public Library, and was opened in June, 1889, with a stock of 1,796 books. Until 1894 when Dr. Battye became Public Librarian, it was managed by a clerk responsible to a committee of management.

The library, which was first located in St. George's Terrace, moved to the museum building in 1897 and took occupancy of its present quarters in 1903. The main reading rooms were added in 1913, since when there have been no additions. In 1904 the name was altered to the Public Library of Western Australia, and amalgamation with the Museum and Art Gallery took place in 1911. The stock of books which then was 93,000 has since increased to 193,000.

The combined Library, Museum, and Art Gallery has been managed by a board of trustees who, while they have done some very good work, have not been possessed of sufficient funds to improve these three cultural centres as they would have desired. While on this subject I would like to mention that one of the trustees, Mr. Ross Hutchinson, stated recently that the present Government has provided the most generous financial assistance that the trustees have ever received, and that this has enabled the trustees to effect a number of improvements.

The Library Board was formed as the result of Parliament's approval in 1951 of a Bill bearing that title. The board is administered by 13 members, three of whom are the Director of Education, the Director of Adult Education, and the chairman of the Public Library. The 10 other members include representatives of local governing authorities and the Library Association of W.A. Before the recommendation to merge the Library Board and the Public Library was arrived at, inquiries were made as to the procedure in other States and the consensus of advice was that the amalgamation should be of distinct advantage.

The Library Board's achievements in the four years of its existence have been very creditable. Libraries have been established in a number of country towns, but the board has not attempted to achieve too much in a hurry, and thus overstep itself.

On examining the Bill, members will note that it seeks to amend both the Library Board of Western Australia Act and the Public Library, Museum and Art Gallery of Western Australia Act. It will also be noted that the title of the latter measure is amended by deleting the words "Public Library." The amending of both Acts by the one Bill has been done because only one subject matter is actually involved, and this is a quicker and less cumbersome method than introducing two Bills.

The principal amendments in the Bill are in Clause 13. These provide that as from a date to be appointed the Public Library will become known as the State Library of Western Australia, and its management will be taken over by a new board which will have 13 members, the same number as on the present board. The Director of Education and the Director of Adult Education will remain as ex officio members; but there will be, of course, no longer any need to appoint the Chairman of Trustees of the Public Library, Museum and Art Gallery as an ex officio member. The City of Perth, the Fremantle City Council, the Road Board Association, the Country Municipal Councils' Association and the Local Government Association will each continue to have a representative on the board, but the Library Association will have only one member on the new board instead of the three members it has on the present board.

It has been apparent that three representatives of the Library Association were unnecessary. This association is a Federal organisation and has a representative on each of the library boards of New South Wales, Victoria and Tasmania.

At present the Minister has power to nominate two persons as members of the board. The Bill seeks to increase these to five. The trustees of the Public Library, Museum and Art Gallery will

be asked to submit a panel of five names from which the first occupants of two of the five positions will be selected. This will assist in smoothing the operations of the changeover. The five members nominated by the Minister will be selected from persons experienced in public and general library work and will not represent any specific organisation.

The other amendments are of a more or less machinery nature and can be discussed, if necessary, at a later stage. If members examine this legislation closely, I think they will find it is a move in the right direction. I do not think there can be any justifiable criticism of the measure as it stands. If there is any criticism, however, we will, of course, be only too pleased to hear what it is, and to take action on any suggestions which we think may improve the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. L. A. Logan, debate adjourned.

BILL—JUNIOR FARMERS' MOVEMENT.

Second Reading.

Debate resumed from the 13th October.

HON. L. A. LOGAN (Midland) [4.44]: It seems that the person responsible for the framing of this Bill, and the wording of the definition of "Junior Farmers' Movement" could not have improved upon it. The phraseology does not necessarily mean that the Bill will be a success. If we have a look at the ideals of the junior farmers' clubs, we will find that they are the sponsoring among youth of a study of agriculture and farming, an appreciation of rural life, and an appreciation and continuance of education, together with the practice of the ethics of good citizenship and the intelligent use of leisure. We find many ideals rolled into one. If they could all be carried to their ultimate conclusion, it would be all right. We very often find, however, that legislation does not necessarily mean the carrying out of the ideals embodied in it.

I, for one, rather deplore the necessity for legislation of this type at all. We do not have legislation in relation to the Country Women's Association; nor do we have legislation for the Farmers' Union. After all said and done, the Junior Farmers' Movement should be only a junior part of the Farmers' Union, and there should not be any necessity to have legislation for it. Its ideals should be sufficient incentive for the junior farmers themselves to make this organisation work; legislation should not be necessary.

When the movement originally started, an advisory committee of adults had to be formed in each district where a junior farmers' club was established. The junior farmers were under the guidance of this committee. Something has apparently gone wrong with those advisory committees; because in many instances, in certain districts, the clubs have not received the advice, help and guidance which they should have. The natural consequence is that they have gone downhill. As I have already said, the members of the Junior Farmers' Movement should, in themselves, only be junior members of the Farmers' Union, and it should be the responsibility of the union to ensure that the junior farmers' clubs are carried on in the right manner.

The Farmers' Union has been very remiss in this respect. I know of one or two centres where branches of the union have taken an interest in the junior farmers' clubs, and those clubs have flourished and are now doing a good job. But there are too many instances where the Farmers' Union has not taken an interest in these clubs, and it should be castigated for not sponsoring the movement. After all, the junior farmer of today is the member of the Farmers' Union of tomorrow; and the better he is trained, not only in agriculture but to take his place in the world, and in relation to debating and leadership, the better he will be fitted for his work when he becomes a member of the Farmers' Union. This in the long run must benefit the union itself.

I feel that the agricultural societies must also share part of the blame. They are very happy to have the assistance of junior farmers on Show Day, but for the rest of the year they apparently forget all about them. I think the same can be said about the agricultural society that controls the Royal Show. The junior farmers do a splendid job in looking after cattle and helping at the grand parade, and they should be encouraged in these pursuits. I understand that at the Royal Show some 50 or 60 of them did an excellent job, for which they were highly commended by the president of the society. One day a year, however, is not sufficient.

The junior farmers to whom I have referred were in attendance during the judging of the various sections of the show. I understand they were given a very good lecture by each particular judge, and I trust they were able to learn something which will be to their ultimate benefit. As I have said, however, this is done only on one day of the year, and that is not sufficient. The agricultural societies, together with the Farmers' Union, should make sure that the Junior Farmers' Movement is a success throughout Western Australia.

It would appear that, under the Bill, full-time organisers may be appointed. If we are going to start building up organisers for this movement, it will become a costly organisation, and I do not

think we want that to happen. The incentive of the ideals of the movement should have been sufficient to ensure its being carried on in the way it should be.

Mention has been made of some of the clubs becoming very social and forgetting about the ideals on which they were formed. This may have happened on one or two occasions in one or two places. The possible reason is that in a small town where there are girls and boys of junior farmer age working in banks and stores, and as schoolteachers, there is a tendency for them, with a view to making use of their leisure in the right manner, to join junior farmers' clubs. Some of them have become office bearers in the movement, and to a certain extent probably consider the social side as being more important than do the sons and daughters of farmers.

At the same time, I would like to point out that, although these clubs have become social organisations in one or two instances, the money that has been raised for social functions has been employed to good effect. None of it has been wasted; it has all been used for the benefit of worth-while organisations in the districts concerned. The young people to whom I have referred, by taking office in the movement, have enabled clubs to function which otherwise might have gone into recess for lack of office bearers.

In the past the clubs have done a good job in contributing to the knowledge of junior farmers by means of practical discussions and demonstrations, radio talks, achievement camps, and debates. Members who have had an opportunity to listen to some of the debates will have been convinced that in time to come, Western Australia will not lack leaders and people capable of debating. Some of the debates have reached a very high plane; and the more practice these young folk have, the better they will become.

Frequently radio talks are given, and that enables the members of the clubs to extend their knowledge. A few of the lucky ones have had interstate and overseas trips. Their knowledge has thereby been increased, and the information they have obtained has been passed on to the clubs and to the State in general. Junior farmers from overseas and from other States have also visited us. I think that three junior farmers attended the recent Royal Show. They came from New South Wales, Queensland and Victoria respectively. Such visitors must learn something valuable concerning Western Australia, and thus increase their knowledge and that of the junior farmers in their own districts.

The achievement camps to which I have referred are the culmination of the year's work of the clubs, members from which meet in groups to pit their knowledge against that of others in the zones in which they are situated. Unfortunately, some of the clubs have been so badly organised that the value of the year's work has not been evident. I think that that is the biggest fault in the movement —the lack of organisation of some of the achievement camps. Too often that organisation is left to the juniors themselves and they have not the time necessary to enable them to do the job thoroughly. This is a case in which the Farmers' Union should have come into the picture and ensured that the camps were sponsored along the right lines.

In the Bill, the Minister is mentioned a good many times, and that is a point concerning which a number of junior farmers and others are not too happy. I know that, in the circumstances, the name of the Minister must appear quite a lot. Clause 6 reads as follows:—

> The Minister may from time to time issue directions relating to the purposes of this Act to the council either generally or in respect of any particular matter and the council shall give effect to directions so issued.

Then in the following clause it is stated—

> The council is not an agency or instrumentality of the Crown.

I do not know how the two can be divorced; it does not seem to me to be feasible. It is stated that the Minister may give directions to the council, and yet that the council is not an agency or instrumentality of the Crown. I trust that the Minister will be able to give a feasible explanation. I will not support a Bill that will make the Junior Farmers' Movement an instrumentality of the Crown. That is not desirable, and it would be better for the organisation to be on its own and for the Farmers' Union to take over control.

During the week, quite a number of zones of the movement will be having annual meetings, and this Bill will be discussed by the junior farmers themselves. Although I do not want the debate to be held up, I hope that if the second reading is agreed to this week the Committee stage will be postponed until next week, to enable those of us who are interested to be invited to the zone meetings and ascertain the reaction of the junior farmers to the Bill, and probably give them some advice. Pending an answer by the Minister to my objections to Clauses 6 and 7, I shall refrain from saying whether I shall vote for or against the second reading of the measure.

On motion by Hon. A. R. Jones, debate adjourned.

BILL—SWAN LANDS REVESTMENT.

Second Reading.

Debate resumed from the 13th October.

HON. SIR CHARLES LATHAM (Central [4.58]: I have had a look at the Bill. I cannot understand the reason for its introduction. The land was acquired and

subdivided; and now, for some unearthly reason, after some houses have been built on it, the Government has decided to have a re-subdivision. I presume that it intends to make provision for properties already acquired or homes built on the land to be left as they are; otherwise, there will be some tangles.

I have no objection to the Bill; but I cannot understand why it has been found necessary, unless it has something to do with the drainage, which is very bad. Perhaps it is that which necessitates a re-allotment of the land. I do not intend to oppose the Bill. I believe that whatever my views are, it will be all right in the long run. But I would like an assurance that the houses on the land will not be interfered with.

HON. N. E. BAXTER (Central) [4.59]: Like Sir Charles Latham, I am hazy about the reason for the introduction of this Bill. But there is another factor that enters into the matter. I understand that quite a bit of the land is on a flat swampy area at Bassendean. From what we have seen this winter of the results of building State Housing Commission homes on some of the land south of the river, we know that people are virtually living with swamp inside their houses, and that makes me doubt the advisability of the House agreeing to the measure; because this has been a severe winter and conditions have not been the best, and it can happen again. Persons who are put into homes in these low-lying areas can lose a lot of their furniture, and if they have purchased the homes, they can suffer loss through damage to their property.

I am doubtful about agreeing to a Bill to subdivide low-lying land for housing purposes, particularly when we have so much spare land that is high and dry on which we can build. The State Housing Commission has between 8,000 and 9,000 acres in the Mt. Yokine area and there is very little swampy country there. When we look at some of the land on which homes have been built, it makes us wonder what sense there is in building in such places. North of the city we can go for miles and see country on which we could build houses, and where there are no swamps. At this stage I feel I cannot support the Bill, and I definitely will not vote for the second reading unless the Minister can give a good reason for using this country.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [5.2]: This land was resumed in 1951 or 1952 for the purpose of providing marshalling yards for the chord line. Members who were here during those years will recall having seen a much larger plan in the billiard room of this House. Those plans have been altered over the years.

Hon. C. H. Simpson: Does not the Bill apply to other land as well?

The MINISTER FOR THE NORTH-WEST: It could include some other land, but I would not be sure about that. I doubt whether it does. The land in question is the subject of an old subdivision; and it has now been found that whilst not subdivided incorrectly, altogether, it could be subject to a better subdivision which could provide for drainage, access roads, and so on. The sole object of the Bill is to make a re-subdivision which involves the various roads that are to be seen in the schedule on pages 3 and 4 of the Bill. Mr. Baxter's objections, I am afraid, are not very sound. He objects mainly on the point that there is some swampy land there.

Hon. L. A. Logan: There is plenty of water there at the present time.

The MINISTER FOR THE NORTH-WEST: So far this year we have had more than 10 inches above the normal rainfall, so that there is plenty of water in most areas.

Hon. N. E. Baxter: A lot of Housing Commission homes are under water today.

The MINISTER FOR THE NORTH-WEST: I do not think that any in the area to which the Bill refers are under water.

Hon. N. E. Baxter: They would be if—

The MINISTER FOR THE NORTH-WEST: If they are built in the sea, I suppose the tide will come over them. There are always those who suppose; but the members interjecting were all here when this land was resumed some years ago, and they agreed to the resumption.

Hon. N. E. Baxter: But not for houses.

The MINISTER FOR THE NORTH-WEST: They agreed when houses were built on this land by their own Government. The Bill is to allow the land to be dealt with so that proper roads and drainage systems can be established to ensure that there will be no flooding. There has to be a re-subdivision. Mr. Baxter asked, "Why not use the Mt. Yokine areas?" which were resumed in those years. The reason for not using those areas is probably the same as the reason why this area has not been used since those years—namely, that there is also a considerable quantity of swampy land in that area.

There is another aspect, too. In this area, a new railway station has been built, whereas at Mt. Yokine, there is no transport to cope with any extension of the building programme. I suggest that it is not logical to commence a housing project seven or eight miles from the city where there are no services such as water supplies, roads or public transport. It is illogical to move out there when we have all these facilities within half a mile of the extremities of this area.

Hon. N. E. Baxter: They have plenty of water.

The MINISTER FOR THE NORTH-WEST: I have explained that the Bill is to make subdivisions to provide for any fears there might be in connection with swamps. There are some swamps there, the same as in any area; but no one is going to build houses in swamps if it can be avoided. The sole purpose of the Bill is to close roads and to re-subdivide the area so as to provide for drainage systems and so on. I assure the House that there is no intention to build houses out there while the conditions are as they exist to-day. The Bill, which is necessary, is just a formal measure.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (2)—FIRST READING.

1, Medical Act Amendment (No. 2).

2, Coal Mine Workers (Pensions) Act Amendment.

Received from the Assembly.

BILL—CEMETERIES ACT AMENDMENT.

Returned from the Assembly without amendment.

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

Second Reading.

Debate resumed from the 13th October.

HON. N. E. BAXTER (Central) [5.12]: The Bill, as was explained by the Minister, is to deal with local authorities that are more or less subdivided and merged with another local authority; where, perhaps, three local authorities are made into two. The general provisions of the measure appear to be doing what is aimed at by the Minister for Local Government, but there is one portion of it that I am sceptical about, and with which I do not agree, and that is Clause 4 (4) which provides that where a district becomes part of a reconstituted district, the new reconstituted district shall employ the servants of the affected district.

Not only can this lead to big differences of opinion, particularly where an original district was cut in half and part went to one authority and part to another; but there can be difference of opinion as to who is going to employ the servants of the board that has gone out of existence, because the Bill says they shall be employed by the reconstituted district. As I see the position, a reconstituted authority could finish up with two town clerks, two secretaries, two treasurers, two engineers or two surveyors.

The Minister for Local Government: There are three town clerks in Fremantle.

Hon. N. E. BAXTER: That may be so, but they would not be all employed by the one authority.

The Minister for Local Government: When we merge, we will have the three there. We are not worried about the position; there is no difficulty.

Hon. N. E. BAXTER: When the three are merged, the local authority can finish up with three town clerks. I believe the main reason for reconstituting these boards is to cut down the cost of local government and carry out the work more efficiently. Why, then, should it be necessary for one local authority to have three town clerks; and what is it going to do with them? Will it be necessary to have three town clerks to do the work required by the one local authority?

Hon. L. C. Diver: You are shadow-sparring.

Hon. N. E. BAXTER: No; the Bill definitely provides that they shall be employed.

The Minister for Local Government: Not as town clerks.

Hon. N. E. BAXTER: That is so; but they could be officers who were not needed. It will not only apply to officers of a road board, but also to every employee. If the Bill is aimed at cutting down costs by merging two local authorities, apparently it will not reduce the costs of employing a number of servants.

Another point in this clause is that an employee can give notice if he does not wish to continue his employment with the newly-constituted local authority; but the local authority itself cannot dismiss any employee unless he tenders his resignation or is guilty of misconduct, even although he may not be suitable to the local authority. Surely the local authority should have the right to say whom it shall employ! That portion of the Bill could create a good deal of disagreement, especially between two newly-constituted local authorities.

Hon. F. R. H. Lavery: You mean the green-eyed god might get to work.

Hon. N. E. BAXTER: No; there is no suggestion of that. But it seems fantastic that Parliament should introduce a Bill to reconstitute local authorities, which, when reconstituted, cannot say whom they will employ. Therefore, I cannot support the Bill if that clause remains as it is.

Hon. L. C. Diver: You would not throw those officers to the wind, would you?

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

BILL—MINING ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th October.

HON. E. M. HEENAN (North-East) [5.18]: This is a small amendment to the Mining Act which I welcome and propose to support. It presages the fact that apparently overseas capital is to be invested in the prospecting for nickel in this State. Under the Act as it now stands there is jurisdiction to grant temporary reserves for prospecting only up to 300 acres. Apparently that area is quite inadequate for the prospecting for nickel and it is necessary, in order to encourage such development, to grant a much larger area so that overseas investors may be induced to spend their capital in Western Australia.

The Bill proposes to extend the area for prospecting for nickel up to 3,000 square miles. If such an area is granted, it will be specifically for the prospecting of nickel and will not include prospecting for gold or other minerals. That, of course, is a wise provision. About two years ago I visited Noumea in New Caledonia, which is a French colony, and the economy of that island depends almost wholly on rich deposits of this metal. It supplies a large proportion of the world's nickel requirements; and my earnest hope is that, if overseas capital is spent on the prospecting for nickel in Western Australia, some success will be achieved.

I understand that the area which is in mind is near the South Australian border. This is a part of Western Australia which assuredly needs developing; and if a valuable metal such as nickel can be discovered in commercial quantities, who knows what it might mean in years to come? For those reasons I welcome the Bill and give it my full support.

HON. J. M. A. CUNNINGHAM (South-East) [5.21]: I, too, commend the Government for introducing this small measure. The exploration of Western Australia's auriferous reserves is something we should always encourage, and the possibility of nickel being found in the area in question is becoming more of a reality than it has been for some time. In South Australia, just over the Western Australian border, there have been, for some years, indications of nickel deposits, but now it appears that the possibility of discovering nickel in commercial quantities is not as good as was thought.

The latest information on the position is that the channel in which this deposit lies is extending towards Western Australia; and although the country in which the present exploration is being conducted is not very encouraging, there is every reason to believe that the mineral will be found with more concentrated values in that area which lies immediately within the Western Australian border.

If that is the case, the Government is to be commended on being awake to the possibility and getting in ahead with these amendments to the Mining Act. In the past, when some new mineral has been discovered, the Act has had to be hastily amended so that it could be brought into line with the demands for the prospecting of the new mineral which could not be met by the existing provisions in the Act.

I understand that nickel deposits are spread over a wide area, and the Act does not provide for a large enough prospecting area to induce overseas companies to show any interest in searching for the mineral in this State. Therefore, an amendment such as this needs every encouragement, and should receive the full support of those people who are interested in the development of our sparsely settled areas.

If ultimately this development is a success, I am sure that any company concerned will welcome this wise move by the Government in clearing the way for it to go straight ahead with whatever development is required on the indications of finding this mineral. I support the Bill and trust that the foresight of the Government will react to the benefit of the State.

HON. J. J. GARRIGAN (South-East) [5.25]: I support the Bill. Under the parent Act there is provision to grant a temporary reserve up to only 300 acres. The Bill proposes to grant an area of 3,000 square miles in order to encourage American and local companies to prospect for nickel on the Western Australian side of the South Australian border. I believe that there are very good indications that the companies will strike this valuable mineral in that locality. The only countries where nickel is found in any quantity are New Caledonia, which is 1,000 miles north-east of Brisbane; Ontario, in Canada; and Finland. I have been led to believe that there are large deposits in Siberia.

The granting of a reserve of 3,000 square miles for prospecting for nickel does not preclude any person from prospecting for gold or other minerals or of running a sheep station in that area. If we are to pride ourselves on being one of the great mineral-producing countries of the world we must encourage capital to come to Western Australia so that exploration can be carried out in regions that show an indication of carrying minerals.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [5.27]: I am pleased at the reception given to the Bill. I wish to refer to only one point. Mr. Simpson made some remarks about the restrictions imposed by reserves. Some years ago the Act was amended to restrict temporary reserves to 300 acres with the sole object

of permitting prospectors to work over a wide area. If reserves of unlimited area were granted, the prospectors would be restricted in their activities and prospecting would not be carried out as intensively as it is under the existing provisions in the Act.

Hon. C. H. Simpson: Most of the prospectors are employed by companies.

The MINISTER FOR THE NORTH-WEST: There might be several that are employed by companies, but there are also many who work for themselves. As was pointed out some years ago, it would be quite unfair to allow large tracts of country to be tied up under a reserve which undoubtedly would restrict prospecting.

Hon. L. Craig: The company could still prospect outside its area without any rights.

The MINISTER FOR THE NORTH-WEST: A company could, but a prospector could not prospect on a reserve held by any company. Some time ago, Parliament agreed that that was a fair proposition and the Act was amended accordingly.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 74A added:

The CHIEF SECRETARY: During the debate on the second reading quite a number of points were raised by members which referred to the proposed regulations. At this stage I would like to give the information sought.

Regarding the comment by Dr. Hislop, penalties which may be inflicted by the prescribed officer are authorised in proposed regulation No. 415 and specified in Appendix "B." The penalties are as follows:—

For a first offence	10s.
For a second offence	15s.
For a third and subsequent offence	£1

Proposed regulation No. 422 requires the prescribed officer to take into account only such penalties as have been inflicted during the period of 12 months immediately preceding the minor offence then under consideration.

Under proposed regulation No. 423, if the prescribed officer considers that the penalties provided are not sufficient, he may refrain from exercising the power, whereupon the matter will be reported to the police for court action. The matters the prescribed officer would take into account would be the minor offences committed within the period of the previous 12 months and their nature. If a person were continuously committing minor offences this would allow the prescribed officer to refer the matter back to the police officer for court action. Obviously a person should not be allowed to repeatedly commit minor offences within a period of 12 months and be limited to a maximum penalty of £1 only. It is agreed that it might not be a crime to offend against a parking regulation, but habitual offending requires more than puny punishment.

Proposed regulation No. 416 authorises the prescribed officer, after considering a report, to serve on the alleged offender a notice in or to the effect of Form I in Appendix "C." Reference to Form I will show that this sets out the penalty to be imposed and then goes on to advise the alleged offender that, if he does not desire the matter to be dealt with by a court, all he has to do is to complete the form annexed thereto (Form II) and remit the penalty as set out in Form I, and then, subject to the issue of a receipt by the prescribed officer, the matter is finalised. The proposed penalty is definitely stated when the form is first sent out and not when Form II is returned, so that actually the contention of Dr. Hislop that when the form was first sent out the prescribed officer should say what penalty had been inflicted is, in fact, what is intended.

To provide that an individual, on having a ticket attached to his windscreen, could go direct to the Crown Law Department and pay the fine to be then and there assessed by the prescribed officer would not be satisfactory as, after the ticket has been placed in a car, it is necessary for the officer to record details and then submit a brief report to the prescribed officer as to the particular nature of the offence, for his guidance. To enable this to be done would probably require a special officer in continuous attendance and could possibly at times lead to congestion and irritating delay to the offender. It is anticipated that offences will be dealt with by the prescribed officer in an expeditious manner and that very little delay will occur in issuing the necessary notices. The period of six months is mentioned simply because Section 51 of the Justices Act, authorises a maximum time of six months for dealing with complaints of simple offences.

In answer to Mr. Logan's comment, the proposed amendment to the Act and the promulgation of regulations are considered

desirable for the specific purpose of removing from the court the very many minor breaches that are now dealt with. It is doubtful whether education of drivers would obtain the same result. Whether or not a time limit is placed on the Act or regulations thereunder is a matter of policy and there does not seem to be much objection to this proposal.

Dealing with the comment by Mr. Craig, I gave the reason, when referring to the comments made by Dr. Hislop, why the six months were included in the regulations. If it were considered necessary, this could be reduced without conflict with Section 51 of the Justices Act.

Hon. C. H. Simpson: There is a time limit of six months.

The CHIEF SECRETARY: This was done to conform to Section 51 of the Justices Act and limits the time to six months under which action can be taken.

Hon. C. H. Simpson: The period of six months is to deal with cases where there are unavoidable delays.

The CHIEF SECRETARY: This is the time limit under which action can be taken.

Hon. L. Craig: There are minor offences when three months would be ample.

The CHIEF SECRETARY: If desired, the regulations can be altered to a shorter time limit. The prescribed officer does not have the power to drop a charge on his own volition; he must either inflict a penalty or refer the matter back to the Police Department for court action.

On the point raised by Mr. Baxter, there need be no fear that if the Bill and regulations thereunder become law there will be an all-out blitz on motorists. The only reason for the measure is to benefit motorists and to enable a motorist to meet any charge on which he knows or feels he is guilty without having to appear in court.

Hon. N. E. Baxter: This will benefit the Treasury.

The CHIEF SECRETARY: It is to relieve the court and offender, of a lot of worry. I do not think that there will be an all-out blitz on motorists. Things will continue just as they have been.

Hon. J. G. Hislop: The fines mentioned are smaller than normal fines imposed in courts today.

The CHIEF SECRETARY: On the whole, the fines will be smaller in that the proposed penalties range from 10s. to £1. Under the present-day practice, even first offenders are fined £3 for parking in a prohibited area. Against the smaller amount derived from fines, the Government would save costs of prosecution, because there will not be the need to go through the court process.

The inclusion as a minor offence of driving a motor-vehicle on a road without being duly licensed might, on second thoughts, be considered to be other than a minor offence, and consideration could be given to this aspect. Similar action could be taken with the inclusion as a minor offence of parking within 2ft. 6in. of a fire hydrant or leaving a vehicle standing on a curve or gradient contrary to the provisions of the regulations.

Regarding the comment of Mr. Teahan, I explained, when replying to other comments, why the maximum six-month limit was provided in the proposed regulations. It is generally thought, however, that no such delay will occur except in exceptional circumstances such as being unable to locate the alleged offender, and that most charges will be dealt with as expeditiously as possible, for the benefit of motorists generally.

That covers all the points raised during the second reading. The regulations have not yet been promulgated, and can be amended if such a course is desirable. That is why I have asked for comments at this stage. Any suggestions made will be considered when the regulations are finally drawn up.

Hon. L. C. Diver: Who will impose fines in parking areas?

The CHIEF SECRETARY: That depends on the authority responsible for such areas. These regulations are made to cover the expenses of the officers engaged on this work. The hon. member has in mind what might happen when parking areas are taken over by local authorities. If that stage is reached, justice will be done to the local authority responsible for a parking area. Such an eventuality cannot be covered in the proposed regulations, because it may not come to pass. What is definite is that the Government must provide the officers for the present.

Hon. L. C. Diver: It would be a good thing if we could get some relief from parking difficulties.

The CHIEF SECRETARY: I do not think that all the fines in the world would relieve the existing parking congestion or overcome the present difficulties.

Hon. N. E. BAXTER: In the past, the offender has been called upon to report to the traffic office. The owner of the car might not be the driver; and how would the Chief Secretary, under the regulations, propose to get over that difficulty? It certainly seems that a difficulty will arise.

The Chief Secretary: I can suggest an easy way to overcome that difficulty; and that is, to make the owner responsible. But I doubt whether the hon. member would approve of that.

Hon. Sir CHARLES LATHAM: I was about to point out something similar. The police put a ticket on a car and ask the

driver to see them. At times, minor difficulties occur with a car, and it cannot be shifted until the driver gets help. The driver is then able to explain the position to the police. Under the draft regulations, if a motorist went to the prescribed officer, he would not be listened to.

Regarding the fines, how will records be kept to determine whether it is a first, second or third offence? The second offence might be committed at Geraldton or Albany. I do not know whether motorists are to be issued with a little book of words, or whether it is intended that their licences shall be endorsed. Sometimes a driver finds that he has left his licence at home. We should make it possible for an explanation to be offered to the prescribed officer instead of the offenders having to go to the court.

Those points could probably be straightened out. I think the suggested period of six months is far too long and should be reduced to one month. If an offender cannot be traced within a month, it is a pretty hopeless business. An owner at present has not to shoulder the sins of his family for these offences, and the Minister has suggested that the owner should be held responsible. He might be far away and one of the family might take out the car and be guilty of an offence.

Then take a firm like Boan's. I do not know whether the managing director would be held to be the offending party if one of the firm's vehicles were involved. A little more consideration should have been given to this matter. I ask the Minister to reduce the period of six months. Many members have complained that coroner's inquiries are being held six, eight or ten months after the fatality. People must have wonderful memories to recall what happened after such a lapse of time, unless, of course, they took notes of the occurrence. That should be discouraged, and we should insist upon action being taken promptly.

Hon. A. R. JONES: Will the Chief Secretary give us an assurance that the regulations will be gazetted before the session ends? They should be tabled while Parliament is sitting in order that members may have an opportunity to discuss them. If they are gazetted after Parliament ends, it will be next July before members can discuss them. One aspect that struck me is that there might be two or three members of a family holding drivers' licences, and it would not be beyond the bounds of possibility that one other than the owner of the car was guilty of the offence.

The Chief Secretary: That could happen today. The police do not know who owns the car.

Hon. A. R. JONES: Unless we have an assurance that these regulations will be gazetted before the end of the session, I do not think we should support the measure.

Hon. Sir Charles Latham: I think we should adjourn it until next session.

Hon. E. M. DAVIES: Generally speaking, I support the draft regulations made available by the Chief Secretary, but I think that the period of six months before action is taken is too long. An offender should be given an opportunity to plead his case within a reasonable time. After six months, the average person would not be able to recall the facts relating to an offence, and it would be quite unfair to ask him to plead one way or the other. I hope the Minister will consider that point.

Hon. J. G. HISLOP: I trust that members will agree to assist the Chief Secretary in this matter and give the proposed regulations a trial. They will be of immense benefit to the motorist as compared with the present requirement of having to appear before the court.

Hon. Sir Charles Latham: He need not appear; he need only endorse the summons "Guilty."

Hon. J. G. HISLOP: These regulations should be given a trial; and, if necessary, they could be reviewed next session. As Mr. Diver pointed out, there is no real solution of the problem. People simply have to break the parking regulations in order to carry out their business. At times, I have been forced to do so. On some occasions, I was not aware that I was breaking the law, and yet I found a ticket on my car Any relief that can be afforded to motorists will be greatly appreciated; and I hope members will not prove difficult, but will assist the Minister.

The CHIEF SECRETARY: I have been asked to give a certain guarantee. I have been in public life long enough to know how dangerous it is to give a guarantee about certain things, particularly those prescribed by regulations.

Hon. Sir Charles Latham: You could delete the six months and insert one month.

The CHIEF SECRETARY: I shall deal with that point. I cannot give a guarantee that the regulations will be tabled before the end of the session; but I shall go to the extent of saying that, if at all possible, I shall have them here before the end of the session. This is not something that we want to hide under a bushel—though, of course, we never do that—and we do not want to wait until the end of the session if that can be avoided, because while this scheme will benefit the Traffic Branch, it will be of still greater benefit to the motorist. That has been demonstrated in other parts of Australia.

We have often been told what happens in Adelaide; one pays on the spot. We have been told that that system is admirable; and these proposals are modelled

along the same lines. The honest way is to deal with the problem as suggested and consider the motorist's point of view. Of course, whenever any new system is introduced, whether by regulation or Act of Parliament, it has to be in operation for a time before its effect can be judged.

Hon. J. G. Hislop: If a few offenders escape, what does it matter?

The CHIEF SECRETARY: I consider that the draft regulations are good, but I do not say that they are incapable of being improved, and that is why I have asked members to express their opinions. Dealing with the regulation about the six-months period, I mentioned what is done under the Justices Act.

Hon. Sir Charles Latham: A different Act.

The CHIEF SECRETARY: That is the Act on which we took a line when fixing the period. Consideration could be given to that proposal with a view to reducing the period. I should think that most offenders would get their forms within a week, but there might be odd cases when they would not. Mr. Jones mentioned that two or three members of a family might hold drivers' licences. In that event, investigations would have to be made as to the person actually driving before the form could be sent out. It must be remembered that many country cars visit the city, and some of the drivers may commit minor offences. Those drivers would have to be traced and served with summonses.

Hon. Sir Charles Latham: It would not be hard, as they would have country number plates.

The CHIEF SECRETARY: That is so; but the hon. member knows the amount of work involved.

Hon. J. G. Hislop: What about accepting 60 days?

The CHIEF SECRETARY: I think that one month would be a little short in the harder cases, and I would suggest three months as a maximum period. All cases would be dealt with as expeditiously as possible, but I think we would need the three months in cases that were difficult to trace. If it were found, after the end of the session, that there had been some abuses, and members could quote instances to me, I would be prepared to take action by regulation to shorten the period. I thank members and will give their suggestions consideration before the regulations are promulgated.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 1 and 2, and Nos. 4 to 11 made by the Council and had disagreed to No. 3, now considered.

In Committee.

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

No. 3. Clause 3—Delete.

The CHAIRMAN: The Assembly's reason for disagreeing is—

> The amendment is disagreed to in order to prevent deliberate defiance of the intentions of Parliament by adopting the device of insisting upon a three years' lease merely for the purpose of obtaining a higher rental than that determined by the court.

The CHIEF SECRETARY: I move—

> That the amendment be not insisted on.

My reason is that this is the first time since I have been here that a rents and tenancies measure has been passed through this Chamber and back to another place and returned here again with only one of our amendments not agreed to. I was not happy about this amendment, as I think I fell down on my job a little—

Hon. J. G. Hislop: When did you get this inferiority complex?

The CHIEF SECRETARY: It is not that; but just a notion that I did not discuss this matter with this Chamber in the manner in which I should have. I dealt with it from the point of view of the three-year leases only, but did not emphasise that the amendment dealt only with a three-year lease which had been entered into after the court had given its decision. The ordinary three-year lease has been accepted; but this amendment dealt with the position where a person had gone to the court and it had given a decision; and then, in order to obtain the higher rental, the landlord had produced a three-year lease to the tenant and given him the alternative of signing it or getting out—

Hon. L. Craig: The tenant would have 12 months before the rent could be altered, the court having fixed the rent—

The CHIEF SECRETARY: Not where there is a three-year lease, because that takes it outside the Act.

Hon. L. Craig: If that is so, it is a great weakness.

The CHIEF SECRETARY: I will mention certain instances of lessees of flats the rental of which was £4 4s. and £4 12s., plus 8s. for a garage where one was available. These persons went to the court and

the department fixed the rent of the first flats mentioned at £3 3s. per week, and that of the second type mentioned at £3 9s.—

Hon. L. Craig: That is less than 80 per cent.

The CHIEF SECRETARY: Yes. Then they went to the court because they were not satisfied with the inspector's ruling. The appeal went to the court on the 10th August last year and the rents it determined in October were £3 5s. 6d. per week, with 6s. extra where a garage was included—

Hon. L. Craig: That is less than 80 per cent.

The CHIEF SECRETARY: Yes. The rentals of £4 12s. and £4 4s. were reduced to £3 5s. 6d.—

Hon. L. Craig: Would that give the tenant the right to stay there for 12 months at that figure?

The CHIEF SECRETARY: It might have been thought so; but the three-year lease was insisted upon at a rent in excess of that set by the court—

Hon. Sir Charles Latham: Why was that?

The CHIEF SECRETARY: Because the three-year lease took them outside the Act.

Hon. H. Hearn: They need not have signed the leases. They could have refused, and they could not have been put out under 12 months.

The CHIEF SECRETARY: Only those where the 80 per cent applied. That did not apply to all these.

Hon. C. H. Simpson: What leases would be outside the Act?

The CHIEF SECRETARY: This amendment applies only to where the court has given a decision.

Hon. J. G. Hislop: Do you know the percentage of the rent increase asked with the three-year lease in those cases?

The CHIEF SECRETARY: No.

Hon. J. G. Hislop: A three-year lease is of some value.

The CHIEF SECRETARY: I agree that a person who gets something for three years is entitled to pay more than he who gets it for a period of months only. There were other cases where the rental of the flats was £5 5s. and the rent fixed was £3 16s. In another instance the rental was reduced from £3 12s. 6d. to £2 17s. The rents were fixed by the department on the 7th August, 1954, and on the 27th October the department decided to launch a prosecution for entering into the three-year lease. One of the tenants would not agree to enter into a three-year lease and left of his own accord and the present tenant is paying £5 5s. per week. The hearing was set down for the 27th January, but the summonses were withdrawn on the advice of the Crown Law Department. It is understood now that all the tenants have three-year leases at higher rentals than those set by the court. There are a number of cases where this sort of thing actually occurred.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: Prior to the tea suspension I had quoted some cases where certain things had occurred because what we desire was not in the Act. This amendment is to apply only where an order has been made by the court. We have found, in a number of cases—and I have some pages of them here—that where the court has given a determination, some people are insisting on leases for three years in order to evade that determination and to take their premises outside the control. These people are flouting the court, the administrators of the Act and Parliament, because Parliament has said that certain things shall occur and has laid down a certain procedure that must be adopted in order to arrive at a fair rent.

I do not think it is right that people should evade the Act in that way. These people, by devious means, are overcoming an award of the court; and so I ask members to reconsider their attitude on this point. Where a decision has been given by the court, we think that people should not be able to evade it by entering into three-year leases. That is all the amendment covers; and if my motion is accepted, and the amendment is not insisted on, we will be able to deal with them.

Hon. C. H. SIMPSON: I hope members will not agree to the Chief Secretary's motion, because the matter is not as simple as he made it sound. Last year a clause was inserted to afford exemption to those who had entered into a lease for three years or more; and this year an amendment was included which, as the Chief Secretary said, seeks to alter that in respect of a certain class of lease. During our deliberations we have amended the Bill to cut out the offending portion and have restored the Act, in that regard, to the position at which it stood last year. The Chief Secretary used the words "has been determined." But it does not say by whom; it could be by the parties to the lease, so that all leases could be regarded as being included in the provisions of the clause in the Bill.

As the Chief Secretary said, members of another place were fairly considerate in regard to our amendments because they agreed to 10 out of 11. But the amendment which they rejected happens to be the key to the whole Bill. Clause 3 in the Bill, to which this amendment refers, deals with Section 5 of the Act and that sets out the exemptions. Those exemptions include any

Crown leases, publican's general licences, grazing areas, farms, etc., holiday houses for leases not exceeding a period of 12 weeks, and premises leased for a fixed term of not less than three years. Is there any reason why these particular leases should be removed from the list of exemptions? We will agree for a moment that it deals with premises where the rent has been determined by the court. That means that once the court has determined the rent for any premises, no matter how many leases are entered into in regard to those premises in the future, the court will have to be approached to get a rent determined.

The housing position is improving and we are looking forward to the time when, with the supply of houses and business premises available, there will be no need for any control. But in any case a lease is something which parties enter into voluntarily. If they do not like the terms of a lease, for any particular reason, they do not sign. Generally speaking, both parties to a lease enter into it because they get some benefit from it, and why should their feeling of security be disturbed by the thought that either party will go to the court to vary the terms and agreements into which they have entered? Possibly, in the case of business premises, it might affect their plans.

As Mr. Craig will tell members, most of these three-year leases are entered into by honest people, such as trustee companies who can be relied upon to enter into a fair contract. The Chief Secretary's proposal could mean that these leases could be interfered with by a third party. But the most dangerous part, as I see it, is that once they are included in the Act, then for all time, or until the Act is repealed or amended, all premises where the rent has once been determined by the court will be subject to redetermination every time a lease is entered into.

The time has arrived when controls should be removed and freedom restored. I agree with the closing sentences of Mr. Watson's remarks—"This clause seeks to modify the existing provision to the extent that it would ultimately be ineffective." He was referring to the clause which deals with the exemption of those leases. "It is imperative that no action should be taken to interfere with existing provisions." I support that view, and I hope the Committee will agree with it. The old Act has worked well and we should not disturb it.

Hon. L. CRAIG: I do not think the whole picture has been presented. It was originally intended that any tenant entering into an agreement for three years or more should be exempted from the provisions of the rents and tenancies Act as it related to fixations of rent, except where a tenant applied to the court and the court decided that the rent charged was 20 per cent. higher than it should be. In that case the tenant has a right to occupy the premises for 12 months at the lower rental.

The important point is that the rent had to be 20 per cent. higher than the court said it should be; otherwise it did not apply. The Bill proposes that where the court decided the rent was less than 20 per cent. too high a lease could not be entered into to avoid the lower rent. Let us take an example where "A" rents a house at £5 a week from "B." "A" thinks the rent is too high. He goes to the court, which says that it is only worth £4 a week. "A" then has the right to occupy those premises for 12 months at £4 a week.

There is also the other case where "A" rents a house or flat from "B" at £5 a week. He goes to the court, which says that it is only worth £4 10s. a week. "A" then has no rights, because the difference in the rent is not so great. The landlord can say to "A," "Although the court said the rent should be £4 10s. a week, if you do not pay me £5 I will give you 28 days' notice to get out."

What usually happens when the rent is considered high is that the tenant says, "I think it is a bit high, and you had better give me a decent lease." "A" could then say, " I will pay you £5, but I want a three-year lease." The longer leases are at the request of the tenant, and a tenancy of three years is of greater value than one of a month or even six months. If we do not insist on our amendment "A" will come back from the court which says the rent is £4 10s. and "B" cannot enter into a three-year agreement at £5.

We should stick to the 20 per cent. Who can determine the value of premises today within 10s? "A" may pay £4, "B" may pay £6, and "C" may pay something else. Today it is a buyer's market and not a seller's market so far as houses are concerned. The housing position in Western Australia is better than it was before the war.

Hon. Sir Charles Latham: I understand there are a number of Government dwellings empty.

Hon. E. M. Davies: There are a number of army camps occupied.

Hon. L. CRAIG: I know a lot of people live in shacks on the beaches and do not want to get out. We did not hear any complaints about excessive rents before the war, because one could go to an area where a low rent was charged and obtain accommodation. That can be done today because there are vacant premises. Anybody who gives a lease is entitled to make a new agreement with the tenant.

The CHIEF SECRETARY: Both members who have spoken have missed the main point which is that, if the court has

given a decision, people will be permitted to defy that court decision. That is, if we allow the Act to stand as it is at the moment. Mr. Simpson said something about bringing all the others in; but that is all hooey, to put it bluntly. This amendment will ensure that where a court decision has been made it will apply.

Hon. L. Craig: The landlord has the right to give 28 days' notice, even after the determination of the court, if it is below 20 per cent. So it does not protect the tenant.

The CHIEF SECRETARY: We do not want to interfere with the three-year lease being entered into. All the amendment does is to say that the lease should be entered into on the basis of the court's determination.

Hon. L. Craig: He can give his tenant 28 days' notice.

Hon. H. Hearn: The court is not fair on the tenant.

Hon. L. Craig: It is rough on the tenant who has to pay a higher rental or get out.

The CHIEF SECRETARY: He has to pay a higher rental on a three-year lease or get out. We want to tighten up on that position. Members opposite want to say that, although the court has made a certain decision, people may contract out of it by entering into a three-year lease.

Hon. H. Hearn: Not unless it is under 20 per cent.

The CHIEF SECRETARY: There are doubts about that.

Hon. H. Hearn: No; there are not.

The CHIEF SECRETARY: I know the housing position has improved, but it has not got to the stage where people can pick and choose.

Hon. L. Craig: They do have a choice.

The CHIEF SECRETARY: A very limited one.

Hon. L. Craig: But still a choice.

The CHIEF SECRETARY: It is hardly worth considering.

Hon. Sir Charles Latham: It is a question of people wanting to live in certain districts.

The CHIEF SECRETARY: I know people in my district who have tramped the streets looking for accommodation. The position is not as it was prewar.

Hon. L. Craig: The Minister said it was.

The CHIEF SECRETARY: The Minister said that the Government had done a good job in regard to housing.

Hon. L. Craig: He said the housing position was better than it was before the war.

The CHIEF SECRETARY: If he said that, I cannot agree with him.

Hon. L. Craig: It was in the paper.

The CHIEF SECRETARY: No matter what he said, members know that it is difficult to obtain accommodation except at a price. We want to avoid the court, Parliament and the administration being brushed aside by an easy way out of the difficulty. Surely it is not too much to ask that the court's decision should prevail!

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

Ayes	9
Noes	14
Majority against	5

Ayes.

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

Noes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. L. Craig	Hon. Sir Chas. Latham
Hon. J. Cunningham	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. F. D. Willmott
Hon. J. G. Hislop	Hon. J. Murray
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. G. Bennetts	Hon. H. K. Watson
Hon. W. F. Willesee	Hon. A. F. Griffith

Question thus negatived; the Council's amendment insisted on.

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

BILL—JURY ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 12th October.

HON. J. G. HISLOP (Metropolitan) [8.2]: This is a Bill on which one could say little or nothing. On the other hand, it is one on which one could say quite a lot—

Hon. H. Hearn: Some have!

Hon. J. G. HISLOP: —and spend quite a lot of time and still say nothing. But there are some interesting features in regard to the debate which has taken place. I am not going to oppose the second reading of the Bill, but I shall endeavour to insist that the conditions we laid down last year will again be in this Bill when it becomes an Act.

I have tried to assess whether this is a measure that certain people who have occupied leading positions in women's organisations for years want to see established in our legislation, or whether it is a general wish of the womenfolk; and I have come to the conclusion that it is a measure to which those who have been

heading women's organisations have pledged themselves, and that the average woman has no more desire to sit on a jury than have men.

Hon. R. F. Hutchison: Than the average man.

Hon. J. G. HISLOP: I think one has to look at this measure from that general aspect. I had intended to say very little about the speech made by a certain member; but I feel that I am likely to be interjected upon again, so let us have a look at that speech and analyse it.

One of the statements in Mrs. Hutchison's speech was that women are capable of using sound judgment and can meet problems, such as they would meet when sitting on a jury, with logic and not with emotion. Those are not exactly the hon. member's words but the import of what she said.

I have had a look at the speech of Mrs. Hutchison; and I say to those who were here when it was delivered that, if they had already convinced themselves that that was a true statement, they could only have believed the statement after the speech was over if they considered it was a speech of logic; that it contained no substantial degree of emotion; that it was true in fact; that it contained no extraneous material; that it contained no veiled hints about the poor conditions of this State brought about by the intolerable actions of members of this House; and if they convinced themselves that that speech was one that would serve as an example of how women would behave under certain conditions and believed that it showed logic, then they are entitled to accept the basis of that thought that logic rather than emotion would rule women's thoughts when those women sat on juries. I myself could not subscribe to that view, however, after having re-read the hon. member's speech.

It is interesting to realise that men and women are very similar in many physical and psychological characteristics; but in many psychological and physical characteristics they are as wide apart as the poles. As a physician I often wonder really whether the two sexes have at times anything in common at all. There are those who believe that men and women have fundamentally some of both the male and female characteristics.

I have here an article from the British publication "The Listener" of the 15th September of this year. The article is entitled "Women and Sometimes Men," and is the first of three B.B.C. talks by Florida Scott-Maxwell. I have not time to read the whole of the article to the House, but I will quote a small part of it to show that this person, too, realises—as I do—that each of us is gifted with both male and female characteristics. In other words, in our blood travel the hormones that establish both masculinity and femininity. My quotation is as follows:—

> One thing is certain, and that is that a talk such as this should not be voiced, or listened to, unless you and I accept the fact that every man and woman is both masculine and feminine. This is true psychologically as well as physically, and modern psychological thought now takes it for granted.

She goes on to make some of the interesting psychological statements which are now accepted. One is that if you put a man into conditions of isolation and some degree of frustration, and where he cannot use the activities that dominate the male characteristics, he can develop some of the more feminine characteristics; and some writers say he can develop a kind, benign face.

On the other hand, psychologists credit to the womenfolk the tendency that when they are placed in similar situations, they dig from within their characteristics the hidden masculine characteristics that make them take on a different outlook altogether and tend to render them ruthless; whereas the same conditions tend to soften the male.

This all goes to demonstrate to me that the two sexes were introduced into this world, apart from the purpose of propagation of the species, to fulfil totally different functions in life. I rather deplore at times the idea that some women are promulgating today that there shall be equality of the sexes. I do not think there ever can be an equality of the sexes, because I believe that as males and females we have two fundamentally, basically different positions to occupy in the world.

There is another feature I noted in Mrs. Hutchison's speech—and I take her to represent the women who are urging the acceptance of this Bill and have noticed the same thing generally throughout the speeches made by other feminists in the world—and that is a claim to rights. I consider that that claim to rights is one of the things that has led to a lessening of the status of women—or rather, shall I say, to a lessening of the courtesy that women receive; and I deplore the fact that they do, in some cases, receive less courtesy than is their due and they were accustomed to receive in the past. I believe it is the insistence upon rights which is likely to increase that lack of courtesy.

This world would be very much better if both men and women gave up their idea of rights and paid a lot more attention to their obligations. Throughout the world today it is the insistence by all of us on rights that is leading us into considerable trouble. If we are to live together in peace, we must give up a lot of our ideas about

claiming rights, and look upon the obligations we have in return for the privileges we enjoy. I do not believe it is essentially or basically right that we should come to a stage at which both sexes are going to attempt everything, and at which they are both going to meet the same obligations and demand the same rights.

For that reason, I am not going to make a very long speech about this matter but simply say that I shall vote for the second reading of the Bill. I am going to do all I can to ensure that those women who feel that this is an obligation shall have the right to sit on juries, but that those who do not desire to sit on juries shall not be compelled to do so. I am not going to obligate them to sit on juries and do something which I do not believe is one of the obligations that should be placed upon women.

HON. J. M. A. CUNNINGHAM (South-East) [8.13]: I have listened to the debates for and against this measure; and following the divergence of opinion that was expressed, I made a considerable number of inquiries with the deliberate intention of getting as honestly as possible the reaction of any group of women to the question: Are you interested in serving on juries? I admit that the question I put was submitted to my own womenfolk. I knew them well enough to ask them the question, and to expect to receive from them a simple and honest answer. Of some 40 that I asked—

Hon. E. M. Davies: Brigham Young!

Hon. J. M. A. CUNNINGHAM: Of the 40 I queried, not one answered "Yes."

The Chief Secretary: Did you ask 40 men?

Hon. J. M. A. CUNNINGHAM: No. But I could tell the Chief Secretary what they would have said. They would have said "No."

The Chief Secretary: Exactly the same as the women!

Hon. J. M. A. CUNNINGHAM: The Bill throws on to people who are not interested the responsibility of taking themselves off the jury list. I think it should be the other way round. The responsibility of enrolling should be placed on those who are interested enough to want to serve on juries.

Hon. Sir Charles Latham: It would make men much better than they are today, because they would never trust themselves to women.

Hon. J. M. A. CUNNINGHAM: I do not contribute to the idea that women are incapable of or are completely uninterested in serving on juries. I am quite prepared to give this privilege; but it must be a privilege. I am willing to support the Bill if it will give those women who are interested in serving on juries the right to put themselves on the jury list.

Hon. R. F. Hutchison: Why do you not let them say so for themselves?

Hon. J. M. A. CUNNINGHAM: I think they can do that. In every town in Australia, there are voluntary organisations that are established for the sole purpose of making our towns better places in which to live. Very few of these organisations have not got one or two women in an executive position. They are women who have the time, ability and interest to serve on these voluntary organisations, and I know two or three such organisations in Kalgoorlie who number women amongst their best officials. But the positions are voluntary; the women have been interested enough to go out of their way to accept these positions.

If they are interested enough and have the time and confidence to serve on a jury, by all means let them have that right or privilege. But after the inquiries I have made, and the lack of inquiries directed to me from women desiring to serve on juries, I am not prepared to say they shall serve on a jury. I have not received one single letter or request from a woman to say that she wants to serve; neither have I received an affirmative answer to the question: "Are you interested in serving on juries?" In fact, they have all been adamant that they are not. I do not say this means that every woman in Western Australia is reluctant to serve on a jury. I have no doubt that as soon as it is known that women may so serve, some hundreds of them will apply.

Hon. C. W. D. Barker: There is a sense of duty.

Hon. J. M. A. CUNNINGHAM: Admittedly. But why thrust the responsibility on them? Let the Bill make it possible for a woman to serve on a jury if she wants to.

Hon. R. F. Hutchison: Camouflage!

Hon. J. M. A. CUNNINGHAM: I am not camouflaging at all. If there are 100 women in this town who think they can, by serving on juries, contribute something towards justice and the betterment of those in need, by all means give them the right to go on a jury list. I do not believe that if women serve on juries they will all be battle-axes —the term that has been used here.

There are hundreds of women with a sense of responsibility, who are capable, have the time and are prepared to put their names on a jury list, and I am willing to support those women to the limit. I will not, however, vote for the Bill if it remains in its present state, as it will mean thrusting the responsibility on the disinterested womenfolk to take themselves off the list. In all probability, they will not know that their names are on the list until the day they are called for service, and then there will be a panic to know what they can do to get out of it.

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

Hon. J. M. A. CUNNINGHAM: For the reason that at no time has there been a jury list formed without some member being approached by men asking, "How can we get out of it? Can you get us out of it?" Will not the same thing occur with the womenfolk? It is a man's job to serve on a jury. There are certain conditions that a man must comply with. If there are 100, 200 or 1,000 women interested enough to be put on a jury list, I will support a measure to allow that to be done, but I will not support a Bill which forces them on to it and makes them responsible for taking themselves off.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [8.20]: I do not know whether I am a good judge; but on this occasion I anticipate that the Bill will go through the second reading stage.

Hon. H. Hearn: You are a very good judge.

The CHIEF SECRETARY: That being so, I do not intend to take up members' time—

Hon. H. Hearn: Hear, hear!

The CHIEF SECRETARY: —by prolonging the debate. I anticipate that the previous speaker is going to vote for the second reading.

Hon. J. M. A. Cunningham: That is right.

The CHIEF SECRETARY: He has to vote for the second reading to see what will eventuate. I wish to deal with one or two points that have been raised. At various times during the debate, members have mentioned the matter of compiling a list of over 100,000 names. It is admitted that there are over 100,000 ladies in the metropolitan area, but the Bill provides that the list shall be compiled from an area that is prescribed.

Hon. C. H. Simpson: Eventually that must mean the whole State.

The CHIEF SECRETARY: It may, or it may not.

Hon. H. Hearn: Immediately, it must mean the metropolitan area.

The CHIEF SECRETARY: Not necessarily all the metropolitan area.

Hon. H. Hearn: You could not handle the number.

The CHIEF SECRETARY: Just the same as a list is compiled of men in the metropolitan area—

Hon. L. Craig: It is compulsory for them to serve.

The CHIEF SECRETARY: I am merely dealing with the compilation of the list. In the metropolitan area, there would be at least 100,000 men who could be on the list. But has there ever been that number on the list?

Hon. Sir Charles Latham: They have to be property-owners.

The CHIEF SECRETARY: They do not have to be property-owners.

Hon. Sir Charles Latham: Yes; they do, or else have money value.

The CHIEF SECRETARY: They do not have to be property-owners; they need only have £50.

Hon. Sir Charles Latham: It may be money, but that is property.

The CHIEF SECRETARY: There is a property qualification for this House; but that does not say that if a man has £50 in money he can have a vote for this Chamber. So there is a distinction. A person has to be worth only £50 to be eligible to be put on the jury list. In these circumstances, there would be at least 100,000 men in the metropolitan area who could be on the jury list. But have members ever seen a list of 100,000 men?

Hon. L. A. Logan: There are too many exemptions.

The CHIEF SECRETARY: Well, there are not too many exemptions here. I say there have never been 100,000 men, or anything like that number, on the jury list. So why should there be 100,000 on the women's jury list? There is nothing at all in the talk about this great list of 100,000 people; so that argument falls to the ground.

Hon. H. Hearn: Case dismissed!

The CHIEF SECRETARY: That is an actual fact. This is a matter of the prescribed area.

Hon. L. A. Logan: Which one will you pick out?

The CHIEF SECRETARY: I would not pick any. Certain procedures will be adopted in the selection of women, the same as with men. Some members have referred to this as being a right for the womenfolk. I do not put it as a right. We are asking that they shall accept a duty, the same as men do now. Quite a number of men in my area have at times growled at being called upon for jury service; but, unlike those in Mr. Cunningham's district, they have not asked me to get them out of it. They have said, "It is pretty awkward and I do not want to serve; but as it is a duty, I shall have to perform it for the State." These men have gone on and done their duty.

Hon. H. Hearn: They had to; they had no choice.

The CHIEF SECRETARY: Some of Mr. Cunningham's constituents went to him; but if they had a legitimate excuse, they had no need to go to their member to get them out of jury service. The men I have

spoken to have growled about jury service, but have accepted it as a duty and have been prepared to go on with it. I feel that the same view will be taken by a large number of our womenfolk.

Hon. Sir Charles Latham: It may be a deterrent against crime because of the type of woman that will want to serve.

The CHIEF SECRETARY: We take the womenfolk into consultation in our homes. Any member, before he makes a big move, would, I believe, take his wife into consultation; and so he would have the benefit of her judgment in connection with whatever decision he was about to make. The womenfolk have proved themselves in every walk of life, almost without exception. Why should they not prove themselves here? I think they will.

Hon. R. F. Hutchison: They have done so everywhere else.

The CHIEF SECRETARY: They have done so in Queensland. In that State it is compulsory for women to serve on juries, and I have not heard of any miscarriage of justice there; or, if there has been a miscarriage of justice, that it has been because of women serving on the jury.

Hon. Sir Charles Latham: Have you heard of any miscarriages here?

The CHIEF SECRETARY: If there have been any, they have been caused because we have had only men on the jury and have not had the advantage of women being there. I know other points will be argued in Committee, so I will not deal with them now.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Section 5A and 5B added:

Hon. C. H. SIMPSON: I move an amendment—

> That the word "twenty-one" in line 17, page 2, be struck out and the word "thirty" inserted in lieu.

This will mean that the only women eligible for jury service will be those between the ages of 30 and 60 years. This was the amendment agreed to by this Chamber last year. It was, together with another amendment, sent to the Assembly, which refused to accept it; and in a conference, the Bill was lost. We could not agree on that point or the other. Whilst I am on my feet, I will remind members what my other proposed amendment is. This seeks to make women eligible on application instead of their eligibility being automatic on their being enrolled on the Legislative Assembly roll. We believe that at 30 years a woman would be more competent to serve on a jury.

Hon. R. F. Hutchison: Would you say that about men, too?

Hon. C. H. SIMPSON: It would probably apply to men also, but we are now dealing with the question of whether women should serve on juries, and the conditions under which they will serve. At the age of 21 a woman is emerging from adolescence and, in many cases, a woman would not be aware of her responsibility to serve on a jury. We realise, of course, that many would be quite competent; but, nevertheless, there would be hundreds who, on leaving school or university, would not know that they had to serve on a jury when they turned 21.

Hon. E. M. Davies: If a woman had been at school until 21 she would not be that dumb.

Hon. C. H. SIMPSON: We are not all skilled in the full aspects of everyday life. After this Bill has been dealt with and the subject has died down, it might not be mentioned for some years; and those women emerging from adolescence would, at 21, suddenly realise that they were eligible to be called upon to do something which they might consider distasteful. For instance, the charge upon which a woman might have to serve as a juror might be murder, rape or sodomy. Those are the cases in connection with which we are frightened our daughters might be called upon to serve.

We consider that at the age of 30 a woman would be more mature and better qualified to make a decision on such matters should she be a member of a mixed jury. If a woman of 21 were serving among male members who were much older than herself, it would probably be found that she would be overawed by them and would just follow the decision they made on the case. However, a woman of 30 could hold her own in any company and express her individual opinion. I would be quite happy, therefore, to see a woman of that age serving as a member of the jury.

It has been mentioned that nurses and teachers undertake their duties at 21, which may sound a good argument. There are two important differences, however. Those women choose their professions of their own volition and they are trained to undertake that duty. It may happen that a nurse is called upon to do unpleasant jobs, such as handling physical filth, but that is much different from handling moral filth. It has been said that it is the Government's intention in the future to bring the voting age down to 18. What will happen then? It will mean that young girls will be emerging from

school and will become eligible to vote and therefore become automatically eligible to serve on a jury. I hope the Committee will agree to the amendment.

Hon. R. F. HUTCHISON: I hope the Committee will not agree to the amendment. We have had the same argument put forward that we heard last year. This amendment is not even honest in its intention as stated by the hon. member.

Hon. Sir Charles Latham: You have no right to make a statement such as that.

Hon. R. F. HUTCHISON: Members opposite are not used to a woman speaking her mind here.

Hon. Sir Charles Latham: Mr. Chairman, I object to such a remark!

The CHAIRMAN: The hon. member will please continue.

Hon. R. F. HUTCHISON: A woman of 21 is just as capable as a man of 21. If it is good enough for practically all western countries, including New Zealand, to permit women of 21 to serve on juries, surely women of 21 in Western Australia are quite competent to serve! The issue has been camouflaged by the statement that women should be made to apply to serve. That, of course, was provided in New South Wales, but it was found that although women did apply to serve as jurors, not one was called upon, because those who compiled the jury list did not summon any of them to serve.

Hon. Sir Charles Latham: They have some decency.

Hon. R. F. HUTCHISON: That is what is being attempted here. Women within the British Commonwealth of Nations hold high positions, and it has been proved that women outside that Commonwealth have held even higher positions. Only recently a Miss J. M. Mackenzie was appointed by the New Zealand Government as its first Minister overseas.

The CHAIRMAN: I would ask the hon. member to keep to the amendment.

Hon. R. F. HUTCHISON: I was trying to illustrate, Mr. Chairman, that women are just as competent as men to serve in high positions. It is only in Western Australia that women are regarded as being incompetent to serve on juries. In England women have acted as jurors since 1919 and they have received every commendation for their services.

Hon. L. Craig: There is no objection to women serving as jurors. You are spoiling their chances by your abuse.

Hon. R. F. HUTCHISON: The whole issue is being camouflaged. It is an insult to the women in Western Australia aged 21 to move an amendment such as this. As for asking them to apply to be enrolled as jurors, we know what has happened in the Eastern States; and I ask the Committee not to agree to this amendment. This is a duty that women would be quite willing to share. In this State in the past women, as well as men, have erred, but they have been tried by an all-male jury; and who can say that there has not been a miscarriage of justice when those women have received sentences? Men and women are complementary to one another, especially when executing a duty such as this. To say that a woman will forfeit her respect or dignity because she wishes to perform a public duty is an indictment. I support the clause as it stands.

Hon. Sir CHARLES LATHAM: Reference has been made to camouflage. Members on this side know what 21 to 60 years means. Mrs. Hutchison really contended that we are trying to prevent women from doing some of the objectionable work which even the men do not want to do. Repeatedly, men attempt to dodge service on juries for various reasons; and now we are asked to compel womenfolk to do work which might be objectionable to them. Members on the jury have to sit and listen to the evidence, no matter how revolting it might be. After that, they have to try to reach a verdict on that evidence. They may bring in verdicts such as wilful murder, murder, manslaughter, or death by misadventure.

I hate to think that women would have to serve on juries alongside of men and listen to some of the revolting evidence I have had to hear. I would not like my sister or daughter to be placed in such a position; and if girls of 21 are compelled to serve on juries, I can well imagine how they will feel. They will fear the first occasion of jury service. I cannot agree to compelling women to do things which are unpleasant. I realise that in Queensland women have been serving on juries for some time.

Hon. R. F. Hutchison: Not one has been called up for jury service.

Hon. Sir CHARLES LATHAM: What is the good of cluttering the statute book with legislation that is not to be used? I know that in England there are mixed juries, but I do not remember a mixed jury serving in a revolting type of case there. If this Bill is passed, more women will be available for jury service than men. Under the Act there are exemptions in the case of men. On a jury of 12, it could happen that there would be 12 women. I cannot believe that a refined woman would advocate that she, her sister or female friend should serve on juries and listen to sordid criminal cases.

Hon. E. M. Davies: They can apply for exemption.

Hon. Sir CHARLES LATHAM: Why compel women to take that course? I canvassed the houses on both sides of a street,

but found only one woman who would listen to me about women serving on juries. If the Bill is passed, every woman from 21 to 60 years of age living in a prescribed area will be placed on the jury list. I do not know who will make the selections for jury service. I would not like the job under any circumstances, because I have too high a respect for women to allow me to accept such a responsibility. We should place women on pedestals and not bring them down to the status in Russia where girls of 21 can be seen working as navvies.

Hon. C. W. D. BARKER: At the age of 21 a woman in Australia gains full citizenship rights, and with those rights go certain responsibilities. The women of Australia—as the women in the rest of the world have done—are asking to share the responsibility of citizenship.

Hon. J. McI. Thomson: If the women are with you, we will agree to the Bill. But we know they are not.

Hon. C. W. D. BARKER: The hon. member does not seem to know, because he does not contact women in his Parliamentary business. Sir Charles Latham has said that when he was in England he did not hear of one case of a sordid nature where there was a mixed jury. The same would apply in this State. People responsible for the calling of the jury would see to it that the juries were of the right type. Names are not drawn out of a hat willy-nilly for jury service.

Hon. Sir Charles Latham: They are taken in rotation.

Hon. C. W. D. BARKER: All that women of over 21 are asking is to be given the responsibility of citizenship. Much reference has been made to girls of 21; but females of that age are often mothers with two or three children. The women of Western Australia are capable of undertaking just as much responsibility as women anywhere else in the world. It is an insult to say that women here are not as advanced as women in other countries. We should respect our women and give them the same opportunities as men.

Hon. H. Hearn: Yet you call them "battle-axes."

The CHAIRMAN: I ask members to allow the hon. member to continue.

Hon. C. W. D. BARKER: When I referred to "battle-axes" I was thinking of an ancient order of knights, something to be respected. It is an insult to say that women of 21 in this State are not equal to accepting the responsibilities that are accepted by women in other countries and the other States. To say that it will be possible to have a jury consisting of 12 women is untrue. That could not happen. It has not happened in England or any other country where there are mixed juries. Generally, two or three women are called up for jury service, the rest of the jurors being men. People are not called to do anything extraordinary by serving on juries. All they have to do is hear the evidence, weigh the facts and reach a verdict. Emphasis was placed on protecting women from having to listen to sordid cases, but those cases are published in the "Mirror" every week.

Hon. Sir Charles Latham: People are not compelled to read that newspaper.

Hon. C. W. D. BARKER: But that newspaper is eagerly read. The sordid cases are followed with keen interest. Everyone knows that a woman of 21 is quite capable of giving jury service. If we deny women this right, we shall be doing them an injustice.

Hon. E. M. HEENAN: Mr. Simpson's amendments contain two important provisions: one to increase the age of women eligible to serve on juries from 21 to 30 years, and the other that only those women who apply shall have their names on the list. The jury system is a very ancient British custom that has been evolved over many centuries and is one of our prized possessions. If a person transgresses, he has the right to be tried by a jury, and the community realises that such a method gives the fairest possible means that has been devised. This is one of the important pillars of our system of justice.

The presence of women on juries elsewhere has not had any adverse effect; probably it has improved the system. Here we have confined service to men between the ages of 21 and 65 and nobody has found anything wrong with that range. One of the great merits claimed for the jury system is that it provides for trial by a panel of men of a wide range in ages, occupations and points of view. It has been accepted that men of 21 were quite as capable as men of 65 of serving on juries. We would not want to have a jury consisting of all men of 21 or all men of 65, but the range of 21 to 65 has operated successfully. No attempt has been made to fix the age limit for men at 30.

Therefore I consider it quite illogical to argue that the age of 21 is satisfactory for men, but should not be applied to women. If we are going to permit women to serve on juries, why differentiate?

Hon. C. H. Simpson: Then you do not agree with Dr. Hislop?

Hon. E. M. HEENAN: I would not agree with anyone who advanced that proposition. If we are going to do the right thing, we must be logical. Women as well as men on attaining the age of 21 have a vote for Parliament; women as well as men may enter professions and callings when they qualify. If we are going to

permit women to serve on juries, for goodness' sake let us not discriminate in ages, because to do so would be unwise, unwarranted and illogical.

A point raised by Mr. Simpson was that it would not be right for girls of 21 to serve on juries in cases involving unpalatable evidence. I agree. I should not like to see girls of that age listening to evidence such as is given in some of the sordid cases with which courts have to deal.

Hon. C. H. Simpson: Do not you think that is a good reason?

Hon. E. M. HEENAN: The hon. member did not point out the provision in the Bill empowering a judge to excuse from attendance a woman who applies to be exempted because of the nature of the evidence or the issues to be tried.

Hon. C. H. Simpson: She would have to apply to be excused.

Hon. E. M. HEENAN: Thus the wisdom of Mr. Simpson's views has been appreciated in framing the Bill. If any girl of that age were called upon to serve, the chances are that she would be challenged or that the judge would be only too ready to excuse her.

Hon. C. H. Simpson: He might insist upon her serving.

Hon. E. M. HEENAN: Therefore I hope that the age of 21 prescribed for men shall be applied to women.

Hon. J. McI. THOMSON: I agree with the amendment. The age of 30 is quite as logical as the age of 21 for women jurors, and I hope members will approve of it. In fact the age for men could well be altered to 30. The question of sex should not enter into consideration; it is a matter of logic, and we ought to be realistic in dealing with the amendment. A person of 21 is not as stable or as sound in judgment as is a person of 30.

The Chief Secretary: If that is your argument, you had better raise the age to 60, because a person of 30 is not as stable as one of 60.

Hon. J. McI. THOMSON: I am not stressing the age of 60 years. I have endeavoured to ascertain from various women's organisations what their opinions are.

The Chief Secretary: Which organisations?

Hon. J. McI. THOMSON: I asked that question of the Chief Secretary and he refused to say, and Mr. Barker and Mrs. Hutchison did not say. The Country Women's Association has not indicated a desire to have women eligible for jury service and I maintain that that body is representative of a very large proportion of the women of the State. We should legislate for the whole of the State and not merely one section of it. The amendment is logical, and I cannot understand why there is so much fuss being made about it. I admit that some women of 21 are as capable as those of 30 years of age; but they are in the minority, and we must ensure that those who serve on juries are sound and broad in their judgment. At 21 all they think about is jitterbugging and so on—

Hon. R. F. Hutchison: Nonsense!

Hon. J. McI. THOMSON: I am sure even Mrs. Hutchison has been through the stage of jitterbugging. For the reasons I have given, I support the amendment.

Hon. L. C. DIVER: I cannot understand why members, having conceded that women of 21 are as intelligent as men of the same age, should thus differentiate between the sexes—

Hon. C. H. Simpson: It is a matter of judicial judgment and emotional maturity.

Hon. L. C. DIVER: I do not know that we are qualified to judge those issues. One would think, from the views they have expressed, that members who propose to vote against the amendment felt they had to show their strength by adopting attack as the best form of defence.

Hon. R. F. Hutchison: That is the hon. member's opinion—

Hon. L. C. DIVER: It appears that Mrs. Hutchison would even bite the hand that is prepared to nurture her, and feels that those who do not agree with her are not worthy of consideration. I do not think she should attack those who do not see eye to eye with her in this regard, when it is well known that women of 21 years of age occupy very important positions in the community. I oppose the amendment.

Hon. J. M. A. CUNNINGHAM: So far the debate has dealt mainly with two points: the unsavoury nature of certain cases on which a woman of tender age may be called upon to serve, and the ability of women of 21 years of age to give the necessary concentration and judgment to whatever matter may be under consideration. I am willing to accept Dr. Hislop's advice in regard to either men or women of tender years. However, I think a more important aspect of the matter is that during the years from 21 to 30 a woman is more likely to have the responsibility of rearing a young family. If a husband is called upon for jury service, it simply means that instead of going to work he attends the court; but the woman's position is far different—

Hon. E. M. Davies: She can claim exemption.

Hon. J. M. A. CUNNINGHAM: The usual notice for jury service is about 12 hours, and a young woman with one or two children—

Hon. E. M. Heenan: She could have her name taken off the list.

Hon. J. M. A. CUNNINGHAM: The average woman does not know for many months that she should be on the Legislative Assembly roll, and it is generally close to election time before the necessity is brought home to her. In the same way the average woman will not know that her name is on the jury list until she receives notice to serve.

Hon. R. F. Hutchison: The hon. member does not know—

The CHAIRMAN: The hon. member must keep order.

Hon. J. M. A. CUNNINGHAM: When she receives a notice to serve she has to start finding out what she must do to have her name taken off the jury list—

Hon. R. F. Hutchison: She would know already. They would tell her.

Hon. J. M. A. CUNNINGHAM: Why put any woman to all that trouble? Any woman who wishes to do so should be allowed to serve on a jury, but we should not thrust this duty on women during the period when they have all the worry of looking after young families. After 30 years of age the average woman could attend without any worry. For the reasons I have given, I support the amendment.

The CHIEF SECRETARY: I am surprised at Mr. Cunningham putting up Aunt Sallies and knocking them down again—

Hon. H. Hearn: Did you think you had the monopoly of that?

The CHIEF SECRETARY: The notice to serve on the jury would contain the information that the woman concerned could apply for exemption.

Hon. J. McI. Thomson: Where is that provided for in the Bill?

The CHIEF SECRETARY: Is the notice contained in the Bill? Of course not!

Hon. J. M. A. Cunningham: I want to know where that provision is made.

The CHIEF SECRETARY: When introducing the Bill I told members that that would be done.

Hon. N. E. Baxter: Did you give a guarantee?

The CHIEF SECRETARY: The hon. member seems to think that the women of this State are Dumb Doras, who do not know that at 21 years of age they have to go on the roll.

Hon. J. M. A. Cunningham: The Chief Secretary knows that before an election hundreds will be found who are not on the roll.

The CHIEF SECRETARY: Yes, because they have changed their addresses in the meantime. They are not only those who have just turned 21. Of course, the women concerned would know that this measure had been passed by Parliament, calling on them to serve on juries. The point at issue is not whether women are suitable to serve on juries but whether they are suitable at 21 years of age or at 30 years of age and over. Mr. Simpson and Mr. Thomson said that we ought to take a realistic view.

Hon. J. McI. Thomson: That is what we are trying to do.

The CHIEF SECRETARY: In my opinion, they are taking an unrealistic view when they say that women of 21 years of age are not capable of serving on juries.

Hon. J. McI. Thomson: We are giving you the opinions of the representatives of those bodies which are capable of giving an opinion.

The CHIEF SECRETARY: Women of 21 today could lose men or women of that age in my day. There is not much that women of 21 today do not know.

Hon. A. R. Jones: They would have to be good to lose you.

The CHIEF SECRETARY: I think every member will agree that women of 21 today are much more advanced than were the women of 21 in years gone by. We are living in an entirely different world, and a woman of 21 today knows a good deal. When I entered this Chamber, I was told that I was entering the old men's home, because a person has to be 30 years of age before he can be elected to the Legislative Council. Even in those days, when I was elected, a person of 30 years of age was thought to be old.

Hon. J. G. Hislop: I thought at one time you were going to speak to the amendment.

The CHIEF SECRETARY: I am. When I first entered this Chamber, a person of 21 years was not regarded as old, but women of 21 today are engaged in all sorts of activities. Many of them are married and have families at that age. I have not the figures to show the number of women married at that age, but many of them are.

Hon. J. McI. Thomson: Then why put them on juries when they are busy with their families?

The CHIEF SECRETARY: Yet members say that women do not reach maturity until they are 30 years of age. On a jury we want the viewpoint of women between 21 and 30; more so, I would say, than the viewpoint of women older than 30, because women between 21 and 30 have a broad outlook.

Hon. H. Hearn: Do they lose it after they reach 30 years of age?

The CHIEF SECRETARY: No; but women between those ages have a fresher outlook, which they start to lose as they get older.

Hon. J. M. A. Cunningham: Are women of 30 old?

The CHIEF SECRETARY: In this fast-living world, women of 21 are getting old. After 21 years of age, a woman will not improve her knowledge.

Hon. N. E. Baxter: Do not give us that!

The CHIEF SECRETARY: On juries, we do not want the outlook of all elderly people; we want the outlook of women of all ages; and as a woman of 21 has to take all other responsibilities, she should be permitted to take on the responsibility of jury service.

Hon. J. McI. Thomson: A lot of them do not want the responsibility.

The CHIEF SECRETARY: The amendment should be opposed.

Hon. N. E. BAXTER: Mr. Thomson was right when he said that this amendment must be approached in a logical way. The logical way is to place on juries people who can be relied upon; and to say that women between 21 and 30 years of age should be placed on juries is not a logical way to approach this question. Under this legislation, people are called upon to sit in judgment on their fellow men; and members supporting the Government have said that they wish to give men and women equal rights. Under the principal Act, every man has to have a property qualification.

Hon. F. R. H. Lavery: What is it?

Hon. N. E. BAXTER: Few men between the age of 21 and 30 would have that property qualification. While this Bill says that all women between 21 and 60 shall serve on juries, it does not give the same right to men, because they must have property qualifications. There are few men who like to serve on juries, and the same will apply to women. If members supporting the Government want to give men and women equal rights, why do they not permit all men between the ages of 21 and 60 to serve on juries? Why not make it wide open and provide that any person who enrols as an elector shall be entitled to serve on a jury?

Hon. F. R. H. Lavery: Why do not you move an amendment to that effect?

Hon. N. E. BAXTER: That is the logical way to approach it. We should provide for our lawyers material for juries that will not prevent any hold-up in the passage of the law. Why should they have to challenge one person after another in an effort to form a panel? Many of them spend half a day trying to empanel a jury; whereas that time could be taken up in dealing with cases. That is one of the reasons why I support the amendment.

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

Ayes	14
Noes	11
Majority for	3

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. A. R. Jones

(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willessee
Hon. E. M. Heenan	Hon. E. M. Davies
Hon. R. F. Hutchison	

(Teller.)

Pair.

Aye.	No.
Hon. H. K. Watson	Hon. G. Bennetts

Amendment thus passed.

Hon. C. H. SIMPSON: My next amendment is to strike out the word "and" in line 22, page 2. This is really a consequential amendment, as is the third one which inserts the word "and" after the word "area." The real crux of the amendment is the second major point that women desiring to serve on juries should apply and not be automatically enrolled.

The practice in New South Wales and Queensland is that women may serve on juries on application; they are not compelled. As we desire to embark on this experiment in Western Australia, we should make our practice uniform with that of the other two States in which women are eligible to serve on juries. There are a number of good reasons why enrolment by application is more desirable than automatic enrolment with a right to contract out.

If the names on the jury list were taken in alphabetical order, it could happen that a husband and wife were empanelled on the same jury in the same case. It is true the woman could contract out. She might not know of that qualification; and regarding themselves as being summoned they would consider it their duty to obey. If women are summoned and are all eligible they could contract out at the last moment, and this could create difficulties when the court was trying to complete its jury. There might be some cases of women feeling they were being conscripted to jury service and refusing to obey the summons. This could also create a difficulty.

I wonder if full consideration has been given to the enormous number of women who would be eligible and liable to serve. The figures on the electoral roll for last

June for the whole State show that there would be about 159,790 women. I know the lists are for proclaimed areas, but I take it that ultimately those lists would cover the whole of the State. If all these women did not apply to contract out they would all become eligible for service. Whether they are automatically enrolled and contract out, or whether they apply for enrolment and contract in makes no difference. Women can be empanelled to serve on juries.

The task of handling the exemptions would be tremendous. Records would have to be kept, there would have to be files, and card indexes, and letters would have to be written acknowledging claims for exemption. It would be a costly matter in stamps, stationery, and the work that would be put in as against the small cost involved by the number who would apply to serve. It would be easier to handle those who actually applied and the result would be the same ultimately.

Another point is that no exemption is made for women on the score of eligibility. They can, however, contract out. If members look at Section 8 of the Act, they will find that as it relates to men there are a number of exemptions which would whittle the numbers down. There is the necessity to have £50 real estate or £150 personal estate, but this is not applicable to women. Among those who are exempt we find members of Parliament, court officers, ministers of religion, barristers and law clerks, doctors, chemists, fire brigade officers, schoolteachers, railway officers and so on. So there would easily be a greater number of women eligible for jury duty than men.

Some members have said that if it were left to women to apply there would not be a sufficient number; and I have again said that they would not be the type who would be desirable for jury service. I am told that there are about 1,200 women in the various associations who desire to serve on juries. I would say that most of them would apply to be called on when needed. Apart from them, there are women who are not tied by family responsibilities, and who are public minded enough to fulfil the duty even though it might be irksome at times. Contrary to the opinion that these women would not be the right type, I would say that in the great majority of cases they would.

It is said that one volunteer is worth a number of pressed men. In the first instance there would be the woman who had given the matter consideration, and who had submitted her name from a sense of duty and her capacity to do the job. I would ask members to give this clause the same treatment as they gave it last year. I move an amendment—

> That the word "and" in line 22, page 2, be struck out.

Amendment put and passed.

Hon. C. H. SIMPSON: I move an amendment—

> That the word "and" be inserted after the word "area" in line 23 page 2.

Amendment put and passed.

Hon. C. H. SIMPSON: I move an amendment—

> That the following be inserted after paragraph (c) in line 23, page 2, to stand as paragraph "d":—
>
> > notifies in writing the resident or police magistrate of the district in which she resides and desires to serve as a juror.

The CHIEF SECRETARY: This is an important amendment and is really the crux of the whole Bill. If the amendment is carried, it will impose on women a requirement which is not placed on the men. If a similar imposition were placed on men there would be tremendous difficulty in securing a jury in this State.

Hon. A. R. Jones: There is no reference to men at all in the amendment.

The CHIEF SECRETARY: I am allowed to draw comparisons. If this amendment is placed in the Act it will be impossible to convene a jury in the State. It will be unfair to the women. I hope members will vote against the amendment. We want women to be registered, and those who do not wish to serve will apply for exemption. If the amendment is carried, only those women who write in will be placed on the jury list. Would not they be marked women in their districts?

Hon. H. Hearn: No, of course they would not! What rot! That is an Aunt Sally.

The CHIEF SECRETARY: It is not an Aunt Sally at all.

Hon. H. Hearn: Why should they be marked women?

The CHIEF SECRETARY: They would be pointed at as stickybeaks who wanted to serve on juries. The same would occur if men were made to apply.

Hon. H. Hearn: You are now decorating your Aunt Sally.

The CHIEF SECRETARY: If the Bill were allowed to remain as it is, we would have the services of many women who would not otherwise write in. They would very likely be most desirable persons to have on the jury, and would perform the duty admirably. That is what we want on all juries. We would then get a cross-section of women.

Hon. L. Craig: Very cross!

The CHIEF SECRETARY: We want a cross-section in age and outlook, and we will not get it if the amendment is carried. I heard it said that some members wish to embarrass the Government, and

I would point out that the Government is quite prepared to accept the embarrassment.

Hon. Sir Charles Latham: It must have been said from your side of the House.

The CHIEF SECRETARY: No; it was not. I am looking at one hon. member who said it.

Hon. Sir Charles Latham: You are not looking at me.

The CHIEF SECRETARY: No, but not very far from the hon. member.

Hon. H. Hearn: I never said that.

The CHAIRMAN: I would ask the Chief Secretary to keep to the subject matter before the Chair.

The CHIEF SECRETARY: Very well, Mr. Chairman. If the Government is to be embarrassed because it is doing the just thing by the women of this State, it is prepared to accept that embarrassment willingly. Why not let the Bill pass as it is and allow the women to decide if they do not want to serve? They will write in.

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

The CHIEF SECRETARY: Very well. We agree, do we not? And the hon. member will support the Bill as it is! Let us leave it to the women to decide whether they will serve or not. The Bill puts all women on the list. We are not going to place them in the position of having to write in and apply. We are going to say that the Parliament of this country considers it the duty of women to serve on juries; and if any of them think otherwise, they can apply for exemption. Many women will accept jury service because the wish has been expressed by Parliament that they should serve.

Hon. J. McI. THOMSON: The Chief Secretary has attempted to draw a comparison between men and women on juries. It is accepted as being incumbent on men to serve if called upon. We have differentiated between male and female in this matter; and when it is a question of a man serving, if he has a legitimate excuse for not doing so, he is exempted. I have yet to be convinced that it is the wish of all women to be eligible for jury service. The amendment is logical because it will give to those desiring to serve the right to do so. If we make it compulsory for all to serve, and leave it to women to ask for exemption, there will be many who will attend because they do not know they are entitled to exemption.

So far as embarrassing the Government is concerned, that is far from my thoughts and from those of most members. It is not a question of embarrassing the Government but of what we think is the right and fair thing to do.

Hon. C. W. D. BARKER: Service on a jury is a responsibility that goes with citizenship rights, and women are asking to share that responsibility with men.

Hon. J. McI. Thomson: Are they?

Hon. C. W. D. BARKER: Of course they are, and the hon. member knows it!

Hon. C. H. Simpson: They can do it by application.

Hon. C. W. D. BARKER: With all due respect to the women of Western Australia, I say that if it is left to them to apply, we will have on juries the type of women that we do not want. Members who have visited the local court will have seen the type of woman who goes there to listen in and stickybeak on these cases. That is the type of woman who would serve on juries if application were necessary. When the Bill was introduced and the age was stipulated as from 21 to 60, the idea was to get a wide variety of women of all ages and different types of experience.

Hon. J. McI. Thomson: Will you get the type you want under the Bill?

Hon. C. W. D. BARKER: Yes; I am sure we will. We will have a wide selection from all walks and women with wide experience, which is wanted where jury service is concerned. We will not just get one type of woman, the type that wants to serve. I would not like to be up against women like that. It is easy to say that if the Bill is left as it is thousands of women will write for exemption. That is so. But there will be many who will remain on the jury list because they feel it is their duty to serve. Jury service is not something we are asking women to undertake because they want to do so, but something we are telling them is their responsibility. We are asking them to share it with us, and the women are asking to be allowed to share it. I ask members opposite to think seriously about this matter.

Hon. J. McI. Thomson: We have.

Hon. C. W. D. BARKER: I do not think so. The hon. member has said that he has not heard one woman say she wants to be on a jury. I think his social circle must be very narrow. A lot of women have asked me about this Bill and have said it is a good one and they want the privilege of serving on a jury. They do not want to have to apply to be put on the jury list. They want to serve because they feel it is a duty and a responsibility to society. When the Chief Secretary said that women who wrote in and applied for jury service would be marked women in their district, he spoke the truth.

Hon. J. M. A. CUNNINGHAM: If members are sincere in their assertions that the majority of women are anxious and willing to serve on juries, I cannot see why they are reluctant to leave it to those

women to put themselves on the list. Mrs. Hutchison said that there are literally hundreds of women who are interested. I take it that they are members of reputable organisations and women of responsibility. I do not believe for one second that if they are sincere in their expressed desire, the fact that they have to write in and apply will deter them from serving. Mr. Barker said that we would get a certain type of woman—an undesirable type, and that that is the only type we would get. I do not believe that that is so. I know that the type of woman to whom he refers will make application; but we would also get those hundreds of women on different organisations that have expressed to other members the wish to serve. They have not expressed such a desire to me—not one single woman—but I do not doubt that other members are sincere and honest when they say they have had letters or oral requests from hundreds of women to be allowed to serve.

Hon. C. W. D. Barker: They do not want to have to write in.

Hon. J. M. A. CUNNINGHAM: I cannot believe that. If a woman considers herself capable of serving, and wants to serve, the fact that she has to write in will not deter her from seeking to serve. I would help such a woman in every way to get on to the jury list. Mrs. Hutchison mentioned that in New South Wales not a single woman had been called for jury service though women are qualified to serve. That has been advanced several times as an argument against the method of enrolment by application. I infer from her remarks that if we had women applying, they would not be called by those responsible. I cannot understand that argument, because if those in authority will not call them to go on juries because they have applied, in what way are they going to be called if they simply enrol?

Hon. C. W. D. Barker: There will be a wide selection.

Hon. J. M. A. CUNNINGHAM: What is the difference? Whether a woman applies to go on the jury list or to be taken off it, what difference does that make to those who compile the jury list? If they are not called in New South Wales, how would they be called here?

In any event, I believe that the undesirable type of woman would be known to those responsible for challenging the jury. When the jurymen or jurywomen came before the interested parties, one or the other would have the right of challenge; and I suggest that those who are obviously undesirable would not be chosen to sit on the jury. That is an adequate safeguard. All I am interested in is in giving those women who are genuinely desirous of serving as jurors the right to do so by expressing their desire in writing. I do not think it is something that should be forced on women.

Hon. R. F. HUTCHISON: I support the Bill as it stands. I cannot understand the argument of members opposite. They are doing exactly as I said they were doing in the first place—camouflaging. They have talked a lot about undesirable women. There are plenty of undesirable men, but they are not called for jury service, because the Act stipulates that jurors must be of good fame or character.

Hon. N. E. Baxter: And men must have property qualifications.

Hon. R. F. HUTCHISON: A person has to be of good character and repute to be called for jury service. So where does the argument about undesirable types come from? The fact is that Australia has always been a place of privilege for the male sex; and now we have progressed and the women are asking to share the privileges and take their proper place as they do in the older countries of the world. Members will recall how women had to fight to get the right to vote in England, yet today a woman in this State can be fined £2 for not voting.

The CHAIRMAN: Order! We are dealing with a proposed new paragraph, and I would like the hon. member to keep to the subject matter before the Chair.

Hon. R. F. HUTCHISON: I am; but this is a very big argument. When I was in the Eastern States, I learned that women who have applied for jury duty have not been called. Men compile the jury list, but the women to date have not been called for jury duty anywhere in Australia. In England women serve on juries, and a chief justice there commended them for the service they had given after doing jury duty for three years.

If women have to apply to go on a jury, we will come up against something that is quite new. When there is any reform in the laws of a country, there is always a trial-and-error feeling. The women, if they are admitted to the jury system, should not have to start off with any handicaps. What is wrong with a woman asking for the same privileges as a man? The position is in line with what occurs in regard to this Chamber. A person has to be 30 years of age before becoming a member of it. No woman has the franchise here unless she owns property.

Hon. J. McI. Thomson: She can be a householder.

Hon. R. F. HUTCHISON: Then she has to be a widow or a spinster; but they are not in the great majority.

The CHAIRMAN: The hon. member is off the beam again. I want her to keep to the amendment if she will.

Hon. R. F. HUTCHISON: I am sorry; but I cannot explain this without bringing in all the things I know of underneath.

Members are not letting out all the truth. We are asking that we be allowed to share a public privilege.

Hon. N. E. Baxter: The men do not think so.

Hon. R. F. HUTCHISON: I am asking that the women be allowed to express what they want and not be required to have what the men here think they want.

Hon. J. McI. Thomson: Why not try this for a start?

Hon. R. F. HUTCHISON: What is in the Bill can be tried; and if it does not work, an amendment can be brought down later. I am sorry I have not a dozen women here to take what I, being the only woman in this House of privilege, have to take. It is wrong in principle to say that a woman must apply to get on the jury list, when men are told to serve at 21 years of age. The men have to be of good character, and the same qualification applies to women. I hope the Bill will be carried as it is and that the amendment will be defeated.

Hon. A. R. JONES: I have always opposed this Bill and similar measures because I have such a high regard for our womenfolk and have not wanted to subject them to anything that they might come up against when serving on a jury. Since being subjected to abuse and being called dishonest by one member of the opposite sex in this Chamber—

The CHAIRMAN: I would like the hon. member to keep to the subject matter under discussion.

Hon. A. R. JONES: I am. I have changed my mind about the high regard I have for women in one respect. It would be foolish to make 100,000 women write in and say that they do not want to serve on a jury. Look at the terrific office work that would be involved! One Minister recently said that it would be too much to expect his department to send out 1,000 notices in connection with some matter. Yet here it would not be too much to expect a department to send out 100,000 notices.

Hon. R. F. Hutchison: You know it can be done; that is just nonsense.

Hon. A. R. JONES: I support the remarks made by Mr. Cunningham and Mr. Thomson. We are not denying the women who want to serve on juries, the right to do so. This would be the least expensive way and the least inconvenient to the greatest number of people, of serving the purposes of the Bill.

Hon. F. R. H. LAVERY: The amendment will make the Bill ineffective.

Hon. C. H. Simpson: Not at all.

Hon. F. R. H. LAVERY: The provision put in the Bill by the Government, is included with the idea of handling in an efficient way the proposed legislation to allow women to serve on juries. I felt I could not let the vote be taken on this question without expressing my personal views. I consider that Mr. Simpson's amendment will do nothing but make the Bill unworkable and that, to my mind, is what those in opposition to the Bill desire.

Hon. C. H. SIMPSON: I want to deal with two points that have been made. The issue is a simple one. It means that a relatively small number of women will be called to serve on juries. It is a question of whether a small number can contract in or a very great number can contract out. Under the method of contracting out, tremendous expense and office work will be involved. The other issue is that the Chief Secretary said there would be a stigma attaching to women who served on juries. I do not agree.

The Chief Secretary: I did not say that. I said there would be a stigma on women who wrote in to serve on a jury.

Hon. C. H. SIMPSON: Is not that the same thing?

The Chief Secretary: No, it is not.

Hon. C. H. SIMPSON: The implication is there that a stigma attaches to a woman who desires to do a public duty. Women justices who probably handle the same sort of cases as would be handled by women on juries, serve with distinction and they are respected and honoured. Women sometimes enter public life by being elected to a road board. Sometimes these women have to cast a vote in a way that pleases some people and displeases others, but they are not despised; rather they are honoured by the community for doing a public duty. I think the jury women will be regarded in the same way.

Hon. N. E. BAXTER: There are a few women and a few men who would deem it a privilege to serve on a jury for the simple reason that they would have very little else to occupy their time. Perhaps they would be retired people and to serve on a jury would give them some interest in life. For Mrs. Hutchison to say that to serve on a jury is a privilege is, I think, going to the extreme.

Hon. F. R. H. Lavery: It is an honour.

Hon. C. W. D. Barker: It is an honour to serve.

Hon. N. E. BAXTER: Members may consider it is an honour, but few men view it in that light. They regard it as a duty if they are called upon to serve and cannot free themselves of their obligation.

Hon. R. F. Hutchison: Is not a duty a privilege?

Hon. N. E. BAXTER: It can be a very irksome privilege because it could interfere with a man's business. If these women who wish to serve on a jury consider it a privilege, there is nothing to prevent them from serving if this amendment is agreed to.

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

Ayes	15
Noes	10
Majority for	5

Ayes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. L. A. Logan
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. J. McI. Thomson
Hon. E. Hearn	Hon. F. D. Willmott
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	*(Teller.)*

Noes.

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

Pair.

Aye.	No.
Hon. H. K. Watson	Hon. G. Bennetts

Amendment thus passed.

Hon. J. G. HISLOP: I draw the Chief Secretary's attention to the inadequacy of those portions of the clause from line 25 onwards, in which it states, "or exemption under Section 8 of this Act". That means, in other words, that women are exempt under Section 8 which previously referred to the exemption of men. There are occupations in which women serve that should be included in the exemptions. To call a matron or a theatre sister away from a hospital to serve on a jury could be very awkward, yet no thought has been given to extending the exemption categories.

Hon. Sir Charles Latham: According to the terms of the amendment agreed to, they would not be listed. They would have to apply.

Hon. J. G. HISLOP: Yes, perhaps that is so; but the clause, in my opinion, should be amended to provide further exemptions.

Clause, as amended, put and passed.

Clauses 5 to 10, Title—agreed to.

Bill reported with amendments.

BILL—HONEY POOL.

Assembly's Message.

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

House adjourned at 10.40 p.m.

Legislative Assembly

Tuesday, 18th October, 1955.

CONTENTS.

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