

His theory was that the river water was polluted by chemicals such as creosote and the living organisms referred to. These caused the irritations and the membranes became affected by airborne germs when swimmers left the water. Some people were more allergic to these infections than others. Mr. Strickland added that there was nothing to be gained by stressing pollution of the river on the bacteriological side.

There we have an illustration of the damage that is being done. The medical profession at Fremantle will tell anyone that each summer when swimming in the river commences they have numerous cases of throat, nose and ear infection. One doctor told me that his son and another boy had this infection for two years running, but, when they were sent to the beach to bathe the following year, the trouble did not recur. That helps to prove that the river is causing these infections. I hope the Minister will try to do something to keep the river clean, even if he is not prepared to do anything further for the time being.

Progress reported.

House adjourned at 11.52 p.m.

Legislative Council

Wednesday, 21st November, 1951.

CONTENTS.

	Page
Assent to Bills	831
Questions : Free milk scheme, as to supplying North-West children	831
Fremantle harbour extensions, as to effect of establishing oil refinery at Kwinana	831
Coal mines regulation legislation, as to control of electricity underground	831
Bills : Library Board of Western Australia, 3r. Eastern Goldfields Transport Board Act Amendment, 3r., passed	832
Coal Mines Regulation Act Amendment, Com., report	832
Nurses Registration Act Amendment, 1r. Coal Mining Industry Long Service Leave Act Amendment, 1r.	834
Natives (Citizenship Rights) Act Amendment, 2r., Com., report	834

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, Supply, £11,000,000.
- 2, Marketing of Eggs Act Amendment.
- 3, Parliament House Site Permanent Reserve (A1162.)
- 4, Pig Industry Compensation Act Amendment.
- 5, Prices Control Act Amendment (Continuance).
- 6, Muja-Centaur Coal Mine Railway.
- 7, Main Roads Act (Funds Appropriation).
- 8, Feeding Stuffs Act Amendment.
- 9, Petroleum Act Amendment.
- 10, Metropolitan Water Supply, Sewerage and Drainage Act Amendment.
- 11, Farmers' Debts Adjustment Act Amendment (Continuance).

QUESTIONS.

FREE MILK SCHEME.

As to Supplying North-West Children.

Hon. H. C. STRICKLAND asked the Minister for the North-West:

What arrangements have been made to implement the free milk scheme for school children in the North-West?

The MINISTER FOR TRANSPORT replied:

All schools in the State have been circularised to the effect that if pasteurised milk is not available, and that if an alternative supply of treated bulk milk or powdered milk can be arranged, they will be considered for inclusion in the scheme.

FREMANTLE HARBOUR EXTENSIONS.

As to Effect of Establishing Oil Refinery at Kwinana.

Hon. G. FRASER asked the Minister for Transport:

Should the negotiations with the Anglo-Iranian Coy. Ltd. for the establishment of its refinery at Kwinana be successful, will this have any effect on the Government's proposal for upriver harbour extensions?

The MINISTER replied:

A decision regarding the establishment of an oil refinery in Western Australia is expected about the end of January next. Should this be favourable, its effect on existing development schemes will be examined.

COAL MINES REGULATION LEGISLATION.

As to Control of Electricity Underground.

Hon. G. FRASER asked the Minister for Mines:

(1) Has the State Electricity Commission considered the electricity proposals in the Coal Mines Regulation Act Amendment Bill, and if so, when?

(2) Would the Minister lay on the Table of the House, the extracts dealing with this matter from the minutes of the State Electricity Commission's meeting?

The MINISTER replied:

(1) Yes. On the 6th August, 1951, the chairman of the State Electricity Commission advised the Minister in charge of electricity supplies in writing as follows:—

As discussed the Commission has no interest one way or the other as to what authority should administer the rules and regulations covering the use of electricity in coalmines and in my understanding is only administering the regulations to assist the Mines Department.

The chairman later advised the Minister in writing that there was no reason why the administration of electricity rules and regulations so far as coalmines were concerned should not be included in the Coal Mines Regulation Act and controlled by the Mines Department.

(2) The relevant matters were dealt with very comprehensively in my speech on the Bill yesterday, this being subsequent to the hon. member giving notice of the question. Should the hon. member desire to peruse the file, he may do so at any time.

BILLS (2)—THIRD READING.

1, Library Board of Western Australia.

Returned to the Assembly with amendments.

2, Eastern Goldfields Transport Board Act Amendment.

Passed.

BILL—COAL MINES REGULATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. A. Dimmitt in the Chair; the Minister for Mines in charge of the Bill.

Clause 23—Section 49 amended (partly considered):

Hon. G. FRASER: Last night I asked that progress be reported so that I could get an answer to questions I had on the notice paper. Today I have been given something that is supposed to be an answer, but it very carefully evaded the questions I asked. It was not an answer but a garbled statement about something the Minister had told us previously. I wanted a direct answer. When the Minister sat

down I felt constrained to ask him a question without notice requesting him to answer my second question.

The Minister for Mines: The information was given last night.

Hon. G. FRASER: It was not mentioned.

The Minister for Mines: I read the file which is here now for your inspection.

Hon. G. FRASER: There is nothing on the file concerning the meeting of the State Electricity Commission where this matter was dealt with.

The Minister for Mines. The chairman is the mouthpiece of the Commission.

Hon. G. FRASER: My question was a direct one, and the Minister did not answer it.

The Minister for Mines: You asked for extracts.

Hon. G. FRASER: I asked whether the matter had been considered by the Commission and whether the Minister would lay on the Table of the House extracts from the minutes of the meeting where the Commission dealt with this matter. In introducing the Bill the Minister made the statement that this proposal had been agreed to by the Electricity Commission and I wanted the facts concerning that statement. As I said, I believe this has never been discussed and I wanted proof of that fact. I am not concerned with what an official of the Commission said; I want to know what the Commission itself has done about this matter. I believe that the Commission is entirely opposed to this proposal and that at no stage has the chairman of the Commission agreed to the provisions contained in this clause.

Because an official of the Commission has made a statement, that does not mean the Commission itself agrees with the statement. The person who made the statement had no idea that he was agreeing to what is proposed in this Bill. I want members to know the history of this subject and that is why I asked for an extract from the minutes dealing with the matter. It is vital to this particular question and as the Minister has evaded my answers, I can do nothing else but oppose the clause because it is one of the worst that has ever been put in any Bill. A few years ago we discussed the question of electricity and both Chambers agreed that the Commission would be supreme in electricity matters. Now we find that we are inserting in this Bill something which will exempt the mines from being brought under the provisions of the Electricity Act. That is a most dangerous provision.

Hon. L. Craig: The lighting of a mine is quite different from anything else.

Hon. G. FRASER: There is not only the lighting of a mine to be considered; there are also high tension cables in mines and a number of machines are worked by electricity.

Hon. L. Craig: It is a specialist's job.

Hon. G. FRASER: Yes. Electricians in the mines must have an ordinary knowledge of electricity as well as a knowledge of coalmining.

Hon. L. Craig: That is the idea of this.

Hon. G. FRASER: That is so, but do not let us forget that the electricians employed in the mines are employees of the mining companies and they could make requests for certain things to be done and those requests could be ignored by the management.

Hon. H. L. Roche: What does the Colliery Miners' Union think of this?

The Minister for Mines: It agrees to the provisions.

Hon. G. FRASER: I do not know whether the union has discussed it.

The Minister for Mines: Of course it has.

Hon. G. FRASER: That does not make the coalminer any more competent in the handling of electricity. We will probably find that if this Bill is agreed to the mine managers on the Goldfields will want the same exemption, and it will snowball to such an extent that other people in the metropolitan area will want the same concession. There are many electrical firms around the city and although their employees are qualified, their work is subject to the inspection of the State Electricity Commission. This is the first break away from the State Electricity Act. It would be bad enough if it were surface work but as the work is below the surface, it will make it even worse. I believe a meeting of the State Electricity Commission was held recently and that is why I wanted the information to help members record an intelligent vote.

Hon. H. Hearn: This is decentralisation.

Hon. G. FRASER: If this is an example of decentralisation, I am against it.

Hon. H. L. Roche: You will be against it, anyhow.

Hon. G. FRASER: I have voted for the Government on occasions. I would like the Minister to take the House more into his confidence because this is a serious matter. I am sure that members will then take an entirely different view from the one they appear to be adopting now.

The MINISTER FOR MINES: I have not examined those minutes. I did discuss the matter with the Minister for Works this morning and told him what transpired last night. He knew I had the file and the o.k. from the chairman of the State Electricity Commission. In view of another place meeting at 3.30 this

afternoon and other engagements which the Minister had, he said that the hon. member could see the file and that that should be an adequate reply to his question. I have no objection to the hon. member seeing the file, but I entirely disagree with the conclusions he has drawn.

This matter has been agreed to by the Mines Department, the employers at Colliery and the unions and it was as a result of their recommendations that the Bill was submitted. It passed through another place and the member for the district is quite happy about it. I would again refer the hon. member to the letter from Mr. Dumas addressed to the Minister for Works concerning the administration of the electricity rules and regulations as far as coalmines are concerned, which I quoted in my speech in reply last night. I would also refer him to a minute dated the 6th August by Mr. Dumas which is on the file.

The Committee will remember that I also quoted a letter written to the Minister for Works which I do not seem to have here at the moment. However, I gave an unequivocal undertaking that the Mines Department not only consented, but desired to collaborate with the officials of the State Electricity Commission to ensure safety standards for the electricians who would be employed and for the inspectors who would be subject to the approval of the State Electricity Commission. I think that is reasonable and right. We are just as much concerned about safety as the State Electricity Commission.

Some civil servants are loath to surrender any power they may have. Sometimes it is in the best interests that they should retain that power, but at other times it is not. Having regard to the special hazards of coalmining at all times, I explained that there were special reasons why the administration of electricity should be in the hands of specially qualified men with both mining and electricity experience. I have no objection to the hon. member or the Committee perusing the minutes.

Hon. G. FRASER: The Minister said a number of people had discussed this matter, but it was not discussed by any of the officials in the State Electricity Commission. That was why I asked the question. So far as the power of civil servants is concerned the State Electricity Commission is not a commission of public servants, but of entirely different interests. So the Minister's remarks in that connection do not apply. Does the Minister know of any meeting that has been held recently since this Bill appeared in the Chamber?

The Minister for Mines: No.

Hon. G. FRASER: None?

The Minister for Mines: No representations whatever have been made to me in this regard, except by yourself.

Hon. G. FRASER: That is why I wanted the minutes of the meeting to be laid on the Table of the House. I want to impress upon members that we should not exempt any section from the master Act, as it is a dangerous practice and might recoil at some future date on industry generally.

The MINISTER FOR MINES: I hope members will not be misled by Mr. Fraser's protestations. We all know that Mr. Dumas is one of the most competent civil servants we have and he would not agree to anything unless he considered it in the best interests of the State. I ask members to support me.

Hon. G. FRASER: The chairman of the State Electricity Commission is not a technical man. Others on the State Electricity Commission are technical men. The attitude adopted by a non-technical man may be different from that adopted by a technical man.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILLS (2)—FIRST READING.

- 1, Nurses Registration Act Amendment.
- 2, Coal Mining Industry Long Service Leave Act Amendment.

Received from the Assembly and read a first time.

BILL—NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. HENNING (South-West) [5.31]: It seems to me that this question revolves largely around the honesty and integrity of the second member of the board, whether that member be the mayor of a municipality, the chairman of a road board or a nominee appointed by the Minister. I believe that a fair and unbiased judgment could be given by any one of those three men. Any man who has become a member of a municipal council or road board and may have been chosen as mayor or chairman is fully acquainted with the local affairs of his district and would know reasonably well the living conditions and the qualities of any applicant for citizenship rights.

Hon. E. H. Gray: How would you like to be subjected to such an examination?

Hon. C. H. HENNING: I would have no objection to undergoing such an examination tomorrow.

Hon. E. H. Gray: I would, and so would you.

Hon. C. H. HENNING: I have been in touch with natives for a fair number of years and know a little about them. I

knew them in the Pilbara country and in the North as well as at Pinjarra and in my own district. However, if I came here as a new Australian, I would be required to appear before a tribunal before I could get naturalisation. I cannot see that there is any harm in permitting the authorities to find out exactly what one is, and I cannot see that there is any dishonour attached to one's appearing before such a board.

However, I was speaking of the integrity of the second member of the board, as proposed, and seemingly efforts are being made to side-track me. I cannot understand how any member, particularly a member of this House, can accuse men, who have risen up in the affairs of their district and given good and honourable service, of looking with a jaundiced eye and taking a biased view of a matter of this sort. They would not last for any time in the local affairs of their district, let alone get to the top.

Hon. G. Fraser: Unconscious bias is a trait of human nature.

Hon. C. H. HENNING: People living in the country may possibly be different from those with whom the hon. member comes into contact. We ought to bear in mind that men in local government give a lot of time in an honorary capacity, which is the highest form of public service. They invariably receive much criticism and very little praise, and the only thing we do concede to them is their honesty of purpose.

Hon. E. H. Gray: Do not you admit that they are likely to make mistakes?

Hon. C. H. HENNING: Everybody is likely to make mistakes. There is not a member amongst us who has not made mistakes.

Hon. E. H. Gray: And the applicant would have no right of appeal.

Hon. C. H. HENNING: I do not claim that the second member of the board would not make mistakes, but his knowledge of local affairs, combined with the experience of the magistrate, would hardly be likely to lead to mistakes.

Let us look for a moment at two reports in yesterday's newspaper. According to the first report, a waterside worker was charged in the Fremantle police court with having been in possession of five tins of sardines, and he was fined £10. A couple of columns away appeared the second report, also of a case in the same Fremantle court, where two waterside workers were charged with the unlawful possession of 277 bicycle tyres. They were not fined; they were called upon to enter into bonds of £25 to be of good behaviour for six months. I do not know anything more of those cases than I read in the paper, but I thought those decisions were very difficult for anyone to understand. However, I am not dealing with the integrity of the magistrates.

I consider that the granting of citizenship rights is something worth having, something that we should help these people to achieve, but to grant such rights *holus bolus* so that they could be and undoubtedly would be used to obtain intoxicating liquor for other natives is something that we must avoid.

Hon. E. M. Heenan: Your remarks imply that magistrates have not done the job.

Hon. C. H. HENNING: Judging by what one hears, decisions have been given contrary to the advice of the Department of Native Affairs. I am not implying that the magistrate is biased, but I do say that he has not a fair knowledge of local conditions. He could not be expected to possess such knowledge; he has to rely on the evidence of local people such as the police. I maintain that if we have a local representative on the board, we shall strengthen rather than weaken it.

Hon. G. Fraser: But do not give him over-riding power.

Hon. C. H. HENNING: What we want to ensure is that the natives will receive a fair and impartial hearing.

Hon. G. Fraser: Do you think they will get it under this Bill?

Hon. C. H. HENNING: Yes. I consider that the integrity of the local representative would be just as high as that of anyone else, and with two people on the board—two heads are better than one—the whole setup will be strengthened, and for that reason I support the second reading.

HON. H. S. W. PARKER (Suburban) [5.10]: The question of native affairs is one of the utmost importance and is exercising the minds of people throughout the world. Particularly is the welfare of the Australian native very much before the public at present. Many natives, full-blood and caste, fought in the recent war and similarly many are employed in positions of trust where they are doing excellent work.

During the transition period the natives have been forced by circumstances to learn something of the white man's way of living and, indeed, to conform more or less to that way of living, and as they have improved over the years they are rapidly becoming useful citizens much sought after in the country.

Hon. N. E. Baxter: That applies to some of them.

Hon. H. S. W. PARKER: The same remark applies to some white men, who would not be employed in any circumstances. These natives are being sought after in the country, especially in that portion where white labour cannot be obtained. If white labour were procurable everywhere, we would have no cause to worry about the treatment meted out to the natives, but even so, they still have a right to be treated as human beings.

Hon. R. M. Forrest: Are not they so treated now?

Hon. Sir Charles Latham: This Bill has nothing to do with treating them as human beings.

Hon. H. S. W. PARKER: I quite agree with Sir Charles Latham. The offspring of a mixed union has some of the intelligence of the white father and in other respects will take after the father. Yet we class as natives all those people who are up to 75 per cent. white. Members seem to overlook the fact that when the Electoral Act was passed, we agreed that any coloured person who was 51 per cent. white was entitled to a vote. He is still entitled to a vote, and, furthermore, he is bound to enrol and bound to vote. Thus every native who has 51 per cent. of white blood in his veins is an elector.

We cannot have a racial problem and so must do something to overcome it. What is more, whatever we do must be done in a proper way. It must be remembered that the native is a human being and that we should endeavour to help him attain our standards of living instead of relegating him to hovels on the outskirts of our towns. Native children must receive the same education as is given to the white children of our community and members should not forget that a great many of these people are more white than native. A large number of them are useful citizens and their number is increasing, thus providing much-needed labour in parts of the State where it is difficult to get white employees.

Hon. N. E. Baxter: Who wrote that for you?

Hon. H. S. W. PARKER: I wrote it myself. I do not go outside to get people to write my speeches. We should not compare the native with the better class of European, as we are so inclined to do. Rather should we compare him with the citizen on the lower wage scale and, if we approach the matter in that way, I believe the comparison favours a great many of our natives, especially when we take into consideration the manner and places in which they are forced to live.

Hon. N. E. Baxter: Did you say "a majority of the natives"?

Hon. H. S. W. PARKER: I said that I thought it would be found that a great many natives compare favourably, especially when we take into consideration the manner and places in which they are forced to live. I do not think the granting of citizenship rights is the way in which to help them, because it implies to the native that he is a citizen only by the grace of someone, and not as a right, and that leaves him with an inferiority complex—

Hon. H. C. Strickland: He is still on parole.

Hon. H. S. W. PARKER:—which is one of the difficulties that have to be overcome. The Government, however, has not seen fit to implement the decisions of the conference held at Canberra on the 3rd and 4th September last, so it behoves us to do what we can in the meantime.

Hon. N. E. Baxter: Do you think we should have implemented the decisions of that conference?

Hon. H. S. W. PARKER: If the hon. member would listen instead of interjecting, he might learn something. The Act, as it stands, is most inadequate, and the Bill now before us would not in any way improve the legislation because it seeks to provide for a local person to be appointed to the board. That person, who may be the chairman of the road board or the mayor of the town, would not accept the appointment if local feeling was against the natives, and the person then appointed to the board would be one whose views were in line with the feeling in the district.

Hon. N. E. Baxter: That is pure assumption on your part.

Hon. H. S. W. PARKER: Unfortunately, in certain portions of this State, the people are not favourably disposed towards coloured persons, and a good deal of feeling exists on the question. In such a district, the chairman of the road board would obviously not sit on the bench except with the idea of preventing any application being granted.

Hon. L. Craig: What do you know about what the chairman of a road board would do?

Hon. Sir Charles Latham: He simply has to use that in support of his argument.

The PRESIDENT: Order! Members must let the hon. member proceed.

Hon. H. S. W. PARKER: I did not desire to give examples, but will now do so. At Ongerup, to which centre I paid a visit recently, the residents decided that six native families should be taken from their hovels just outside the town and put into Nissen huts in the town, but when the matter was placed before the Gnowangerup Road Board, that body decided that it would not have natives housed in any township unless they were housed in buildings in conformity with those already existing in that townsite.

Hon. H. Hearn: That applies to white people also.

Hon. H. S. W. PARKER: And, of course, they would have to comply with the health laws. Is it thought that the chairman of the Gnowangerup Road Board—if he were in favour of granting natives citizenship rights—would, in view of local feeling, be foolish enough to accept a position on the board?

Hon. H. L. Roche: That is only your deduction.

Hon. H. S. W. PARKER: It is my deduction. From the remarks of members it would seem that citizenship rights merely give a native the right to demand liquor, but drunkenness exists among the natives now and, unfortunately, the liquor is in many instances supplied to them by white men.

Hon. H. L. Roche: And by other natives who have citizenship rights.

Hon. H. S. W. PARKER: I was waiting for that interjection, but if all natives had citizenship rights, the police would have to do their duty. The police are neglecting their duty at present, and so the position that exists is their fault and not that of the natives.

Hon. N. E. Baxter: The police do their duty in that respect.

Hon. H. S. W. PARKER: Then what is the trouble?

Hon. Sir Charles Latham: Of course, some of the offenders escape.

Hon. H. S. W. PARKER: The fact is that the police cannot police the law.

Hon. Sir Charles Latham: That could be said in regard to theft and other misdemeanours.

Hon. H. S. W. PARKER: The fact is that some people supply natives with liquor, but if all the coloured people had citizenship rights, as soon as a native got drunk he could be dealt with. It is only human nature to want that which we are not allowed to have. In Victoria, where all the natives have citizenship rights, 50 per cent. of them are total abstainers.

Hon. H. L. Roche: What is the total native population of Victoria?

Hon. H. S. W. PARKER: I am not sure.

Hon. H. L. Roche: Is it not about 800?

Hon. H. Hearn: There is a difference between 800 and 8,000.

Hon. H. S. W. PARKER: At all events, they have citizenship rights, and 50 per cent. of them are total abstainers.

Hon. R. M. Forrest: Would you give citizenship rights to every native in the North?

Hon. H. S. W. PARKER: Of course not. I do not for one moment suggest that they should all be granted certificates, but I do say that we should help those who are entitled to citizenship rights to get them, and so give them the opportunity of bettering themselves. Human beings like to feel that they are the same as everyone else, and natives, who may be up to 75 per cent. white, like to feel that they are as good as the next man on the job. If this measure is passed, the local person appointed to the

board will be too much under local influence. I am not in favour of a magistrate granting citizenship rights, because he is brought up in the atmosphere of the law and is prone to deal with evidence and the laws of evidence only, instead of being a sort of paterfamilias, which is what he should be.

Hon. L. Craig: That is what the member of the road board is for.

Hon. H. S. W. PARKER: That is so, but I fear he would not be that.

Hon. L. Craig: Why? He is the selected man from the district.

Hon. H. S. W. PARKER: I know, but the right man would not take the job, in many cases.

Hon. L. Craig: Give him the chance to take it. You would refuse him the opportunity.

Hon. H. S. W. PARKER: Yes, and I will tell the hon. member why.

Hon. R. M. Forrest: Whom would you appoint?

Hon. H. S. W. PARKER: I will tell the hon. member, if given the opportunity. A magistrate is too tied by legal formalities, technicalities and the laws of evidence. We were recently given the figures of the number of cases where magistrates had granted the rights, though the applications had been opposed by the Department of Native Affairs. In many instances, the magistrate granted the application because, as he said, the evidence was so-and-so. I think the native should make application and that the Minister, on the recommendation of the Commissioner of Native Affairs, should be given discretion to grant the certificate. The provision should be, "The Minister may grant the certificate, on the recommendation of the Commissioner."

Hon. L. Craig: Where would the Commissioner get the evidence from? From the police?

Hon. H. S. W. PARKER: He has information about practically every native in the State.

Hon. N. E. Baxter: I do not think so.

Hon. H. S. W. PARKER: The hon. member does not think of anyone but himself. The Commissioner would get his information from the district inspectors throughout the State, because they know all the natives. I have covered a considerable portion of the State with those inspectors, and they know all the affairs of the natives, and keep records. Obviously, if a man from Kimberley or Esperance applies for citizenship rights, the local inspector will make a recommendation on the file.

Hon. L. Craig: He can give evidence before the magistrate.

Hon. H. S. W. PARKER: He would make a recommendation on the file and it would be checked at head office. Finally, the position would be that the Commissioner "may or may not" make a recommendation and then, if he did so, the Minister "may or may not" grant it. The Minister would by no means have a free hand. He would not dare grant citizenship rights to a native unless it was clear that the man was entitled to a certificate. At present, a native has to get two letters of recommendation before he can apply, but under the Bill he would not require them. Quite often, the Department of Native Affairs has not felt that it should oppose a native's application, and the police, who have known all about him, have said, "We will not worry. It is a matter for the magistrate." That has happened in many instances.

The Act is bad, and this measure will only make it worse. I cannot support the Bill nor can I move the amendments that I have in mind, because they would not be within the subject matter of the Bill. I will refer to two decisions made by the conference in Canberra on the 3rd and 4th September last, at which Western Australia was represented. They read—

The Commonwealth and States, having assimilation as the objective of native welfare measures, desire to see all persons born in Australia enjoying full citizenship. It is also desirable that there should be uniformity throughout Australia in the enjoyment of the privileges of citizenship, and in any limits which may be set on these privileges, by necessity, in the interests of the individual and the community.

We recognise that some of the barriers against the enjoyment of all the privileges of citizenship today are not legal but social barriers. These citizens will only enjoy the privileges of citizenship if they can live and work as accepted members of the community. Therefore, it behoves all sections of the community to co-operate in the ultimate assimilation of our native people.

I oppose the second reading of the Bill.

HON. G. BENNETTS (South-East) [5.31]: During the debate on the Bill yesterday and again today I heard various statements with regard to the natives. Mr. Henning, who spoke a short while ago, is a country member and therefore knows more about natives than does Mr. Fraser. I represent a large country district where many natives are employed. I have had as much experience of natives, both on the Goldfields and in the North-West, as has any member of this House. I have travelled with them along stock routes and in those days my life practically depended on the natives. I travelled overland up to Marble Bar and Cue and I had to make

the return trip with three natives. As North-West members can inform the House, natives are most intelligent and have been responsible for building up the interests of pastoralists in that part of the State to their present stage.

I am surprised that the Minister in another place introduced a Bill of this nature which seeks the establishment of a board of two, because it destroys all the confidence we have in our magistrates. I am speaking now as a member of a municipal council over a long period, and also as a justice of the peace. Although I receive a large vote at municipal elections, I would not offer myself for election to such a board. I know the feelings of many people regarding the natives. A great number of them are biased. Nevertheless, a few weeks ago a kiddie in my district was lost and the first person the people in the locality turned to in an endeavour to locate the child was a native.

Hon. N. E. Baxter: Would you not say that a member of a local governing authority is qualified to grant citizenship rights?

Hon. G. BENNETTS: The proper person to decide such applications is the magistrate. After all the necessary inquiries are made regarding the applicant, the evidence is laid before the magistrate in court and he arrives at his finding accordingly. It is for him, as a legally trained man, to decide whether an application for citizenship rights should be granted. If a member of a road board has any objection to the granting of an application, he can appear in court and give evidence if he so desires. For the information of members I would like to read Section 30 of the Justices Act which is as follows:—

Except as hereinafter provided, when two or more justices are present and acting at the hearing of any matter and do not agree, the decision of the majority shall be the decision of the justices, and if they are equally divided in opinion, the case shall be reheard at a time to be appointed by the justices present, or a majority of them, or if they are equally divided, by the senior justice present:

Provided that when two justices only are present and acting at the hearing of any matter and do not agree, if one of such justices is a police or resident magistrate, the decision of the police or resident magistrate shall prevail.

Hon. Sir Charles Latham: You know why that was put in? It was because the justices of the peace used to override the magistrates at Fremantle.

Hon. G. BENNETTS: I heard one member mention two cases which were dealt with by a magistrate the other day. Anyone who understands court procedure will realise that the type of person who appears before a magistrate varies. Each has to be judged on his merits. I can vis-

ualise what would happen if a board of two were established to deal with applications for citizenship rights for natives. If they are granted no right of appeal, few will be successful in obtaining their citizenship rights. In my electorate there are some wonderful half-castes with small families. One could not find cleaner people anywhere.

Hon. L. Craig: Have they citizenship rights?

Hon. G. BENNETTS: I do not know whether they have; I have not gone into that. Nevertheless, they keep their children clean and they are respectable. We have to uplift these people because it is not their fault that they are half-castes. The position confronting them today is that they are not wanted by anybody. If a board of two members is established, as proposed in the Bill, and a road board member has the right to veto the magistrate's decision, not too many natives will receive citizenship rights.

Hon. L. Craig: You have not much regard for members of local governing bodies.

Hon. G. BENNETTS: Yes, I have; but they will appreciate that power being taken out of their hands and their being granted the right to give evidence in court before a magistrate. Mr. Parker mentioned that some employers have been unable to get white labour to do jobs. I remember that a similar happening occurred on a Government research station. Because no white labour was available, a half-caste had to be called on to do the shearing. Natives generally do a good job. Many stationowners and farmers must agree that natives have saved them a lot of trouble when labour was short. The world today is full of turmoil because of the way white races have been treating natives. The Minister mentioned that a home for half-caste girls has been established at Mt. Lawley. I understand that a similar move was attempted for the erection at Midland Junction of a home for half-caste boys. I consider that would be an excellent plan because such a home would assist in bringing them up to be good husbands.

Hon. H. Hearn: What has this to do with the Bill?

Hon. G. BENNETTS: I am merely stating the position of natives in our northern districts and I consider that with the establishment of such homes, evidence could be obtained from them when inmates made application for citizenship rights, which would place the magistrate in a much better position to arrive at a decision.

Hon. E. M. Heenan: Our magistrates on the Goldfields are responsible people.

Hon. G. BENNETTS: Of course they are, and not only on the Goldfields but in the North-West, too. They have had plenty of experience with natives and

would be quite competent to hear any application made for citizenship rights. Most road board members have a certain amount of pressure brought to bear on them to serve on committees and boards. No member of such a body can deny that, and it applies also to members of Parliament.

Hon. H. L. Roche: You ought to know.

Hon. Sir Charles Latham: All Labour members are subjected to the dictates of the Trades Hall.

Hon. G. BENNETTS: I am surprised that the Bill was introduced, especially when it contains a provision to appoint a road board member as one of a two-man board and gives him such wide powers. The House should throw the measure out and leave the Act as it is so that the magistrate, when hearing applications for citizenship rights, may make the decision alone. I cannot support the Bill.

HON. N. E. BAXTER (Central) [5.36]: I commend the Government for bringing the Bill before the House, especially the amendment contained in Clause 5, which appears to be the contentious one. I have listened to wonderful dissertations from members this afternoon as to whether natives should or should not be granted citizenship rights. That has nothing to do with the question before us. The Bill seeks to decide who shall grant citizenship rights. It proposes to establish a board of two members, one of whom will be a magistrate and the other a road board member who will act as the district representative.

Who knows better the habits and associations of a native than the chairman or member of a road board or a worthy citizen of the locality in which he lives? Not even a magistrate would possess the same information as any one of those men has. Large numbers of natives live in my province, which covers a wide area. The chairman and members of the road board and the citizens of the district know the habits and associations of practically every native who lives within the district boundaries. They are the people who can decide whether a native is entitled to citizenship rights.

Hon. R. J. Boylen: How do they know? They do not run around with them.

Hon. N. E. BAXTER: They observe the habits of the natives. The men in the country areas do not go around with their eyes shut as do certain people in other parts of the State. They possess a keen sense of civic responsibility. They are perfectly willing to grant a native citizenship rights and even to associate with him. I know of one native who enjoys citizenship rights and he associates with everyone in the Koorda district and I also know of others in my province who are similarly treated. The natives who possess citizenship rights, in the main, are respected and

are an asset to the community. Nevertheless, there are others who abuse the rights they have been granted, and white people could not possibly mix with them.

Hon. R. J. Boylen: There are many white people like that, too.

Hon. N. E. BAXTER: Yes, admittedly; but we can take citizenship rights away from the native, which we cannot do with regard to white people. Mr. Parker referred to visits he had made to various districts in the company of inspectors from the Native Affairs Department and he stated that the files in the department contained evidence of the family life and associations of each native. I will agree with him on that point. But has the hon. member ever heard of bush wireless? Can he be sure that before he or an inspector of the department had visited an area in which natives were located they would not know of their coming? I think we can take it for granted that their habits would be entirely different on the occasion of such a visit from what they would be in normal circumstances. I mention that fact merely to point out that the information appearing on the files may not always be correct, although I would like to see that the files contained information that was true.

Hon. H. S. W. Parker: The native is a clairvoyant, even if you do not know you intend to make such visit yourself!

Hon. N. E. BAXTER: The native is a very cunning gentleman and he is not so easily misled as the hon. member would try to make out. Furthermore, reference has been made to Clause 10 under which the board has the right to dismiss an application, and its decision is final. I think that is only right. A magistrate who travels from one centre to another might be willing to grant citizenship rights to a native on certain evidence he had received, but he would not be in possession of the full details regarding the native such as a local representative on the board would have.

Hon. R. J. Boylen: How would he know all the details?

Hon. N. E. BAXTER: If the hon. member lived at some country centres in my province, he would realise that representatives of local governing bodies who would be appointed to such boards, watch these people and know what they are doing.

Hon. R. J. Boylen: What nonsense!

Hon. N. E. BAXTER: They would know the habits of the natives and know with whom they associated. Road board members do not take interest only in roads and so on, but take an interest in the population of their districts.

Hon. R. J. Boylen: Do you know all the natives in your province?

Hon. N. E. BAXTER: No.

Hon. R. J. Boylen: And you might be appointed to the board!

Hon. N. E. BAXTER: I know a lot of the natives in my province, and I know some who could receive citizenship rights and others to whom that privilege should not be granted.

Hon. R. J. Boylen: You might be biased.

Hon. N. E. BAXTER: There is no bias amongst the representatives of local authorities that I have in mind. They would want to do the right thing. They know that some of these natives are worthy of being accepted as good citizens, and they would never act against their interests. They employ natives themselves.

Hon. R. J. Boylen: They use them up.

Hon. N. E. BAXTER: They do not.

Hon. R. J. Boylen: Of course they do.

Hon. N. E. BAXTER: They employ them and work alongside them. They know the habits of the natives. Some of the coloured men go to the hotel where they purchase liquor and then go straight down to the native camps. The local police officer cannot possibly watch them all the time. There are other natives who have citizenship rights and refuse to have anything to do with other natives. They certainly would not supply other natives with liquor.

Hon. H. C. Strickland: White men do that.

Hon. N. E. BAXTER: They do, and we know that white men on occasions supply liquor to other white men who are placed on the prohibited list. I know of a recent instance where a native who has citizenship rights entered a hotel where several others were present. He told the man behind the bar not to supply the other natives with drink because they would take it down to the camp. That man is a good citizen. On the other hand, there are natives who should never have been granted citizenship rights.

I know of a case that happened in one district, the name of which I will not mention because the effect would be to pinpoint the magistrate concerned. It is well known that he has been granting citizenship rights to natives willy-nilly, in spite of the fact that road boards and other organisations have protested strongly regarding some to whom such rights had been conceded. Even if there were only one such case, the provisions of the amending Bill are required to ensure that someone with local knowledge who is in touch with the native population, will be able to assist in giving decisions on such applications. I hope the House will agree to the Bill.

HON. H. L. ROCHE (South) [5.50]: I support the Bill because it is a move in the right direction. Those who have spoken in opposition to the measure have over-emphasised the fact that the mere right to drink and to vote is likely to raise the standard of the half-caste native population of the State.

Hon. G. Fraser: Is there anything about that in the Bill?

Hon. H. L. ROCHE: When he discussed the Bill, Mr. Parker said he was not satisfied even with the present proposal. He was not satisfied that a magistrate was able to inform himself sufficiently on the conditions and mode of life of those who approached the court seeking the granting of citizenship rights. That is a real difficulty. Under the existing setup, the magistrate does not get the evidence that is needed.

The police do not desire to testify against a native unless the man has a bad record. No one particularly wishes to come forward to give evidence against a native, so the Bill represents a worth-while effort on the part of the Government to have on the bench that is to decide applications, someone possessing local knowledge, someone who knows something of the behaviour of the coloured population in his particular area. In consequence, such an individual would be of assistance and guidance to the magistrate when dealing with such matters.

Hon. G. Fraser: That is all right, but do not make the local government representative on the board complete master of the situation.

Hon. H. L. ROCHE: One point that strikes me is that all through the agitation, so far as I know, apart from Mr. Strickland and a few of his colleagues, the whole of the condemnation of the Government regarding this legislation, which is an attempt to improve the position of the native population, has come from people who know little or nothing about the natives.

Hon. G. Fraser: We know something about justice.

Hon. E. H. Gray: And you do not know what you are talking about.

Hon. H. L. ROCHE: It all depends what form of justice members are interested in. It would be quite possible for some of those people, if they desire to inform themselves on the matter, to make closer contact with the problem; but they are not prepared to do that. They bombard us with what I described, when speaking on the Address-in-reply, as stupid sentimentalism. That is where the trouble lies and where the difficulties arise. There are those with practical knowledge who want to help. There are those with theoretical sentimental feelings on the subject who dismiss the views of those in close contact with the problem because those practical people, so they say, are always prejudiced and biased.

Hon. G. Fraser: You would be a decent one on the bench!

Hon. E. H. Gray: Yes, he would be.

Hon. H. L. ROCHE: Frankly, I think I would be. The criticism voiced against local authorities and individuals in country

centres who are likely to be appointed to such boards, is that they would be prejudiced against the natives who, we have been told, will never have a chance of gaining citizenship rights under the provisions embodied in the Bill. I can say quite honestly that we have a considerable native problem in the Great Southern. Nevertheless, I do not know one local authority that is hostile to the natives or of any person likely to represent a local authority on the board who would act prejudicially to the interests of natives, which is a major obstacle that has been stressed.

Hon. Sir Charles Latham: That certainly does not apply to the Gnowangerup Road Board!

Hon. H. L. ROCHE: As I have always said, I doubt whether we can do very much for the native who is up in years. There are isolated instances where that would not apply, and that I readily concede. I regret that the Government has not had an opportunity, or time, to overhaul the whole of the legislation dealing with the native population with a view to providing machinery to safeguard the interests of the children. By that means we could ensure that, generation by generation, their lot would be improved and that the young people would be more and more assimilated into the white section of the community.

Hon. Sir Charles Latham: That is what we want.

Hon. H. L. ROCHE: It can be done, but not piecemeal. The Bill is an attempt to tighten up weaknesses that have developed. Those of us who are in close contact with the native problem, the effects of which are manifest, and all well-wishers of the aborigines and the half-castes who are not in practical contact with the problem, could, I feel, assist greatly in the matter and, with the help of Government departments and the responsible Minister, we could hammer out something that could be considered during the next session of Parliament so that the problem could be dealt with in a worth-while manner. In the meantime, I support the second reading.

HON. J. M. A. CUNNINGHAM (South-East) [5.55]: I support the Bill. Frankly, I cannot see any reason for the strong opposition expressed in this Chamber. We have been asked by members who have spoken to give reasons why we should support the Bill. I have not heard any reason offered yet why those members so strongly object to the measure. An attempt has been made to convince the House that injustice would be done to the natives if a representative of a local governing authority or some responsible citizen were appointed to the board to assist the magistrate.

Those who have spoken so far have been quite prepared to accord the natives every credit for good intentions, but will not concede any moral integrity at all to those likely to be appointed to the proposed board. The approach to the Bill has implied that any representative appointed by a local governing body would be prejudiced against the native and thereby lessen the native's chance of obtaining a certificate of citizenship.

Hon. H. C. Strickland: There has been bitter reference to the position.

Hon. J. M. A. CUNNINGHAM: I do not agree with that contention at all. Any person with a knowledge of local government affairs and the native problem as it exists in a district—the problem differs in every district—must admit that the local man, if he is a prominent citizen and particularly if a member of the road board, would have definite knowledge of the natives in the district who are likely to be applicants for citizenship rights. These people are individuals, not merely one of a flock.

The whole family of any native who is likely to decide to apply for citizenship rights are well known. In many instances they are better known than the white residents. Recently I travelled along the Trans. Australian line. At one centre I met a number of natives, some of whom possessed citizenship rights, while others did not. I attended a sports meeting there and several of the contestants were natives, one of whom won the big handicap Sheffield race. Later on I saw that man and his family having a meal at the table of one of the local residents. That particular native is a welcome visitor at every home in that district.

Hon. H. C. Strickland: Was he a full-blood?

Hon. J. M. A. CUNNINGHAM: Yes. I am prepared to admit that I would not be ashamed at any time to see that native sitting with us in my own home. His children are beautifully kept, and my wife remarked on the fact. Will any member seek to convince me that any member of a road board appointed to assist a magistrate in dealing with applications for citizenship rights would refuse a certificate to a native of that type?

Hon. H. C. Strickland: The road board representative is not on the board to assist the magistrate.

Hon. J. M. A. CUNNINGHAM: If the object is not to assist the magistrate, I do not know what his job would be on the board. Does any member suggest that a magistrate is so blown up with his own importance and opinions that he would not listen to the advice or accept the help of another member on the Board? Is it not possible that he might be swayed, not in his opinion, but in his decision, by a man who knows the native concerned?

Hon. Sir Charles Latham: They have them here almost every day in the Police Court.

Hon. J. M. A. CUNNINGHAM: It is fantastic to suggest that the appointment of a prominent citizen of any district would jeopardise a native's chance of acquiring citizenship rights. It has been said that the decision must be unanimous and that there is no appeal.

Hon. E. H. Gray: Can you justify that?

Hon. J. M. A. CUNNINGHAM: We are not children! If a native is refused citizenship rights, that does not prevent him from applying again. Can members not conceive the possibility of a native applying and both members of the board feeling they do not know quite enough about the man and saying, "It will not do any harm to let him go for another 12 months and establish more complete qualification?"

Hon. H. S. W. Parker: I thought you said the local man would know all of them.

Hon. J. M. A. CUNNINGHAM: I said that the local man would possibly know more than the magistrate about an applicant. Does the hon. member deny that? It must be remembered that the magistrate may live in Kalgoolie and would have to go to Leonora or to Esperance, and the local member of the board in either of those places would be likely to know more about an applicant than would the magistrate.

Hon. E. H. Gray: The Bill says that the decision of the board shall be final and there is no appeal.

Hon. J. M. A. CUNNINGHAM: The decision at that time. That is only one application, and the decision on that application is final. There is nothing in the measure to say that a native cannot apply again in six months' time. Periodically in these country districts natives appear in the court on some charge, because some of them are troublesome. In nine cases out of 10 the trouble arises through drink. This is a very grave problem.

Where does a native who appears before the court obtain the liquor? There are two sources. He can obtain it from degenerate whites, who have their own reasons for supplying it. It cannot be that they do it for money, because in my district the natives have not money to pay more for the beer or wine than the degenerate white who supplied it paid for it. The second source from which liquor can be obtained is from a native who has acquired citizenship rights, and can secure liquor and take it to other natives.

In no case does a native who is brought before the court disclose where he obtained the liquor. I do not say that we can blame them for keeping silent. Very

often the wretched people do not know what is going on. The police sergeant gets up and states the case, and another policeman pleads for the native who is charged. They cannot be questioned in many cases. They are frightened, and they do not know what is taking place.

What happens? There is little choice other than to gaoil them. Is that just or fair? I cannot see any justice or fairness in it. Yet that is the decision of the magistrate. If there were a little more scrutiny of the applications for citizenship rights, as would be the case if a layman were admitted to advise the magistrate, fewer certificates would be granted to natives who do not deserve them and cannot carry the responsibility.

Hon. G. Fraser: Deal with the main objection to the Bill—the right of one man to veto a decision.

Hon. J. M. A. CUNNINGHAM: It has been said several times in this House that a magistrate is the best man to judge in these cases, because he is a trained man. I agree that he is a trained man; but he is trained only in the legal aspects, and more than a legal view has to be taken in cases of this description.

Hon. G. Fraser: Do the magistrates not have to do that in nearly every case they try?

Hon. J. M. A. CUNNINGHAM: They do. I would like to remind the hon. member that I am not always the most happy person concerning magistrates' decisions—that is, with their tying up of law and justice. I find it very difficult. The hon. member will probably understand what I mean. But I sincerely believe that in these cases something more than law and justice is required. A more humane outlook has to be taken. The magistrate looks on this kind of thing only from the legal point of view.

Members are aware that a magistrate will say in the court, "I am not interested in the justice of the case, but whether the law has been broken or not." I suggest that a prominent citizen on a board—whether he be the head of the local governing authority or not—would be a man of considerable understanding and would be able to introduce a little more humane feeling in dealing with the circumstances of an individual who may appear before the board.

It should be made clear that I am not opposed to the granting of citizenship rights. At this very minute, there are three cases before the department in which an application is made for citizenship rights, and those applications bear my signature because I consider the people concerned to be absolutely worth-while men and good future citizens.

I think it was Mr. Parker who said that this Bill does away with the need for a native to have two references. I am open

to correction, but I think that is completely wrong. There is nothing in the Bill which obviates the necessity for an applicant to supply two references. That is a point that must be taken into consideration. If two prominent citizens supply references to a native, those references must be considered by the magistrate and the supporting member of the board. It means that two men adjudicate on the case, but four people at least have some say whether an applicant shall acquire citizenship.

Hon. H. C. Strickland: And the Commissioner.

Hon. J. M. A. CUNNINGHAM: That makes five. Remarks have been made about Dutchmen and Europeans coming into this country and automatically acquiring citizenship rights, whereas our natives have to make application. But it must be remembered that these other people do not need the protection that the natives require. Everybody knows what would happen if citizenship rights were granted willy-nilly to these natives, as is wanted by the starry-eyed section of this community. That is what they are after. They have a fixed idea and they are starry-eyed. They would like every native to be granted citizenship rights.

For that view there is probably a certain moral justification, but it would not be in the interests of every native to have that privilege. Every member can think of the district he knows best and consider what would happen if citizenship rights were granted to more than 50 per cent. of the natives. Before long they would be fraternising with people all over the district, especially degenerate whites, and the protection they enjoy at present would be absent.

At the moment it is a criminal action to fraternise with the natives. If we removed from them the name "native" and let them fraternise completely, our problem would be 10 times as bad as it is now. Members can perceive the grim danger involved in that. This Bill simply adds one more chapter of protection for the native.

Hon. G. Fraser: You are an exponent of decontrol, are you not?

Hon. J. M. A. CUNNINGHAM: Yes, I am. But I hope the hon. member is not classing the natives with chattels that can be bought and sold over the counter, under the label of controlled items. I believe that if the present system continues of granting citizenship rights too loosely it will be damaging—

Hon. E. M. Heenan: In what district have they been loosely granted?

Hon. J. M. A. CUNNINGHAM: —to future applicants for such rights. I agree with those who have said that the cases that have been quoted of troublesome natives are isolated instances. Those folk do not represent the general run of natives who are granted citizenship rights.

Hon. E. M. Heenan: In what districts have those rights been granted too loosely?

Hon. J. M. A. CUNNINGHAM: Several have been mentioned tonight. I am not saying that that has been the case in my district. Do not attribute that statement to me! But if the hon. member will go back over the speeches he has heard, he will remember that two or three were mentioned. One speaker said he would not specify the district because it would pinpoint the magistrate and that was undesirable. I believe that every case involving a troublesome native that comes before the court jeopardises the chances of future applicants who may be very deserving of citizenship rights.

Hon. H. C. Strickland: How can it?

Hon. J. M. A. CUNNINGHAM: I do not think the hon. member would need to stretch his imagination or mental powers too far to see quite easily how every case that comes before the public through the Press arouses prejudice against the natives in places like the Northam and York districts. It has been said that members of local governing bodies would not act on these boards for fear of reprisal from the voters in the districts concerned. I do not believe that for one moment. I would not hesitate to serve on such a board. I do not say that I am specially qualified, but the opinion of the people in the district as to what I might do about it would not influence me one way or the other.

Hon. G. Fraser: But you are a strong man.

Hon. J. M. A. CUNNINGHAM: I am a comparatively weak man, but I believe I have some moral fibre, and I attribute the same virtue to most members of local governing bodies. They would not hold office if they did not possess that quality. If considerable prejudice does exist in a district against natives, why does it prevail? What would cause it to be so prominent in the minds of people that members of local governing authorities would be frightened of the reaction to their taking office on such a board? I suggest that the answer is the action of natives who have been granted citizenship rights and cannot carry them, because they have been granted too loosely.

Hon. N. E. Baxter: They have abused them.

Hon. J. M. A. CUNNINGHAM: Yes. It is possible that that is the cause of the trouble and that is why some people might refuse to serve on such a board. I support the Bill.

HON. A. R. JONES (Midland) [6.14]: I have listened to the debate with interest. There is little left to be said, because other members have covered the field thoroughly. But I would like to speak on one phase about which I know something, since I have had a fair amount of

experience with natives and local authorities. It has been said by those opposing the Bill that a member of a local authority would not be a fit and proper person to adjudicate.

Hon. E. H. Gray: Nobody said that.

Hon. A. R. JONES: That was the implication, whether it was actually said or not.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. R. JONES: Before tea I was going to express the hope that I might be able to so inform the House that some of the members who have spoken against the proposition that a member of a local authority or a person appointed by a local authority should be a right and proper person to grant or refuse a permit to a native, might change their minds. I have had a fair amount of experience of natives and also of local authorities, and I have found that there is no-one in the community who will try to do the right thing for the natives more than the members of local governing bodies.

Very few other individuals would care two hoots what happens to the natives of the district. This is fairly general throughout the State. I have had experience, not only on the road board of which I am at present a member, but also on the Dalwalinu Road Board, and these boards have given the natives every opportunity to lift themselves out of the groove they are in. Not very far from Moora we have the Moore River Native Settlement which has recently been handed over to the Methodist Overseas Mission. I believe that that was the proper thing to do and that good will result from it.

The settlement was a disgrace to the Government when it was under departmental control. On many occasions the local authorities at Moora were called in to do something for the natives. They went so far as to equip the reserve with sanitary conveniences and water so that the natives would have somewhere to camp. No other person or authority in the district was sufficiently interested to do even that much. I stress the point that the assistance of a man with local knowledge will be very helpful.

Members of the local authority in a district hear of everything that happens, and any cause for complaint goes before them. Anything which is reported is debated at a meeting of the board or council and some action is subsequently taken. So, there is no one more fitted to condemn or approve the person who is making application for citizenship rights than a member of a local authority. Some speakers have done an injustice to these people because of the way they have spoken, but they have probably made their remarks with insufficient knowledge of just who constitutes a local authority and how much time

each member puts in. Quite apart from meetings, the members might spend three or four days a month on local government affairs.

Hon. G. Fraser: Do not you think that some members who have spoken here have had experience on local governing bodies.

Hon. A. R. JONES: Yes, and that is why I feel they are not doing local authorities justice when they speak as they have done. I doubt whether too many have had experience in the country, and I believe there is quite a difference between being a member of a metropolitan local authority and a country one, because in the city the same problems do not arise as in the country. That is why, possibly, there is a bias against a member of a local government body sitting on the board.

Hon. G. Fraser: Justify a two-man board with neither having double power. That is the point.

Hon. A. R. JONES: Mr. Henning pointed out that we cannot always say that a magistrate will do what we consider to be the right thing. We hope that with the inclusion of a second man, more stability will attach to the board's findings. I think the provision in the Bill is a good one. Whilst I do not think it will cure all the ills appertaining to the native question, I believe it is a step in the right direction. It will assist in giving citizenship rights to the deserving natives, and will impose a greater check on those who are, possibly, not deserving of those rights.

While that is all the Bill aims to do, I have every intention of supporting it. Mr. Parker said that we should have a complete review of the whole position, and I entirely agree with him. All the Bill seeks to do, however, is to permit of one man sitting with the magistrate, and that man will be either a member of a local governing authority or someone chosen by a local governing authority. I trust that members who have spoken somewhat against the integrity of members of local governing authorities will now support the measure.

Hon. G. Fraser: You have not touched on the main point of the Bill.

HON. R. M. FORREST (North) [7.38]: I have been interested to hear the speeches that have been made, and surprised to hear some of the remarks in opposition to the Bill. I have always considered it is asking too much of one man to decide whether a person is to be white or black. I honestly believe it would be better to have a panel of three. I do not suppose one member who has spoken in opposition to the Bill has ever employed a native.

Hon. G. Fraser: You do not have to do that to know whether this is fair and just.

Hon. R. M. FORREST: I have employed natives—as many as 40 on a station—for the past 40 years, and I defy anyone to say they were ever ill-treated.

Hon. E. M. Davies: Did you pay them union wages?

Hon. R. M. FORREST: We could not afford to pay the 40 of them. We were keeping about another 20 children. If a person in the North employs a native he will, at the same time, be keeping the grandmother, the grandfather and half a dozen children. At present we have no natives on the station whatsoever. Recently, when we did employ natives, we had two girls working in the house and between them they had 11 children who had to be clothed and fed. I do not think the native can be described as cheap labour.

I am afraid, however, that I am getting away from the Bill. I did not intend to give a dissertation on my experience with natives in the North-West. I have been through most stations in Kimberley and the North-West, and I defy anyone to cite instances of ill-treatment of natives. I quite agree with Mr. Roche that the people who speak most on the native problem are the ones who know nothing about the question. I would like to see every native, who is qualified, get citizenship rights, but I think we must be very careful. It would, I believe, as Mr. Cunningham said, be a bad day for the natives if all of them in Western Australia received citizenship rights. With these remarks, I most certainly support the Bill.

HON. L. CRAIG (South-West) [7.45]: I am wondering about the opposition to this Bill; it appears to me that there is some organised move in that direction. Why, I do not know; but nevertheless it seems to be more or less on party lines. That surprises me.

Hon. G. Fraser: There is nothing organised about it; I can assure you of that.

Hon. E. H. Gray: It is spontaneous.

Hon. L. CRAIG: Why was this proposed amendment introduced? Was it because the Act was working all right? If the Act had been working satisfactorily, and the magistrate had been giving satisfaction to everybody, would there be any necessity for this Bill? The Minister must have been advised on pretty good authority that it was not working all right and that something should be done to improve it. Is that not the reason for the Bill? We must admit the Government has some justification for introducing a measure of this sort.

Hon. G. Fraser: I asked the Minister about that when he introduced it. I wanted to know why it had been introduced.

Hon. L. CRAIG: It is for a purpose. The Act has not been working satisfactorily.

Hon. G. Fraser: He did not tell us that.

Hon. L. CRAIG: We must start on the basis that what has been going on in the past has not been satisfactory and this is an earnest effort to improve those conditions. The Government, on the advice of—

Hon. E. H. Gray: Who?

Hon. L. CRAIG: I presume the Commissioner of Native Affairs.

Hon. G. Fraser: We want to know on whose advice it was introduced.

Hon. G. Bennetts: He can make mistakes.

Hon. L. CRAIG: Everybody can, even the hon. member—but rarely! Let us admit that the problem is not an easy one. The natives are very primitive and they are victims not only of their breeding but also of their environment. The native who has not come into close contact with white people is a very happy individual.

Hon. R. M. Forrest: And we have made them most unhappy today.

Hon. L. CRAIG: Today their happiness has gone except in odd places, such as a station in which I happen to be closely interested. The entire station is run by natives and the only white man there is the manager. If the manager goes away for three months, he leaves the running of the entire station to natives.

Hon. H. C. Strickland: Where is that?

Hon. L. CRAIG: Maroonah. There are three native boys there, two half-castes and one black, who have their own homes, fitted with electric light, their own showers, radios, etc., and bicycles, and they are living like white people. Those boys are thoroughly trustworthy, and today Maroonah Station has more labour than it knows what to do with, while there is not a station within 40 or 50 miles that has any natives at all. A native, if handled properly from his birth, has some hope; something can be done for him. These natives on Maroonah were brought up very strictly from birth. No girl is allowed near the house until she has a bath, and they bathe every day.

Hon. R. M. Forrest: That applies to most stations.

Hon. L. CRAIG: The three natives whom I have particularly mentioned—although there are a lot of others who do not do very much at the station—have a shower every night; they shave every day and an interest is taken in them and in their work. When they come in at night, not only the boss but the woman of the house also, whoever she may be, goes out and interests herself in their work. It is unusual for natives to be reliable, but these are exceptions. They have also lost their passion for going on a pink-eye.

A native usually goes on a pink-eye once or twice a year. These natives do not do that because they do not want it. They are

more or less living like white people, and one of them taught himself to read and write at an outcamp. So there is some prospect for natives, but it is necessary to get them when they are young, and they must be treated justly and very strictly. How are we going to do that? I said earlier that natives were the victims of their environment, and they are. There are lots of clean children going to schools in the Great Southern areas and other parts of the State, but they are living under appalling conditions. Yet they are still clean and well looked after. It is amazing that the mothers can rear those children under such shocking conditions; they iron their clothes on pieces of wood they have cut out of trees.

Hon. R. M. Forrest: Where is that?

Hon. L. CRAIG: In the Great Southern. We are going to absorb those natives into the community; and we must do so, otherwise there is no future for them at all—

Hon. E. M. Heenan: How are you going to do it?

Hon. L. CRAIG: By gradual education and giving them a chance.

Hon. E. M. Heenan: And intermarriage?

Hon. L. CRAIG: Yes; breed the colour out of them.

Hon. E. M. Heenan: Whose sons are going to do that?

Hon. L. CRAIG: If the hon. member knows anything about this question, he will know that if half-castes keep breeding within themselves, the colour will disappear without the introduction of any other white blood. That has been proved, and half-castes today are marrying half-castes and, to some extent, white people.

Hon. H. L. Roche: Very few.

Hon. L. CRAIG: Very few, I will admit. But I believe that will change gradually when we get some culture among the half-castes. They would be accepted if they had some culture, were clean and lived like white people. What we have to do before we come to the question of magistrates and citizen rights, is to provide such conditions that they can live as white people. Today we are asking them to live as white people and giving them no chance to do it.

We must give them some chance, and it is no good giving citizenship rights to a native and expecting him to live under a tree with a bit of bark to keep off the wind. If we intend to give them citizenship rights, why should we not give them the right to have houses the same as we are giving to people who come into this country, and to our own citizens? If these natives are to be citizens, why not let them be real citizens, and when one applies for a house, why should he not have the same right of obtaining a Commonwealth-State rental home?

Hon. E. H. Gray: Hear, hear! That is what it should be.

Hon. L. CRAIG: If we do not do that, what is the good of giving them citizenship rights? If they have the rights, we must accept them. It is no good giving them the right to go into a pub and get drunk and deny them the right to have houses. Natives who are not capable of living in houses should not be given citizenship rights. A magistrate has decided in the past who shall, or shall not, be given their citizenship rights certificates. That is not satisfactory because, as Mr. Parker said, the magistrate does this entirely on evidence; probably entirely on the evidence of the police. As everybody knows, the police, like other people, have prejudices—very strong prejudices, too.

Hon. H. C. Strickland: The Commissioner of Native Affairs must be there for the hearing.

Hon. L. CRAIG: Or one of his officers, and his officers are not very far removed from the police.

Hon. W. R. Hall: The police represent them.

Hon. H. S. W. Parker: A great many of them are policemen.

Hon. L. CRAIG: Yes. A slur has been cast upon prominent members of local authorities. I do not think that is fair.

Hon. J. M. A. Cunningham: Neither do I.

Hon. G. Fraser: In the imagination of some speakers.

Hon. L. CRAIG: Yes, only in their imagination. But it was said that they would have prejudices. Can the hon. member tell me any human being who is not prejudiced?

Hon. E. M. Heenan: You have just cast a slur on the police.

Hon. L. CRAIG: They are the same as everybody else; they are no different.

Hon. E. M. Heenan: You say that certain members have cast a slur on prominent members of local authorities, but you have just cast a slur on the police and said that they have prejudices.

Hon. L. CRAIG: Everybody in this House is prejudiced.

Hon. G. Fraser: That is all other speakers have said.

Hon. L. CRAIG: I say that the native inspectors, members of road boards, members of Parliament and everybody else have some prejudices, so we can wipe that as an argument against the appointment of anybody.

Hon. E. M. Heenan: In the next breath, you say that because other speakers claim that chairmen of local authorities have prejudices, those speakers have cast a slur upon them.

Hon. L. CRAIG: Other speakers have said that they have prejudices against the natives. That is not fair, because many of them have prejudices in favour of the natives. It is wrong to say that members of local authorities would be prejudiced against natives. I know lots of these people who are strongly prejudiced in favour of the natives.

Hon. E. H. Gray: The setup is wrong.

Hon. L. CRAIG: Why is it?

Hon. E. H. Gray: Too much power will be given to one man.

Hon. L. CRAIG: Opponents of this Bill have said that if we had three men comprising a board, it would be all right. I consider that three would be worse than ever, because the local authority member, and the one other citizen appointed, could overrule the magistrate, two to one. Under the provisions of this Bill, the local representative will not be able to overrule the magistrate. He can cancel what the magistrate wants to do, but he cannot give a decision against the magistrate, and that could happen if there were three men on the board. I think this is an earnest effort to do the right thing.

Hon. E. M. Heenan: That cannot happen under the Justices Act.

Hon. L. CRAIG: I am not talking about the Justices Act. I am talking about the Natives (Citizenship Rights) Act.

Hon. G. Fraser: What is good enough for whites under the Justices Act should be good enough for natives under this legislation.

Hon. L. CRAIG: Just because it is good practice in a white court does not mean that it is good practice in a native court, and the hon. member should know that. Natives are not yet in a position to be treated as whites. Once they attain that position, they should be treated as white people.

The PRESIDENT: I suggest that members should not subject Mr. Craig to a cross-examination.

Hon. L. CRAIG: Thank you, Mr. President.

Hon. E. H. Gray: The natives are entitled to justice.

The PRESIDENT: And that applies to Mr. Gray, too.

Hon. L. CRAIG: I want to point out to the last interjector who said that natives are entitled to justice that if all natives are given citizenship rights, it will be a hellish day for the natives.

Members: Hear, hear!

Hon. G. Fraser: Nobody suggested that.

Hon. L. CRAIG: Yes, they have. Some of my letters have suggested that. Has not the hon. member received any letters?

Hon. G. Fraser: I am talking about the debate.

Hon. L. CRAIG: I think the people who wrote the letters are important.

Hon. E. M. Heenan: None of the speakers against the Bill suggested that.

Hon. L. CRAIG: This Bill is an earnest effort to do the right thing and to improve the present setup. If it does not work, the Act can be amended next year because this measure need not remain in force for ever. Members must admit that what has happened in the past has not worked satisfactorily.

Hon. G. Fraser: We wanted the Government to tell us why.

Hon. L. CRAIG: The Government has told us. The Minister mentioned it during his introduction of the Bill.

Hon. H. C. Strickland: The only explanation was that the road board members bitterly opposed it.

Hon. L. CRAIG: A road board member, of course, means the people in the locality and the people in the locality have all been against what has been happening in the past. I was talking to the chairman of the Katanning Road Board the other day and he is a man who has given a lot of time to natives and knows a great deal about them. He said that if we wanted to make citizens of them we must give them the opportunity to become citizens and the first thing to do was to improve their conditions.

Today certain natives, within a day of receiving their citizenship rights, are taking beer into the native camps. There have been many complaints about that, because it is doing harm to the native concerned and the other natives as well. The local member, whoever he may be, would at least have some knowledge of the local natives. I hope the House will support the Bill as it is and at least give it a trial. If it does not work, I have no doubt a good Government will bring in some new amendment next year. I support the second reading of the Bill.

HON. W. R. HALL (North-East) [8.1]: I did not intend to speak on this measure but after listening to the various members who have discussed the Bill and also to members who employ a large number of natives, I felt I should say a few words about it. I have always said in this House that I am sympathetic to the native, and I feel that most of his troubles have been caused by the white man. I think it is time, and I have said so before, that we should do something to uplift him.

I have perused the Bill, and I feel that I would be quite prepared to leave the decision as to whether natives should get citizenship rights or not to the magistrate. I am not one of those who thinks that perhaps some chairman or member of a road board would be prejudiced against the natives, but I do feel that the magistrate who travels through various districts—our Goldfields magistrate, for instance, goes

from Esperance in the south to Laverton in the north—should be the one to judge their cases.

There is no doubt that the native has a gun pointed at him both ways because we have found in the past that where a native has been charged with some offence the Native Affairs Department has been represented by a policeman, and the police have prosecuted him. He is charged by the police on the one hand and defended by the police on the other. That is quite wrong. Our own magistrate on the Goldfields has done a fairly good job, and there have been very few complaints about natives so far as Kalgoorlie and those districts are concerned. I fail to see why a person should be given an opportunity to override a magistrate.

There has been talk about Js.P. and there are plenty of them about, but after all the magistrate is a paid servant of the Crown and he is the one to do the job without fear or favour and to take into consideration the person before him and the conditions under which he has been placed there. There are large numbers of natives in Laverton, north of Kalgoorlie and if it were not for the fact that they were there Laverton would not exist today. There is no doubt at all that they have that to their credit. They work on the State battery and get their wages as any white man does; they work in the mines and live in the houses once occupied by whites, and from what I have seen of those houses they were kept reasonably clean.

So I do not see any reason why a man who is rearing a family, such as some of these men are, should not have citizenship rights. A justice of the peace is an honorary appointment whereas a magistrate is a paid servant and is there to do his job without fear or favour. Let us take an example of the member of the local authority—of which there may be ten in my particular province—who is prejudiced in some way and decides to go against the magistrate; the magistrate is overruled and the native does not get his citizenship rights. That is only an example, but I think the principle is wrong.

Hon. Sir Charles Latham: On the other hand, he may get it.

Hon. W. R. HALL: As we know, the word "may" is permissive and "shall" is compulsory.

Hon. H. Hearn: He may persuade the magistrate to alter his mind.

Hon. W. R. HALL: The hon. member always seems to have bright ideas regarding the altering of the magistrate's decision. I feel that what I am talking is commonsense. Although I did not intend to speak on this Bill I feel strongly about it, particularly when we consider the good jobs that natives are doing in my constituency. I have heard members in this House, who are amongst the farming fraternity, run the natives down, but to-

night and in the last few days their attitude has changed altogether. They now reckon the native is a good fellow. Not long ago they did not want him at all, but during the war they needed him badly. The same applied to the Italian prisoners of war, for when the farmers could not get anybody else to do the work, they wanted their services very badly.

Hon. R. M. Forrest: You would look a bit silly without the old farmer.

Hon. W. R. HALL: I have not at any time been an employer of natives or anyone else, but if a man is employing 40 natives with their wives and families, he must be getting value out of them because the natives would be looking after the cattle or sheep or doing something useful on his particular pastoral property. I would like to say now to some of the members I have heard run down the natives, that I have always had a one-way traffic mind over the native affairs question.

Hon. N. E. Baxter: Give them all citizenship rights.

Hon. W. R. HALL: I would not be prepared to give them all citizenship rights because, from what I have seen sometimes in the metropolitan area, it would not be desirable. In some cases commonsense and tact have to be exercised by the person who is issuing citizenship rights. I do not think there would be anyone more qualified than a magistrate to do this. That seems to be the only point in the Bill that is worrying members. I am prepared to leave the present situation as it is, because I do not think that too many blues have been made up to date. I hope that the Native Affairs Department will do a little more itself to help the natives. What happened at Cosmo Newbery Mission Station? The trouble there was caused by a white man—not a native at all. I think the native has had a pretty raw deal from the white man since time immemorial. I would like the present situation to stand as it is until we can find something better.

HON. E. H. GRAY (West) [8.9]: I have listened very attentively to the debate and with some surprise, too. I think the speakers in opposition to the Bill who made reference to the local governing representatives had their remarks deliberately misconstrued. No speaker in opposition made any detrimental reference to local representatives. I have the greatest admiration for members of local authorities both in the towns and in the country districts. In their community they are the leaders. I want to try to raise this debate to a higher level. The point in this Bill is that it does not give justice to the native.

Hon. G. Fraser: That is the only point.

Hon. L. Craig: That is just what it does do.

Hon. E. H. GRAY: The only point is that it does not give justice to the native. I would like to emphasise the fact that the department has made one experiment in recent years which it says has been a great success. I refer to the hostel at Mt. Lawley where a certain number of young women have been trained and educated. From the remarks of the Minister that experiment appears to have been a great success. The Government now proposes to extend that experiment by opening another hostel in West Perth for young men; I believe that will be a success, too. I have the greatest faith in the Commissioner of Native Affairs and watch with keen interest his work in this State. I recognise at all times that we are up against a very terrible problem. Over the years the natives in Australia have had a very rough deal from the white people.

Hon. Sir Charles Latham: You would not forget that the Anglican Church ordained a native deacon.

Hon. E. H. GRAY: We have got to try to live that down, and moreover our children are faced in the future with the problem that Australia has got to save face with her Asiatic neighbours. Greater tolerance and understanding is required. We have not given the natives a fair deal, and the white man in other parts has not given the Asiatic countries a fair deal. That is why we are in the trouble confronting us today.

Hon. R. M. Forrest: Do not you think Russia has been the cause of it?

Hon. E. H. GRAY: We have got one experiment in operation, and we will soon have another, where young men and women will grow up, marry and perhaps take positions in the country, or they may go there singly. Being progressive young people, they may want to apply for citizenship rights. The representative of the road board on the tribunal is the key man with the power, and if these young people are unfortunate enough to strike one of those members who is prejudiced, he can oppose the magistrate and that application of the educated young man or woman will be rejected.

Hon. H. Hearn: Suppose they strike a prejudiced magistrate.

Hon. E. H. GRAY: Sir Charles Latham challenged my statement, but we cannot get away from plain English. Clause 10 of the Bill states:—

7B. Every decision of a Board on any matter shall be the unanimous decision of both members, but in case of disagreement an application shall be refused, or complaint dismissed, and the decision of the Board shall be final.

Hon. Sir Charles Latham: That means there is no appeal.

Hon. E. H. GRAY: And that they are shut out for life.

Hon. J. M. A. Cunningham: I deny that.

Hon. E. H. GRAY: The hon. member can deny it, but it is here in plain English. If these people are refused by the board, they cannot get registration any more.

Hon. L. Craig: Rubbish!

Hon. E. H. GRAY: It is not rubbish; it is a fact.

Hon. J. M. A. Cunningham: Show me any provision that says they cannot apply for it six months later.

Hon. E. H. GRAY: Under this clause the decision of the board shall be final. If anyone of us is involved in a motor car accident and is blamed perhaps for somebody's death or maybe is summoned before the magistrate for injuring some individual, the magistrate would hear the case and perhaps impose a fine of £50. If an injustice has been done, we would have a legal right of appeal. But these natives have no legal right where an injustice might be done.

Hon. A. R. Jones: They can come back six months later.

Hon. E. H. GRAY: Why should they come back six months later? A white man has the privilege of appealing to a higher authority if he considers that an injustice has been done. I give the members of the Australian Association for the United Nations (W.A. Division) the greatest credit for their work.

Hon. L. Craig: Most of them know nothing about it.

Hon. E. H. GRAY: I deny that statement. They ought to be commended for taking an interest, not only in the natives of this country, but also in the organisation. For the purposes of record, I propose to read a copy of the letter that has been sent to members, and I hope my doing so will have the effect of causing some members to change their minds and decide to throw the Bill out. The letter is dated the 20th November, 1951, and reads—

The Executive of this Division at its meeting on the 14th inst., adopted unanimously the following resolution:—

This Executive of the Western Australian Division of the Australian Association for the United Nations desires to draw attention to the fact that certain provisions of the Native Rights Bill, now before the West Australian Parliament, specifically offends against the Universal Declaration of Human Rights adopted by the United Nations Assembly at Paris on 10th November, 1948, wherein it is declared that:

"everyone without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, all are equal before the law, and are entitled without any discrimination to equal protection of the law, and, further:

"everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations."

In addition, it is desired to point out—

(a) That this division includes 172 individual members, and 43 corporate member bodies (of which a list is attached) which, in their turn, represent tens of thousands of members, drawn from numerous social, religious, trade union and other organisations.

(b) That undoubtedly these numerous bodies would stand behind this resolution. As proof of that, it may be stated that at a hurriedly and unofficially called meeting last evening, 20 of those bodies sent representatives specifically to support this protest.

(c) That the Declaration of Human Rights (above referred to) was supported by Australia's representatives. That the only countries opposing it were six (who are ordinarily referred to as Behind the Iron Curtain) Saudi Arabia and South Africa, whose repressive policy towards its native population is well known.

(d) That when in most parts of the world policies towards freedom and uplift are being pursued, this Bill is a decidedly retrograde step in both the field of human rights and in the administration of justice.

Joseph Green, President.

F. J. Huelin, Executive Officer.

That explains my viewpoint. I should like the Minister to tell the House whether the Commissioner of Native Affairs has asked for the Bill. Failing the request having come from the department, I should like to know who made it. I know something of the work of the Commissioner and I cannot imagine his taking such a drastic and retrograde step.

We have to face up to the difficult problem presented by the native population. I was greatly impressed by the remarks of Mr. Strickland. Many of the police officers in the North-West are prepared to give great credit to the natives attached to the Force without whose assistance great difficulty would be experienced when trackers

are required to search for lost men. We should reject the Bill in the interests of the natives themselves. I hope that members will not misconstrue the opposition that has been voiced to the measure. The proposal is to constitute a board on which the local representative will have too much power, and that will lead to very great injustice.

Hon. L. A. Logan: Are you reflecting on road board members?

Hon. E. H. GRAY: I would object to giving that power to any untrained man. If the representatives of the local authorities wish to assist the natives, the best course for them to adopt would be to enter the witness box and testify to the good character or otherwise of the applicants. That is where they could do useful work, not by sitting on the bench and "putting in the boots."

Hon. N. E. Baxter: A lot of them would not be taken notice of.

Hon. E. H. GRAY: To say that is a reflection on the magistrate because, when a witness gives evidence on oath, the magistrate must take notice of it. In the interests of the natives, I ask that the Bill be rejected.

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

Ayes	16
Noes	10
Majority for	6

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. A. L. Loton
Hon. J. A. Dimmitt	Hon. J. Murray
Hon. R. M. Forrest	Hon. H. L. Roche
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. R. Welsh
Hon. Sir Chas. Latham	Hon. J. Cunningham

(Teller.)

Noes.

Hon. G. Bennetts	Hon. W. R. Hall
Hon. R. J. Boylen	Hon. E. M. Heenan
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. H. Gray	Hon. Sir Frank Gibson

(Teller.)

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Section 4 amended:

Hon. H. S. W. PARKER: On the second reading, I mentioned that under the Bill it would not be necessary for an applicant to produce two references and Mr. Cun-

ningham thought I was incorrect. Paragraph (b) proposes to repeal Subsection (3) of Section 4. The subsection reads—

Every application shall be accompanied by two recent written references from reputable citizens certifying as to the good character and industrious habits of the applicant.

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

That paragraph (b) be struck out.

It is only fair to permit applicants to substantiate their evidence by producing written references.

Hon. N. E. Baxter: That would make it harder for them.

Hon. H. C. STRICKLAND: I consider that it would be helpful, and that is why the provision should remain in the Act. A native could not apply willy-nilly for citizenship rights; he would have to be well known for a couple of years by permanent residents of the district. It is in keeping with present-day procedure, and I hope the provision will not be struck out.

Hon. N. E. BAXTER: At present a native cannot apply for citizenship rights unless he produces two letters of reference, but I think it should be left to his discretion to produce them or not. I trust the amendment will not be agreed to as this provision would not debar the native from bringing to the board letters of reference if he wished to do so.

Hon. A. R. JONES: I support the amendment as I think it would possibly save the country some expense. If a native could not get references from two prominent citizens, he would not stand much chance of getting a certificate from the board and yet he could still apply and waste its time. He might apply, buoyed up with false hopes, whereas at present if he cannot get the references he cannot apply.

The MINISTER FOR TRANSPORT: Under the law at present a native can apply for citizenship rights in a district where he has not previously been known, whereas the Bill makes it mandatory for him to apply for the certificate in a district where he has lived and where the local representative, sitting with the magistrate, will know him. In view of that knowledge on the part of the local representative letters of reference will not be necessary. Up till now it has been possible for a native not favourably known in one district to go to another and, by good behaviour, get from reputable people letters of reference. Under such circumstances magistrates have in the past on occasions granted certificates of citizenship rights against the recommendation of the Commissioner of Native Affairs. I hope the Committee will not agree to the amendment.

Hon. H. C. STRICKLAND: I think that the amendment will enhance rather than lessen the natives' chances. The employer of a native might have to come hundreds of miles to appear personally in court, and often would simply not be able to spare the time, whereas it would be quite easy for him to write a letter of reference. If the onus is left on the native to get such letters of reference, he may look round and get them from people of the wrong type.

Hon. H. S. W. PARKER: I think it is wrong to suggest that the native should be left to get letters of reference voluntarily. I do not think a magistrate, with his legal background, would take much notice of such letters or accept them as evidence unless it were made obligatory to do so under the Act. The local man sitting on the board would know whether the writers of the references were reputable citizens or not.

The MINISTER FOR TRANSPORT: Under this provision the native must apply to the board in the district where he is known and, as a local man will be on the board, letters of reference will no longer be necessary.

Hon. A. R. JONES: I think that if a native has to obtain two letters of reference they will boost his morale and, in addition, the board will feel more bound to consider hearing his case. If the native applied without the support of such references the board would be more likely to refuse to hear him.

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

Ayes	10
Noes	15
Majority against	5

Ayes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. A. R. Jones
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. E. H. Gray

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. J. Murray
Hon. R. M. Forrest	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. F. R. Welsh
Hon. Sir Chas. Latham	Hon. J. Cunningham
Hon. L. A. Logan	

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 7—agreed to.

Clause 8—Section 6 amended:

Hon. H. C. STRICKLAND: This clause proposes to delete from Section 6 the words "shall be deemed to be no longer a native or aborigine and." These words have no legal meaning and are superfluous, but to delete them would have a very strong psychological effect on half-caste children. They are now receiving

excellent primary education and religious training. For them to be deemed natives in the Act would have a detrimental effect on them.

The MINISTER FOR TRANSPORT: This amendment was carefully considered. As the Bill stands, the aboriginal would have full status as a citizen but the question of his being a half-caste or otherwise does not arise. People who have accepted the citizenship of the United States of America continue to be proud of their ancient lineage and if our policy of assimilation is implemented, I hope that our aborigines will also say, "I am proud to say I am one of the original inhabitants of this country." That is the reason why it is proposed to delete these words.

Hon. H. C. STRICKLAND: Half-castes are only deemed to be aborigines by law. We say they are aborigines, but white blood will come out. For the words to remain would have an uplifting effect on them. When the Government named the native girls' home at Mt. Lawley it left the word "native" right out of it. I intend to vote against the clause.

Hon. E. M. HEENAN: It is generally accepted that Mr. Strickland has considerable knowledge of the problem he is trying to solve and he has indicated that by the part he has taken in the debate.

The Minister for Transport: No more than have quite a number of other members of the Committee.

Hon. E. M. HEENAN: By those remarks I do not mean to imply that other members have not taken a considerable interest in the subject and also have considerable experience. When Mr. Strickland says that the deletion of the words will have psychological effect on the natives and that their retention would give him a feeling of uplift, I think they should remain. It does not matter one way or the other who shall deem an aboriginal to be a native. If a native gets some satisfaction by "deeming" himself to be an Australian, then we ought to let him be so "deemed."

Hon. L. CRAIG: I think there is something in what Mr. Strickland has said. It is well known that dark people, whatever their race, when living amongst white people, do all they possibly can to imitate and to be as much like the whites as possible. This clause, in effect, means that to people who are almost white, we say, "We have given you the rights of a white man," and the magistrate can say to him, "In effect, you are no longer a nigger." It would have a psychological effect on the native. If the words have no legal status, what do they matter?

Hon. Sir CHARLES LATHAM: In view of the definition of "native" in the Native Administration Act, there is likely to be a conflict between that measure and the Bill.

Hon. L. CRAIG: But when a native is given citizenship rights, he ceases to be regarded as a native.

Hon. Sir CHARLES LATHAM: I think there is some doubt about it.

Hon. E. M. Heenan: Has there been any trouble while the words that are proposed to be struck out have remained in the Act?

Hon. Sir CHARLES LATHAM: I do not know about that, but we do not know what will happen, seeing that the Act has not been repealed.

Hon. E. M. Heenan: The Minister did not give that as a reason.

Hon. Sir CHARLES LATHAM: We want the native who is given these rights the opportunity to live as a white man. We want him to feel he is the equal of the white man.

The MINISTER FOR TRANSPORT: I am inclined to think that Mr. Craig is rather astray. The object of deleting the words from the Act is that we do not want the native to have a sense of inferiority. In years to come, a native may be proud of his racial ancestry.

Hon. H. C. STRICKLAND: The object of the Government is supposedly to achieve the assimilation of the natives into the white race and the native race, as such, eventually to disappear. I think there will be a complication if the Bill is amended as suggested, and at a later stage I shall suggest recommitting the clause for further consideration. To say that a full-blood aboriginal is not a native would be ridiculous. Of course, from another angle it might assist in the uplifting of the half-castes.

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

Ayes	13
Noes	12
Majority for	1

Ayes.

Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. J. Cunningham	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. F. E. Welsh
Hon. Sir Chas. Latham	Hon. R. M. Forrest
Hon. J. Murray	(Teller.)

Noes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. A. R. Jones
Hon. L. Craig	Hon. L. A. Logan
Hon. E. M. Davies	Hon. A. L. Loton
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. H. Gray	Hon. W. R. Hall
	(Teller.)

Clause thus passed.

Clause 9—agreed to.

Clause 10—Sections 7A and 7B added:

Hon. G. FRASER: I move an amendment—

That in lines 3 to 5 of proposed new Section 7B the words "an application shall be refused, or complaint dismissed, and," be struck out and that in line 5 the word "board" be struck out, and the word "magistrate" inserted in lieu.

Hon. L. Craig: That would immediately wipe out the other amendment.

Hon. G. FRASER: If the amendment I propose be agreed to, the representative of a local governing body will be allowed to sit on the board, but he will have no power to over-rule the decision of the magistrate, who will have the final say.

Hon. R. M. Forrest: Why have a board of two?

Hon. G. FRASER: Quite possibly the Minister did not intend to treat those opposing the measure with contempt, but the fact remains that he did not reply to the debate, during which several points were raised about which information was required.

The Minister for Transport: Other members replied to them.

Hon. G. FRASER: I wanted to know who suggested the introduction of this Bill. During the debate, we were told it was necessary to have on the board a local man who knew the natives and conditions locally, because his assistance to the magistrate would be of value. Who should be the more competent—the magistrate or the representative of a local authority? What member would be satisfied, should a charge against him be dealt with before a magistrate and a justice of the peace, if the justice of the peace disagreed with the magistrate and the decision of that layman prevailed? Would members give a J.P. the power to over-ride a magistrate? In this case, however, a man who may not even be a J.P. is to given that right.

Hon. R. M. Forrest: Do you think that members of the board will be at loggerheads all the time?

Hon. G. FRASER: There may be occasions when there will be disagreement. Is there not disagreement even on the High Court bench?

Hon. N. E. Baxter: A majority decision prevails there.

Hon. G. FRASER: There cannot be a majority decision in this case.

Hon. N. E. Baxter: That is what you are trying to make it.

Hon. G. FRASER: I am not. I am nominating who should have the final say when the two are not unanimous. The hon. member wants it the reverse way.

Hon. R. M. Forrest: It will be a one-man board then.

Hon. G. FRASER: Is it not that now? The man whose job it is to sift evidence should be given the final say. My amendment will place the board in the same position as any board which would deal with a white man's application on any subject. Members have said that some of us have maligned people on road boards. We have done nothing of the sort. All we have said is that they would be prejudiced. We know that every human being is prejudiced in one way or another. If I were accused of being prejudiced in certain directions I would not take exception to it.

Hon. N. E. Baxter: Could not the magistrate be prejudiced, too?

Hon. G. FRASER: Yes; everybody is prejudiced. But the magistrate is travelling around the whole district and would not be subject to local prejudices like a resident.

Hon. E. M. HEENAN: The amendment is a very fair compromise. To take a hypothetical case, the magistrate from Kalgoorlie will travel to Leonora to conduct his monthly court. Probably amongst the cases he will try will be a charge of drunken driving against a local citizen. On the bench with the magistrate will be a justice of the peace. The evidence will be weighed by the two men, both of whom will be honest and conscientious; but the magistrate is a highly-trained official with a lot of judicial experience and his powers of judgment are assumed—I think rightly—to be superior to those of the layman. The Justices Act provides that if there is disagreement the decision of the magistrate shall prevail. This Act seeks to bestow on natives the right to apply for citizenship rights, and we have constituted a tribunal to deal with applications.

Hon. G. Fraser: Entirely different from the white man's tribunal!

Hon. E. M. HEENAN: On that tribunal is the magistrate and a member of the road board or the mayor of the municipality. I do not want to say anything disparaging against these people. I know many of them, and they are invariably good-living, conscientious men, ready to do the best they can for their districts. But they live in one little town, perhaps, whereas the magistrate travels over a wide district, and has been trained and selected from a wide list of applicants. Magistrates have to pass examinations and must be men of proved integrity and capacity. The magistrate on the Goldfields has been there for years, and every month he travels through his vast area. No-one can tell me it is right to give equal power with him to the chairman of the road board when a vital matter such as this is being dealt with.

That magistrate might go to Leonora and deal with a charge of drunken driving or assault; and if there is a dis-

agreement as to a decision the magistrate's finding will prevail. Ten minutes afterwards, a native applies for a privilege that means everything in the world to him, and he deserves an impartial hearing and the best that our legal set-up can give him. However, in this instance we reverse the powers of the two men on the bench, although the magistrate probably has the same justice of the peace sitting with him as when the drunken driving case or the assault case was being heard.

Hon. G. Fraser: It would be laughable if it was not so serious.

Hon. E. M. HEENAN: I do not think that sort of thing can appeal to anyone and the amendment provides a reasonable compromise. If there is a divergence of opinion, let us err on the side of the magistrate.

Hon. J. M. A. CUNNINGHAM: With much of what was said by the two previous speakers I agree whole-heartedly, but I think they are applying the wrong answer to their own argument. They have compared the case of an applicant for citizenship rights with a civil or criminal case. If there is a difference of opinion in regard to the latter the magistrate's decision would be final. The magistrate is a trained man, but his training has been on the legal side only.

Hon. G. Fraser: He has to come to a finding on the evidence.

Hon. J. M. A. CUNNINGHAM: The native has to supply evidence that he has lived as a white man for a certain length of time and that he has behaved himself and lived away from natives, and he has to supply two references.

Hon. H. C. Strickland: You have taken away the two references.

Hon. J. M. A. CUNNINGHAM: He still has to convince the magistrate that he has lived away from natives. If he has not supplied sufficient evidence to convince the magistrate, then the J.P., who knows the man and how he lives, might possibly convince him.

Hon. H. C. Strickland: You are not putting a J.P. there.

Hon. J. M. A. CUNNINGHAM: It is not essential that the layman shall be a J.P., but I suggest that not more than once in 50 times would we find him to be other than a J.P. This is an effort on the part of the Government to give an extra concession to the native. Here we are not confined to the legal outlook, which is what the magistrate is trained in. The second man would not be trained in the legal point of view, although probably well trained in the practical and humane principles that would have to be applied. This is for the benefit of the native and not against him.

Hon. N. E. BAXTER: The amendment seems a fairly shrewd move to destroy the essence of the Bill. If we pass the amendment it means that in the case of a disagreement the magistrate will have the full say. I do not know why Mr. Fraser did not move to delete proposed new Section 7B.

Hon. G. Fraser: I took the drafting as it was.

Hon. H. C. STRICKLAND: I support the amendment. This is the clause I referred to when I said the odds were loaded against the applicant. I might have made some reference to road board members being prejudiced when the Minister assured us that there had been bitter complaints from road boards about the granting of citizenship rights.

Hon. N. E. Baxter: And justifiable complaints.

Hon. H. C. STRICKLAND: These complaints could have been justified in the witness box. The Minister told us that the magistrates need assistance. Well, let them have the whole road board to assist them. The board could function just as efficiently if the magistrate was not there. This is insulting to the magistrate because he can have a dummy sitting alongside him and silently disagreeing.

The Minister for Transport: Would you suggest that selected people from municipalities and road boards would be dummies?

Hon. H. C. STRICKLAND: I am suggesting that if an undesirable applicant came forward none of these local authority members would sit on the case, but would appoint someone else.

Hon. C. H. Henning: The Minister nominates the man.

Hon. H. C. STRICKLAND: He approves of him. The native has three chances to one against being successful. He cannot succeed if there is a unanimous decision against him or if there is a disagreement, and there are two ways that there can be a disagreement, namely, the magistrate not agreeing with the road board man, and vice versa. The native can succeed only if there is a unanimous decision in favour of his application. The only information we have had from either the Minister in this House or the Minister in the Legislative Assembly is that the road boards have bitterly complained about this matter. That is all we know about it. The magistrate can grant a certificate only when the other man agrees with him. The principle here is something that this Chamber should never be asked to agree to. This is not justice at all, nor has it any semblance to our Australian spirit of a fair go.

Hon. J. M. A. Cunningham: Cannot you conceive of the lay member being prejudiced in favour of the native?

Hon. H. C. STRICKLAND: Of course he might be. As the Act was, anyone against the native could have gone openly into the witness box the same as the Commissioner of Native Affairs has done. We have heard a lot about the Commissioner and his officers being embarrassed by the board. Well, what sort of a humiliating position will the magistrate be placed in under this legislation? He will be just a clerk. I support the amendment.

The MINISTER FOR TRANSPORT: The arguments are simply a re-hash of what was put up previously, and they ignore the point that here we have not a question of law but of fact to determine, and we want the two persons concerned to have equal powers. It is a serious matter for a native to apply for citizenship rights, and his application should not be granted without very careful examination. The two who decide the case should arrive at their decision on the facts and not on a question of law.

Therefore I consider it would be absurd if the man with local knowledge, who would be there to give the magistrate assistance with respect to the facts as he knew them, were nullified because the magistrate might say, "I shall take no notice of what you say, but shall grant the application." I do not think such a case will very often arise. The majority of the men on these tribunals will be extremely sensible, and will be able to resolve any differences they may have. If, however, they do disagree, then the interests of the native will be preserved by giving equal powers to both.

Hon. G. FRASER: The Minister said the decision is to be based on fact and not on law. That is why I want the magistrate there. It has been said that an ordinary case is decided on law, but it is not. The ordinary case in a police court is decided on the evidence put forward. The only time that law comes into it is when there is an appeal to the Supreme Court, or the solicitor for a defendant raises some technical point.

The Minister for Transport: One is a misdemeanour and the other is not.

Hon. G. FRASER: That does not matter. The magistrate is trained to deal with the facts on the evidence put before him, and he will do that here. Yet, the Bill provides that a man who is not used to dealing with facts shall have the supreme right. Let the man with the local knowledge inform the magistrate and collaborate with him. If they arrive at a unanimous decision, there is no argument, but if they differ, then the trained man, used to dealing with facts, should make the decision.

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

Ayes	8
Noes	15
Majority against	7

Ayes.

Hon. R. J. Boylen	Hon. W. R. Hall
Hon. E. M. Davies	Hon. E. M. Heenan
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. H. Gray	Hon. G. Bennetts

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. R. M. Forrest	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. A. L. Loton

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clauses 11 and 12, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 9.50 p.m.

Legislative Assembly

Wednesday, 21st November, 1951.

CONTENTS.

	Page
Assent to Bills	856
Questions : Building regulations, as to undertaking between Government and Perth City Council	856
Potatoes, (a) as to port of shipment	856
(b) as to arrangements for future shipments	856
Education, (a) as to extensions, Manning Park school	857
(b) as to material for extensions, Manning Park school	857
Fruit, (a) as to price control of apples	857
(b) as to controlling prices of apples and oranges	857
(c) as to price decisions	857
Railways, (a) as to south-of-river project, survey and land resumption	857
(b) as to condition of bridge, Fremantle	858
(c) as to Loan Funds for new bridge, Fremantle	858
Licensing Act, (a) as to Press statement outlining amending legislation	858
(b) as to source of Press statement	858
Stock feed, as to exports of mill offal and local shortage	858
Hospitals, as to Pinjarra buildings and nurses' quarters	859
Fruit cases, as to shortage and sources of supply	859
Physiotherapists Act, as to registration of applicants	859
Egg Marketing Board, as to Press advertisement	859
Rottnest boat service, (a) as to restriction on launch "Islander"	859
(b) as to preliminary arrangements for season	860
(c) as to Attorney General's position	860