The CHIEF SECRETARY: No. I have been approached by the management of the B.H.P., which wants certain land on which to erect houses for its executives, but under the Act as it stands, although I can make land available to the Anglo-Iranian Oil Co., I cannot do so for any other organisation. This townsite is the latest thing in planning, but under the present legislation we cannot say to a doctor, for instance, "There is the site for your surgery," because the Land Act, as I have said, provides that the land must be sold by public auction. Members will realise that it is necessary for us to be able to reserve sites for the infant health centres, for a doctor, for local government offices, and so on, and therefore we must have the right to allocate blocks for specific purposes.

Hon. L. Craig: In other words you want control of the area?

The CHIEF SECRETARY: Yes. Unless we have complete control we cannot plan the development properly.

Hon. A. F. Griffith: It is good to see the Government co-operating in this way.

The CHIEF SECRETARY: We always try to co-operate with anyone who is doing anything of benefit to the State. If there are any points that I have not made clear to members they can be mentioned during the debate. I repeat that we must have this power if the money that has already been spent on planning for the area is not to be wasted. I move—

That the Bill be now read a second time.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

House adjourned at 8.34 p.m.

Legislative Assembly

Wednesday, 14th October, 1953.

CONTENTS.

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

QUESTIONS.

NORTH-WEST.

(a) As to Plans for Development of Kimberleys.

Mr. COURT asked the Minister for Works:

What progress has been made with the investigation of the rivers in the Kimberleys referred to in the report of the Government's plans for the Kimberleys in "The West Australian" of the 9th May, 1953?

The MINISTER replied:

Gauging of Main Rivers.

Gauging of the Ord River in the vicinity of Argyle Downs was carried out during the last wet season, and will be continued during the coming one.

Suitable arrangements have been made for assessing the flow of the Fitzroy River at Fitzroy Crossing, and of the Margaret River at Fossil Downs and in the vicinity of Margaret River Downs homestead.

Investigation of possible dam sites is at present being undertaken on the Margaret River, where a survey party has been in operation for a substantial proportion of this dry season and will continue until weather conditions prevent further work.

During the next dry season it is proposed that survey parties will investigate possible storage sites on both the Leonard and Barker Rivers.

(b) As to Report of Survey Party and Port Decision.

Mr. COURT asked the Minister representing the Minister for the North-West:

(1) What progress has been made by the surveyor and party being sent into the North Kimberleys as reported in "The West Australian" of the 9th May, 1953?

(2) Is there any decision as to which port is to be developed on the far northern coast in the region where the big rivers of the Kimberleys flow, and regarding which information was obtained from the Royal Australian Navy?

The MINISTER FOR MINES replied:

(1) Early this year the Commonwealth Government was approached to assist with a survey and classification of the North Kimberley area.

The request was rejected, consequently it was not possible to equip an expedition this year. However, negotiations are still proceeding and it is intended to despatch a party following this coming wet season.

(2) Any decision on port development depends upon the result of the survey.

COAL INDUSTRY.

(a) As to Increasing Powers of Co-ordinator.

Hon. D. BRAND asked the Minister for Mines:

(1) Was he correctly reported in the "Collie Mail" of the 24th September, 1953, as saying that the Coal Co-ordinator (Mr. W. J. Wallwork, S.M.) was seeking wider powers in the form of authority to enter and examine the accounting systems of the State Electricity Commission and the Railway Department, and that the Government was prepared to give him those powers?

(2) If the previous answer is in the affirmative, why is such power necessary?

(3) Is it suggested that the Coal Co-ordinator is not satisfied with the information available to him from these departments?

(4) Does he agree with the reported utterance of the Miners' Union secretary, Mr. T. H. Jones, that Mr. Wallwork should be given authority to implement his recommendations to the Government?

The MINISTER replied:

(1) Yes. It was also made clear by me that these powers referred only to the right to examine the figures of the instrumentalities mentioned in connection with the purchase of coal.

(2) and (3) This information has not been available to Mr. Wallwork, and is considered necessary in his capacity as Coal Co-ordinator.

(4) I agree that the Government should have power to implement such of the Co-ordinator's recommendations as are considered by it to be essential.

(b) As to Reported Statement by Premier.

Hon. Sir ROSS McLARTY asked the Premier:

(1) Did he see a report in "The West Australian" of the 13th October, headed "A.L.P. Support Present Policy", part of which read as follows:—

> The Premier had told members at the executive meeting, the secretary (Mr. F. E. Chamberlain) said, of the "deplorable conditions existing on the coalfields following the previous Government's administration"?

(2) Is this an accurate report of his statement?

(3) Is he aware that, during the term of the previous Government, hundreds of thousands of pounds were spent in providing mechanisation and better working conditions in the mines? Is he also aware that this work was done on the recommendation of the Coal Mining Engineer, who was appointed by the previous Government at the request of the Collie Miners' Union?

(4) Is he aware that large sums of money were also spent on surface work, which included bathroom accommodation, change-rooms, etc.?

(5) Is he aware that Collie was given a preference in regard to home-building?

(6) Is he aware that the production of coal steadily increased during the period from 1947 to 1953?

(7) Is he aware that the previous Government initiated the diamond drilling programme at Collie?

(8) Does he know that, for the year ended the 30th June, 1953, an amount of £5,190 7s. 6d. was paid by coal owners to the Collie Miners' Welfare Board of W.A., and £10,000 in grants from the Commonwealth, thus providing £15,190 7s. 6d. for amenities at Collie?

(9) Are there any other sections of workers in Western Australia for whom similar provision is made?

(10) What are the "deplorable conditions" to which he refers, and what action does the Government propose to take in regard to them, and at whose cost?

The PREMIER replied:

(1) Yes.

(2) The statement was made by Mr. Chamberlain and did not purport to be a report of my remarks at the State executive meeting at which I spoke for 20 minutes.

(3) and (4) Yes.

(5) Yes. When funds were made available by the Commonwealth Government it was a direction that special attention be given to the provision of homes for the development of basic industries.

(6) and (7) Yes.

(8) Yes.

(9) Various groups of workers receive special benefits from their employers.

(10) See answer to No. (2). In addition, I would point out that the previous Government during its six years of office was responsible among other things for advancing State loan moneys to the extent of £528,810 to Amalgamated Collieries Ltd., for the mechanisation of the company's old deep mines at Collie. That large amount of money was urgently needed by the Government at the time for the building of hospitals, schools, water supplies and other essential public works. Yet the Government of the day made the money available to the company. There is no doubt the company could have obtained the money required from private financial sources had the Government insisted that it should do so, instead of weakly granting the company's request that Government money be made available. The action of the Government in question in making State money available for the mechanisation of the old deep mines was not justified even on commonsense grounds.

In addition, the previous Government on the 24th December, 1952, made an agreement with Amalgamated Collieries Ltd. to purchase on a cost plus basis from that company at least 60 per cent. of the Government's total coal requirements, and gave the agreement a currency of three years, the date on which the agreement is to expire being the 31st December, 1955.

There is no doubt the company prevailed upon the Government to make this agreement for the period in question to prevent any new Government coming into office as a result of elections in February, 1953, from taking any action to obtain for the State and the taxpayers of the State a fair deal in regard to coal required by such Government instrumentalities as the railways and State Electricity Commission.

ELECTRICITY AND GAS.

As to Charges.

Hon. D. BRAND asked the Minister for Works:

What were the charges for—

(a) electricity at the 1st February, 1953;

(b) gas at the 1st October, 1953?

The MINISTER replied:

The charges were as follows:—

(a) Electricity Rates as at 1st February, 1953.

	Per Unit. d.
"A" Rate—	
First 100 units per month	6.64
Next 500 units per month	6.14
Next 4,400 units per month	5.14
All over 5,000 units per month	4.14
"B" Rate—	
First 200 units per month	3.64
Next 4,800 units per month	3.14
Next 50,000 units per month	2.64
All over 55,000 units per month	2.04
"C" Rate—	
All at	2.64
"D" Rate—	
Basic at "A," balance at "C."	
"E" Rate—	
First 50 units per month	7.64
Next 950 units per month	6.64
Next 1,000 units per month	5.14
Next 3,000 units per month	4.14
Next 50,000 units per month	3.14
All over 55,000 units per month	2.04
Floodlighting at	4.14

Gas Rates as at 1st February, 1953.

First 21,000 units per quarter	1.569
Next 21,000 units per quarter	1.494
Next 21,000 units per quarter	1.394
All over 63,000 units per quarter	1.294

(100 cubic feet equals 14 units.)

(b) Electricity Rates as at 1st October, 1953.

"A" Rate—	
First 100 units per month	6.65
Next 500 units per month	6.15
Next 4,400 units per month	5.15
All over 5,000 units per month	4.15
"B" Rate—	
First 200 units per month	3.65
Next 4,800 units per month	3.15
Next 50,000 units per month	2.65
All over 55,000 units per month	2.05
"C" Rate—	
All at	2.65
"D" Rate—	
Basic at "A," balance at "C."	
"E" Rate—	
First 50 units per month	7.65
Next 950 units per month	6.65
Next 1,000 units per month	5.15
Next 3,000 units per month	4.15
Next 50,000 units per month	3.15
All over 55,000 units per month	2.05
Floodlighting at	4.15

Gas Rates as at 1st October, 1953.

First 21,000 units per quarter	1.580
Next 21,000 units per quarter	1.505
Next 21,000 units per quarter	1.405
All over 63,000 units per quarter	1.305

(100 cubic feet equals 14 units.)

VINEGROWING.

(a) As to Establishment of Research Station.

Hon. L. THORN asked the Minister for Agriculture:

Following on the recommendations of the special committee appointed, could he advise the House as to what progress has been made in regard to the establishment of a research station to study the problems of the vinegrowing industry?

The MINISTER replied:

Departmental inquiries are being made regarding the purchase or lease of a suitable property to use as a research station.

I would refer the hon. member to my answer to a question on the 27th August in reply to the member for Darling Range.

(b) As to Offer of Land.

Hon. L. THORN (without notice) asked the Minister for Agriculture:

Did the Minister understand the question I put to him with regard to a research station for the vinegrowing industry? He said he was looking around for land, but my company has offered him the land, and a report, which I have here, has already been submitted on the question.

Mr. SPEAKER: Order! Is the hon. member asking a question?

Hon. L. THORN: Yes.

The MINISTER replied:

I doubt whether I or any officer of my department understood the hon. member. When the question was brought to my notice, after giving a good deal of thought to what the hon. member had specifically in mind, I concluded that he was referring to a horticultural research station, which was under consideration and in connection with which I gave answers in this House some time ago.

Hon. L. Thorn: No.

The MINISTER: Then I must ask the hon. member to be more specific.

SERVICE STATIONS.

As to Trading Hours.

Mr. YATES asked the Minister for Labour:

(1) Is he aware that although a number of service stations are opened for after-hours-trading, it is practically impossible to obtain service apart from the purchase of petrol and oils?

(2) Is it the intention of the Government to alter the existing legislation in order to control trading hours in garages and service stations?

(3) If so, will the legislation be introduced this session?

The PREMIER (for the Minister for Labour) replied:

(1) No.

(2) and (3) This matter is now under active consideration.

TRAM SERVICE.

As to Hay-st. West Route Timetable.

Mr. HEAL asked the Minister for Transport:

(1) Having received numerous complaints regarding the tram service along Hay-st. west from Barrack-st. between the hours of 5 p.m. and 6 p.m., on week days, would he state the present time table which is operating?

(2) If inadequate, would he consider increasing the service?

The MINISTER FOR WORKS (for the Minister for Transport) replied:

(1) Between 5 p.m. and 6 p.m. fourteen trams leave the Perth Town Hall for Subiaco, giving a four minute service. This has been found to be ample and no complaint has been received by the department.

(2) The service will be kept under observation and if found to need amendment, this will be done.

HOUSING.

(a) As to Provision of Roads and Services, City and Country.

Mr. HEARMAN asked the Minister for Lands:

(1) Is he aware that in the A.B.C. news on the morning of the 12th October, mention was made of the expenditure of a considerable sum of money by his department on the provision of roads and other services, in connection with land in the vicinity of Preston Point, Fremantle, prior to its disposal for house building purposes?

(2) Is this report substantially correct?

(3) Is he aware that houses have been erected and occupied in the Boyup Brook townsite by the State Housing Commission, without roads previously having been provided, and this lack of roads is in some cases holding up the granting of titles.

(4) Will he inform the House of the reasons for this apparent discriminatory treatment between potential householders in the city area and the country?

(5) Could he define Government policy in this matter?

The MINISTER replied:

(1) Yes.

(2) Yes. Expenditure approved by the previous Government.

(3) No. It is suggested that the question be referred to the Minister for Housing.

(4) The department does not discriminate between the city and country areas.

(5) Where the Lands Department subdivides large areas for residential purposes, Treasury approval is sought to assist the local authority concerned to meet the cost of road construction.

(b) As to Queen's Park Land, Clearing, etc.

Mr. WILD asked the Minister for Housing:

(1) What is Regulation 27, published under the State Housing Act, 1946-1948?

(2) On what date was the resumption notice regarding land at Queen's Park, being portion of Canning Location 320, notified in the "Government Gazette"?

(3) On what date, or dates, was clearing commenced on this land?

(4) On what date was the area, including roads, surveyed?

The PREMIER (for the Minister for Housing) replied:

(1) Regulation 27 reads as follows:—

> An appeal to the Minister under paragraph (a) of Subsection (2) of Sections 21 or 70 of the Act, by an owner of land sought to be compulsorily acquired, against such aquisition, shall be lodged within 60 days after gazettal of the notice of acquisition, but in the case of an appeal relating to land acquired prior to the publication of these regulations and on which no improvement in the nature of a building has been made, such appeal shall be lodged within 60 days after the publication of these regulations in the "Government Gazette".
>
> An appeal to the Minister shall be in the Form No. 10 in Schedule A to these regulations.

(2) The 25th September, 1953.

(3) The 30th September, 1953.

(4) The survey to determine the area to be resumed was completed approximately on the 2nd September, 1953. Between this date and the date the resumption was gazetted the surveyor was engaged on the subdivisional survey of the land owned by the commission. The survey of the land covered by the resumption gazettal notice was commenced immediately following gazettal.

VETERINARY LEGISLATION.

As to Introducing.

Mr. HEARMAN (without notice) asked the Minister for Agriculture:

When is it likely that the proposed Bill, mentioned in His Excellency's Speech, to deal with veterinary matters, will be introduced?

The MINISTER replied:

I cannot give an exact date, but I think it will be within a week or so. In any case, notice will be given of it.

BILLS (3)—FIRST READING.

1, Dairy Industry Act Amendment.
Introduced by the Minister for Agriculture.

2, Rural and Industries Bank Act Amendment.
Introduced by the Minister for Lands.

3, Wheat Marketing.
Introduced by the Minister for Agriculture.

BILLS (2)—THIRD READING.

1, Hospitals Act Amendment.

2, Western Australian Government Tramways and Ferries Act Amendment.

Transmitted to the Council.

BILL—COMPANIES ACT AMENDMENT (No. 2).

Report of Committee adopted.

MOTION—DEFENCE.

As to Commonwealth Provision for Western Australia.

HON. C. F. J. NORTH (Claremont) [4.47]: I move—

> That this House supports the Federal member for Canning in his move at Canberra to have proper provision made for the defence of our western coastline.

This motion is not, of course, a complaint against the Federal Government's general defence policy. I have only to mention Korea, the increase in our forces generally, national service, the Woomera rocket range and the Anzus Pact, to disabuse the mind of any member who might think I am complaining about the defence policy of the Commonwealth Government. Our defences are probably better now than ever before in peacetime, but the fact remains that in about February or March last the Deputy Leader of the Opposition, when in the Eastern States in connection with Kwinana, made an attempt to interest the Federal Government in Cockburn Sound as a naval base. He received some favourable consideration at that time, but no definite reply. The other day I happened to hear over the air a speech in the Federal House by the member for Canning, during the Budget debate. He made a very good effort on behalf of this State in asking the Commonwealth to do something about our defences. I gave notice that afternoon of my intention to move this motion, without having seen in print anything about that speech. Later, there appeared, in the local Press, the following:—

> M.H.R. Hits At Poor W.A. Defence.
>
> Canberra, Thursday.—The people of W.A. were entitled to an authoritative statement of how they were to be defended, Mr. Hamilton (C.P., W.A.) said today.
>
> Speaking on the defence estimates in the House of Representatives, Mr. Hamilton said all Australia's defences seemed to be concentrated in the East.
>
> There were no naval bases in W.A. and the only R.A.A.F. squadron there was now to be moved to N.S.W.

Western Australians felt their 4,300 miles of coastline was undefended. The attitude to defence of the State was not much changed from the 1910 outlook.

"If the service Ministers are convinced that the safety of the seaboard is all right, then I appeal to them to say so authoritatively," Mr. Hamilton said.

Since the R.A.A.F.'s No. 11 Squadron had gone to W.A. general industrial expansion had occurred. Anglo-Iranian was building its huge refinery, B.H.P. was developing iron-ore, cement works were expanding and there were real prospects of oil being struck at Exmouth Gulf.

For the squadron to be moved now would leave these industries without any protection.

Mr. Hamilton also urged the opening up of Cockburn Sound as a naval base. He said that if ships could not be stationed in W.A., at least units of the fleet could hold their exercises off the W.A. coast.

According to the Press, the following was the reply given by the Minister:—

Navy Minister McMahon said that under present conditions and in relation to Australia's defence resources, it was difficult to say that W.A. was undefended because Singapore and Malaya were heavily defended.

At present there were no plans to develop Cockburn Sound, but undoubtedly it would be considered in the future. He had agreed, with great reluctance, to the transfer of the R.A.A.F. squadron from Pearce to Richmond, N.S.W., as part of general redevelopment of home defence.

The following day this report appeared in the Press:—

Sea Invasion Unlikely, Says Defence Minister.

Canberra, Thurs.—A sea invasion of Australia was highly unlikely, at least for some years to come, the Minister for Defence (Sir Philip McBride) told the House of Representatives today.

Sir Philip was making a major statement on defence policy during the debate on the defence and services Estimates. He said that if there should be a global war in the forseeable future, it would be as a result of aggression by international communism. Apart from long-range submarines, the communist powers did not possess great naval and mercantile strength.

I wish to draw attention to that reference to submarines. Continuing—

Sir Philip said that in a global war, Australia's security would depend upon the outcome of major conflicts in the vital land areas of Europe, the Middle East and South-East Asia. Our most effective defence therefore lay in rendering all possible assistance to our Allies in combating communist "cold-war" activities while at the same time building up our strength. The communists, although lacking in maritime strength, were capable of launching land and air offencives.

Next came this report—

No Plans yet for Naval Base in W.A.

Canberra, Thursday.—A naval base for W.A. was not even in the planning stage, the Minister for Navy and Air (Mr. McMahon) said today.

He was replying in the House of Representatives to criticism by Mr. Hamilton (C.P.), W.A.) about the absence of adequate defences on the W.A. coast.

Mr. McMahon said that at present Australia had not the resources to establish bases on the west coast.

I draw the attention of the member for Albany to the word "bases." The Minister does not use the word "base." Continuing—

As resources grew, proposals for a naval base—whether at Cockburn Sound, Albany or elsewhere—would be considered.

The next Press report dealt with the remarks made by the Deputy Premier of this State in criticising the Commonwealth Government's decision to transfer the Neptune bomber squadron to the Eastern States, and if I had a pair of asbestos gloves I would be wearing them whilst holding this article, because his remarks were quite fiery. I will quote extracts only of this newspaper article and they are as follows:—

The decision to take away No. 11 Maritime Reconnaissance Squadron from this State was in keeping with the Commonwealth's refusal to be concerned with the defence aspect of the development of Kwinana.

Mr. Tonkin said that there was a western coastline of about 3,500 miles along which the nation had not provided any naval or shipping repair facilities whatever, other than a part share in a 2,000-ton slipway at Fremantle. All the docking facilities—12 major docks—in the Commonwealth were concentrated along a stretch of 1,250 miles on the eastern seaboard. Cockburn Sound had been recognised as the base for the western side of the Continent since Admiral Henderson submitted his report in 1911.

There was no doubt whatever, Mr. Tonkin said, that the opening up of the Sound should be regarded as a national project.

During the last war, shipping was tied three abreast along the wharves at Fremantle, and if a similar situation was to be avoided in the future, steps must be taken to open up Cockburn Sound.

The Commonwealth Government relied on availability of berthage in the Fremantle harbour for its navy and army vessels but it had not contributed to the cost of the port.

That could not pass unheeded by "The West Australian", which entered the argument by taking the Commonwealth's part to some extent. In a leading article the following was published:—

West Coast Defence.

The impending transfer of No. 11 Maritime Reconnaissance Squadron—the Neptune bombers—from Pearce to Richmond in New South Wales is not such a serious blow to the defence of the western side of the Continent as the Deputy-Premier, Mr. Tonkin, is inclined to make out. The official explanation is that the training of the squadron, particularly in anti-submarine work, can be carried out with greater operational efficiency from Richmond in co-operation with the naval forces based on the east coast. The main factor is the existence and continued effective use of the R.A.A.F. station at Pearce.

In the event of need, and there is no evidence that any maritime danger is looming off our shores, the Neptune squadron could be returned at short notice. It is that mobility of modern forces which was recently cited by the Minister for Defence, Sir Philip McBride, in answer to opposition criticism that northern Australia was inadequately guarded.

Such mobility loses much of its value, however, unless the strategic establishments are provided in advance, and maintained, to take advantage of it. The outstanding weakness of defence on the Indian Ocean side of the continent is the lack of a naval base and of proper facilities for the servicing of warships. The excuse given by the Minister for the Navy and Air, Mr. McMahon, in the House of Representatives last week was that Australia did not have the necessary resources. That argument no longer carries conviction here.

It has been possible for the Commonwealth Parliament to pass a defence vote of £200,000,000 while substantial tax reductions are being made. Cockburn Sound is being opened up for the Kwinana oil refinery and the associated industrial development, so that the cost of establishing a naval base from defence funds is not only being reduced but could advantageously be spread over a period. The important thing is to make a start and that is what no Federal Government has yet been induced to do despite more than 40 years of advocacy and the problems encountered in two world wars.

I would stress that there is no complaint being made by me against the present Federal Government any more than against any other Government that has been in office during the last 40 years. It is purely a question of our own problem as we see it.

The last comment in regard to the position was made by one Lloyd Marshall, in the "Daily News." In a rather extensive feature he referred to the Neptunes doing a good job in the Eastern States during a combined exercise with the Navy and the fact that their bombing was so accurate that the Navy had suggested that the R.A.A.F. had prior knowledge of the movements of the submarines. I will not quote the full article but towards the conclusion he says this—

So accurate were the Neptunes that the Navy suggested that the R.A.A.F. had knowledge beforehand of the submarines' movements.

The truth was that no Neptune commander had infiltrated the Navy "ops" room. They were just using the very latest know-how in submarine detection.

It was a very hard lesson for the Navy. It was a very hard lesson for Navy and Air Minister McMahon. One cannot claim that he did not profit from his lesson.

That is probably why No. 11 Squadron is being taken away from us.

Don't let us stop here. There is something very much more vital at stake. And as principles are the things usually at stake, let us call it a principle.

Of course we're offered a sop to the loss of No. 11 Squadron. Another squadron will "probably" take its place. But any other squadron of maritime aircraft that can be stationed here to replace Neptune patrol of our sea lanes must be operating with obsolete aircraft.

That can only be so because the only other maritime aircraft we have in Australia for long-range anti-submarine patrol are obsolete—as modern standards go.

Mr. McMahon explains that the move is being made because "Neptune bombers at Pearce are essentially for reconnaissance and are unable to coordinate with naval units based in the Eastern States."

The May exercise showed so very well that the Neptune bombers at Pearce could co-operate with the Navy in the Eastern States.

As yet the Navy has not shown that it is able to co-operate with the Neptune squadron in Western Australia.

The only conclusion that can be reached is that, whereas the Neptunes can go east to "co-operate," the Navy is unable to come west.

This tacit confession by the Minister could be very disturbing to a State about to be deprived of its sea protection.

It virtually means that we are being deprived of the squadron because the Navy can't get here, anyway.

When the first Neptune came to Pearce the news was hailed as "Pearce Neptunes Rule Indian Ocean Waves."

The Indian Ocean which had been wide open before was being brought under surveillance. Our vast coastline was being given a measure of patrol. Lack of aircraft range had prevented this before.

It had not prevented the patrol of the Pacific Ocean. It is dotted with island bases ideal for patrol aircraft with shorter range. The Indian Ocean presents only one such base—Cocos.

Only Neptunes can patrol the Indian Ocean. The Commonwealth has refused us a naval base. The Navy ships aren't coming here from the Eastern States.

It just seems that we must hope that the Commonwealth Government will buy more Neptunes and that we'll get them.

Amongst those quotations appeared a reference to the fact that the Russians did have plenty of submarines. I think that all Western Australians felt that the Neptunes did at least provide a protection from submarines. As to what submarines are doing nowadays, we know that lots of things are occurring that we are not told about, as does happen during war and when there is danger of war. I have here an extract from the latest "Reader's Digest." It is an article entitled "The Threat of the Pressure Mine" and it reads in part—

Soviet Russia is known to have a new naval mine so deadly efficient that it may be capable of rendering every harbour in Western Europe unsafe for use. Prime Minister Churchill has called this mine a threat to the existence of the British nation. . . . .

The weapon that has the free world so worried is a new type of pressure mine. Ships do not have to hit it to explode it. The mine can lie on the ocean bottom, hundreds of feet below the surface, and shatter any ship that sails above it. The slight change in water pressure caused by the motion of a ship overhead detonates it, and it is powerful enough to break a huge liner like the "Queen Mary" in two.

By a simple adjustment of its mechanism the mine can be set for any specific type of ship—a 30,000 ton aircraft carrier, a 20,000 ton transport, a 10,000 ton freighter. To make the mine still more satanic, its timing device would permit a submarine to lay a large number off a harbour today for a surprise assault on shipping months hence.

These devilish things we read about make one feel it is hardly worth while to consider defence at all, because it is almost impossible to know where to start. But the presence of the Neptunes, enabling patrols to be made, gave this State a feeling of security because we know how accurate they are in detecting the presence of submarines.

I feel that the speech by the Federal member for Canning, Mr. Hamilton, was right on the mark and we should carry a motion enabling that member and the Federal Parliament as a whole to become aware that these ideas are not simply those of one Federal member, but that the whole of Western Australia is behind the proposal that this State should have protection. The motion is not concerned as to whether Mr. Hamilton's politics are all right or all wrong. It has nothing to do with that. It urges that the matter of the defence of this State should be put fairly and squarely before the Federal authorities and that they should be made aware that whatever party is in power, we are determined to have some real definite action taken in the matter.

In his speech, Mr. Hamilton asked first for a squadron. Then he required a statement that there would be some guarantee that we would not be without Neptunes. Thirdly, he asked for a start to be made on a naval base on the western coast. I am not going to say that that naval base should be at Cockburn Sound because I am aware that there are members who would rather have it established in another place. But it should be on the western coast. We have the support of "The West Australian" in this matter, and various persons have spoken or written articles about it.

I do not think that the motion can be regarded as asking for something that is out of our power to achieve. It is sometimes said that this State cannot deal with Federal matters. When a member wishes to oppose a motion of this kind. he says it is outside the scope of the State Parliament and that the carrying of such a motion will have no effect. However, it would have a powerful effect on the

Federal Parliament when it was considered that 650,000 people of this State were behind the request and not merely the 30,000 odd supporters of one member in the Federal Parliament.

All members know that in these matters Parliament is only like the floating part of an iceberg. A lot goes on under the water in regard to defence matters of which most people are unaware. A few years ago the story of the Spitfire was publicised and it disclosed that during World War II a lot was done behind the scenes so that when war started the Germans received a big surprise. It is known that during the first World War the Old Contemptibles did very well at Mons and saved the situation for the Allies. I know that their movements had been mapped out in Downing-st. in 1910, four years before the war began. That was done by a secret defence committee which worked out the whole of the plans for the evacuation of the British Army to France by railway and sea.

So I think we can induce, if we cannot deduce, that today there is a lot going on behind the scenes which we will never know about and which may make motions of this kind have no part in the true picture as known to the service chiefs. As against that, however, I would ask members to carry their minds further ahead. Let us assume that we get through all our present worries and international troubles. Let us assume that we reach the day, referred to by Tennyson, of the Parliament of Man and the Federation of the World, which he so beautifully portrayed in one of his poems. Even then, there will be an international police force to take the place of present navies and armies, and I maintain that this coastline of ours, stretching for 4,000 miles, will have to be in the picture to handle the ships of the navy, then acting as police.

During the last war we had a submarine base at Fremantle. It was an enormous one, the biggest, I suppose, in the southern hemisphere. If we could do that then, surely we could handle one or two submarines lent to us by the British Navy in order to carry out exercises on our coast in places where Neptunes are meant to operate. With all the best will in the world towards the Federal Government and while being only too willing to congratulate it on its general defence activities, I think we have the right to, and should, move vigorously from now on to have our western coast properly defended. In the Old Country there was a navy league which operated for years. I would like to see formed in this State a western coast defence league which would continually move in this manner and keep the subject before the various parties in the Federal Parliament until the results are obtained that we would like to achieve.

MR. J. HEGNEY (Middle Swan [5.10]: I support the motion because it takes cognisance of what is happening in the Federal sphere in relation to Western Australia. I have read the motion and it appears to me to be too much of a generalisation. All it asks is that the House should support the Federal member for Canning in his move to have proper provision made for the defence of Western Australia. It does not indicate the way in which that support could be given. Is it to be just by the carrying of this motion or will there be further motions to follow? Mr. Hamilton is a supporter of the Federal Government. There are other supporters of that Government in the Commonwealth Parliament who come from Western Australia. As a matter of fact, one is a Minister, namely, Mr. Hasluck. I have no doubt that he also has lent his support to the endeavour to have defence facilities established on the western shores of Australia, but he is not mentioned in the motion. Other Federal members—I would say all Federal members, no matter of what political colour —would definitely do their best to try to have established on the western coast the best possible means of defence.

It is true that during the last war the people in Eastern Australia were going to leave this State to the tender mercies of the Japanese. It will be remembered that a definite line of defence was fixed at the Moore River. Beyond that it was not intended that Western Australia should be defended at all. Many members will be aware that those with knowledge of what was happening were able to get their relatives to Eastern Australia when it was fully anticipated that the Japanese would invade the northern portions of this State and filter down to the capital cities. The Government of the day was the Menzies-Fadden Government. It fell because of the uncertainty that existed in this matter and Mr. Curtin became Prime Minister, whereupon the ideas that had been permeating the Federal sphere at the time were dissipated and a different point of view was adopted.

Mr. Oldfield: Mr. Curtin was Prime Minister when the Japanese came into the war.

Mr. J. HEGNEY: Not when this idea was in evidence. He became Prime Minister when there was uncertainty in the Federal sphere. It is well known that the Government of the day fell and the Independents—Messrs Wilson and Cole—withdrew their support of the Federal Government and gave it to Mr. Curtin to enable him to carry on as Prime Minister. As a matter of fact, there were many supporters of the Liberal and Country Parties in this State who withdrew their support from the coalition Government because of their lack of confidence in the ability of that Government to pro-

vide for the defence of this country and gave support to the Curtin Government that came to power.

Members forget these things. I know that there are any number of electors in the constituency of the member for Maylands who did that. There were lots of people not far from me who had been pledged supporters of the Liberal Party all their lives, but who because of the vacillating attitude of the Government, withdrew their allegiance from that Government and gave it to Mr. Curtin. They withdrew their support from their erstwhile friends and gave it to the Labour Prime Minister, Mr. Curtin, to enable him to carry out the essential defence of Australia. He immediately brought a different atmosphere into the services throughout Australia by the lead he gave as administrator of the Commonwealth.

I can remember when Admiral Henderson was brought from overseas to this country. He was an Admiral of the British Navy and he came to Australia and developed the idea of establishing a naval base at Cockburn Sound.

Mr. Hill: Who told him to?

Mr. J. HEGNEY: I suppose he used his own intelligence. I am certain that the member for Albany did not tell him. The fact is that he came here and recommended the establishment of a naval base at Cockburn Sound. This was talked about by Federal members for years. The idea was to develop a naval base on this side of the continent so that warships that became disabled would have a base where they could take shelter and be repaired. At present if anything happens to a naval vessel, or any other type of vessel for that matter, in Western Australia, it finds that the nearest base is at Singapore. If merchant ships require repairs they, for the most part, go to Singapore. Even our own State vessels go there for cleaning and essential repairs.

If a naval base had been established in Western Australia, it would have developed our engineering industry. Many mechanics who served their time in the engineering industry here have, because employment is not available, gone to the Eastern States. I know many who have found employment in the dockyards in New South Wales. A naval dockyard here would be a great thing for Western Australia because of the employment it would provide, and also because if the nations of the world could not carry on ordinary international relations on a peaceful basis, then we would have a naval base which would be available for the purposes I have mentioned. There were the different lines beyond which Australia was to be defended. We have heard of the Brisbane line and the Moore River line.

Mr. Oldfield: Eddy Ward's line; no one else's.

Mr. J. HEGNEY: That is all right. The Minister for Railways was in the Armed Forces at the time, and we had men stationed at Gingin and Moore River. They were bivouaced there for the purpose of playing at war, but they had nothing with which to carry on wartime activities except blackboys which they were using for rifles, and so on. The motion deals with the defence of Western Australia. I have no doubt the Commonwealth Ministers should be fully seized of the necessity of providing essential defence for the whole of Australia, but we are urging that the interests of Western Australia should not be lost sight of.

The member for Claremont read out that there is an air force station at Pearce, and that a squadron of Neptune bombers was stationed there, but the Minister for the Navy has stated that the squadron has been withdrawn and is now to operate on the eastern side of Australia. The motion is admirable in its intent. It may not go far enough, but it indicates that we on this side of the continent think that the Commonwealth should do something in this regard. Because of the development at Kwinana, the Deputy Premier did make representations to the Commonwealth Government that it might consider the development of a naval base there in conjunction with the establishment of the oil refinery, but no support has been given to that idea.

The Western Australian Government, to that extent, has given a lead, but the Prime Minister, when returning from a trip overseas, could not, whilst he was in this State, spare the time to have a look at what is taking place at Kwinana. If he had done so, possibly much more support would have been given to the proposition to establish a naval base than has been apparent so far. Whether it be at Fremantle, Albany or Bunbury, I care not. The point is that we are entitled to have a naval base and dockyards established on the western shores of Australia, not only for defence purposes, but for peacetime purposes as well. Such a dockyard or naval base would be of great advantage to this State.

I have worked in the naval dockyards at Garden Island and Cockatoo Island in the East, and I know many young men who served their time in the West and eventually went to eastern Australia where they married and never returned. As a result, from the point of view of population, they are lost to Western Australia. One young fellow who went with me to the East has not come back. He is a first-rate mechanic and has been employed by the New South Wales Government ever since he went there. He has reared a family, but because of lack of opportunities and conditions here, he has not returned. That example could be multiplied many times.

Hon. L. Thorn: If things were so good over there, why did you come back?

Mr. J. HEGNEY: It suited my convenience to return. It suits the convenience of the member for Toodyay to be here, so he stays here. I think Western Australia is a better place than any other part of the Commonwealth, and I have worked in most of the States.

Hon. L. Thorn: I agree with you.

Mr. J. HEGNEY: I have worked in New South Wales and Queensland, and I find Western Australia to be as good a State as they are.

Hon. L. Thorn: Hear, hear!

Mr. J. HEGNEY: Whilst the motion deals with the question of trying to provide for defence works on the western shores, when we read of what is happening in connection with the atomic bomb and the hydrogen bomb, we wonder whether it is all worth while. These are matters exercising the minds of the leaders of the great nations of the world. They want to know what is likely to happen if these bombs are unleashed on the civil populations of the great capital cities of Europe and elsewhere.

Defence has taken on a different form altogether from what it was in years gone by. In earlier times people went to war on horseback with archers, and so on. In 1914-18 a different type of war developed and trenches were used extensively. Later the Maginot Line was established and it was supposed to be impregnable, but it was subsequently found that it was not. With the aeroplane we found there was a different kind of war because places that were supposed to be immune were subject to devastating attacks from the air.

Now we have moved a little further on and we find that in addition to superfortresses and other machines that fly through the air at 700 miles per hour, the scientists are developing the hydrogen and atomic bombs. Just what is likely to happen if they are used, God only knows! We do know of the devastation wrought in Hiroshima when the Americans unleashed an atomic bomb there.

The matter of giving support to Mr. Hamilton, the Federal member for Canning, or any other Federal member, on questions affecting our own Western Australian shores, is one that Parliament could well support. The member for Claremont made an admirable speech when introducing the motion, which cannot do any harm. Whether it can do any good, I do not know. He raised the point that in the Federal sphere the attitude might be taken that this is not a matter coming within our purview. But he countered that by saying that we represent the State and the people in it, and are expressing our support of the motion. In view of the fact that it cannot do any harm, and that if arising from it we get a naval dockyard established at Cockburn Sound or Albany, I think it is well worth while. Therefore I give it my support.

MR. YATES (South Perth) [5.26]: Like the two previous speakers, I support the motion. Those of us who served in the forces, both in World War I and World War II have vivid recollections of the need for solid defence, not only at home, but in the areas where we might be engaged in hostilities. Therefore adequate defence before the start of a war is the best means of bringing about a speedy finish to hostilities, or in assisting to a great degree in the protection of the population. It is quite a serious matter in these modern days for the seaboard of Western Australia, which is quite a long one, to be completely undefended from the air.

The member for Claremont said that the Minister for Defence felt there would not be a war, or more especially a seaborn invasion of either the east or the west coast within the next five years. How is he or any other person to know what the future may bring to the shores of Australia in the shape of an invasion force? It might interest members to know that north of Australia today we have a large race of people who, in the main, are not very friendly towards us. They have indicated that by the happenings which have taken place in the island of New Guinea in the last 18 months. It is well known, too, that New Guinea is a bastion for the defence of Australia, and is as good as any navy in protecting our northernmost shores from invasion from the Pacific.

This was adequately proved in World War II when the Japanese, who made an all-out drive through the Pacific with Australia as their objective, were halted by the large island of New Guinea consisting of the present Dutch New Guinea, the mandated territory of Papua and British New Guinea as well as the other smaller parts of the island. The two main portions of New Guinea, Dutch New Guinea and the mandated territory, which is controlled by the Commonwealth Government of Australia, have come into the news very prominently in the last 18 months.

I know full well that in that period submarines were sighted by individuals living in New Guinea. One man has been living there for approximately 30 years. He is a man named George Whittaker—an outstanding man who has served Australia with distinction in both peace and war—who has acted as a magistrate in the islands for the Commonwealth Government. This man took an active part in the evacuation of British people during the Japanese invasion and later he was in command of troops and was actively engaged in getting information from the Japanese by means of natives. Mr. Whittaker has made repeated trips to Australia and has told the Federal Government, and those in authority, of the threat to Australia in the future. He claims that Indonesia will be our main problem.

Indonesia has a population of 70,000,000 or 80,000,000 people and its islands are not big enough to cope with a population which is increasing all the time. Many of these people were indoctrinated with Japanese ideals during the war and, since World War II, the Indonesians have thrown out the Dutch and have indicated their intentions of extending to other lands. Naturally Australia offers a future possibility to them and we in Australia have to guard against an invasion from such places as Indonesia.

Not many months ago an armed party of Indonesians landed in the Dutch-held territory of New Guinea for the first time —that is the first official record of any landing. These men were armed with mortars and other military equipment and they were fired upon by a Dutch patrol which fortunately happened to be in the area at the time. This happening was featured in the Press and brought to the notice of the Federal Government, but nobody knows how often Indonesian patrols have infiltrated into Dutch New Guinea. Until such time as Australia can take over that territory or have it brought under Australian control, we will always be fearful of an invasion through Dutch New Guinea and into the mandated territory and, eventually, an invasion of Australia itself. The defence of the western seaboard is closely allied and tied up with the defence of New Guinea.

All sorts of things have happened since the end of World War II, but instead of increasing the expenditure on defence in Western Australia, the Commonwealth Government is reducing it. On the 30th September, only a fortnight ago, this matter was dealt with at the fortnightly meeting of the State executive of the R.S.L. Men from all walks of life are members of that executive and, naturally, they have all served in some branch of the armed services. One of the members of the State executive is the Rev. W. Riley—a son of one of our famous ministers of religion—and he was the Chaplain General of the Anglican section during World War II. At that executive meeting the Rev. W. Riley, in seconding a motion submitted by Mr. R. Stoddart, also a member of the executive, had this to say in protesting against the cuts in defence—

> He was alarmed at the decision. Who was responsible for it? To his own knowledge—and in this he felt he would be supported by members of the executive who were themselves officers in C.M.F. units—the initial period of training for national service was concerned wholly with elementary matters; the young men then joined units, but without any idea of corps work. In the first year of C.M.F. training these youngsters knew little and cared less; in the second year they knew more and became interested, while in their third year they became keen, and it was from these men that non-commissioned officers were selected. Such a cut in training, Mr. Riley went on, would dismay the few C.M.F. volunteers in the units, and make the task of the n.c.o's. and officers an impossible one.

He was speaking on the cuts in the national training scheme. The period of training for national service trainees has been reduced and this will mean that night parades at the completion of the present year's period of training will be dispensed with and the only training a trainee will receive will be a fortnight's camp or an odd week-end bivouac.

By this action the standard of training will be lowered. In addition, we are losing a fine squadron of Neptunes and naturally this will affect the training of young men under the national training scheme who are drafted into the air force. Finally, at the same State executive meeting we had a discussion about a naval base. So the league has the same ideas as were expressed by the member for Claremont and the member for Middle Swan. We should insist that our defence training be not reduced but, if possible, it be extended.

The population of this State is not increasing as quickly as the populations of the older countries near to Australia. They have larger populations—take Indonesia, for example, where they have approximately 80,000,000—and the natural increase is enormous, when compared with that of Western Australia or Australia as a whole. As their populations expand, land becomes more valuable and harder to procure and they will have the same trouble as Japan did. When she entered World War II, Japan's idea was to try to secure land for her people.

Western Australia offers to these people the land they desire, and it would be more advantageous for them to attack Western Australia than any other part of the Commonweatlth, mainly because, firstly, our coastline is practically undefended; secondly, the coastline offers advantages for an invasion force, and thirdly, there is a reasonable chance of survival because of adequate supplies of water near the coast. If an invasion is made at certain times of the year, an adequate supply of rainwater is available, and so Western Australia does offer certain advantages to an invasion force, whether it be by underwater craft, modern seacraft, or aircraft.

Irrespective of what is said about the use of atomic weapons and guided missiles, there will always be the need for a sea fleet and a land army. However far we might advance in the use of guided missiles, we will still have to land troops in large numbers for use as an invasion force. So it is necessary for us to have a large number of troops available to repel any invader.

In the future we will be committed to the defence of our coastline against a sea invasion; we will be committed to an air force of sufficient strength to ward off any air invasion that might take place as a result of aircraft from aircraft carriers bombing us. As members know, carriers of enormous size are being built. It was recently announced that the United States of America was launching a 60,000-ton aircraft carrier and I should say that approximately 100 aircraft could be used from a ship of that size. The vessel has also been built to withstand atomic bombing from the air.

Submarines are now being built in such a way that they will use atomic power instead of normal engines. No one knows what distances they will be able to travel underwater, nor does anyone know the size of the vessels or the number of troops that can be carried. On a dark night these vessels could land troops on any part of our coastline; so we must tighten up our defences, particularly along the seaboard of Western Australia. We must stress the use of aircraft, the use of adequate defence stations around our coast at which we can maintain our own operational forces and also the use of a naval base. At a naval base we could repair any of our naval craft which might have to come hurriedly to Western Australia to keep off any invading forces. At the R.S.L. executive meeting mention was made of the use of Cockburn Sound as a naval base and it is interesting to note the remarks of Mr. F. C. Chaney, president of the R.S.L. He is reported as follows:—

> Once again it is a case of W.A.'s needs being disregarded in favour of Eastern States' needs. This, in turn, led to the President moving from the Chair that approaches should be made, once more, with regard to the establishment of a naval base in Western Australia.
>
> It would be recalled, he said, that earlier requests in this direction had been met by a statement that a naval base at Cockburn Sound was impracticable because of the presence of the Success and Parmelia banks. Now, however, channels had been dredged in connection with the oil refinery at Kwinana and a further approach should be made.
>
> He therefore moved, and it was unanimously resolved:— "That Federal Congress of the R.S.L. be asked to approach the Federal Government with a view to having the establishment of a naval base at Cockburn Sound considered again."

So at that meeting outspoken protests were made at the cuts in defence, as were envisaged by the various Ministers in the Federal House. I am sure that not only the league, but also all members of this Chamber, would be behind any move to prevent cuts being made in the defence of Western Australia. In fact, we should tighten up our defence system and, if necessary, strengthen it wherever we can. A good strong defence is better than a weak one, and so I urge members to give full support to this motion.

MR. HEAL (West Perth) [5.42]: I would like to support the motion moved by the member for Claremont, and I congratulate him for bringing it before this Chamber. It is a disgrace that the Neptune bomber squadron, now situated at Pearce, should be shifted from this State. Pearce is a permanent air force station and I think it should be kept up to its full establishment at all times. We have a vast coastline and it can be controlled only from the air. If the Neptunes are transferred from Western Australia, we shall always have the threat of invasion hanging over our heads.

I believe that one of the reasons for the transfer of these aircraft is that they cannot operate successfully with the navy in Western Australia because most naval units are in the Eastern States. There are many parts of our coast where a naval base could be established, particularly at Fremantle, Cockburn Sound and Bunbury, and at Albany we have the second best natural harbour in Australia. During the war I served in the navy and spent most of my time on Australian corvettes which, in the main, patrolled the Australian coastline and also did remarkable work overseas. These ships are most suitable for patrol and convoy work and during patrolling operations around the shores of Australia submarines were contacted on numerous occasions and the corvettes scared them off.

I suggest that pressure should be put upon the navy authorities to open a naval dockyard or port on our west coast. Our coastline is approximately 3,000 miles long and we are wide open to invasion at any time. At the moment, the eyes of the world are focussed on Australia because of the atomic explosion that is expected very shortly. I venture to say that if at any time anyone wanted to attack our shores, we would be in immediate danger, particularly if the Neptune bombers are to be taken away from this State.

We have many new industries opening up on our coast at present. Among them are the oil refinery at Kwinana, B.H.P., cement works and the South Fremantle power station. These are already in progress, and once these industries come into operation, they could easily be attacked and wiped out if we were left as open to attack as we will be with the removal of the Neptune bombers. I heartily support the motion and hope that pressure will be put on the Commonwealth Government before any action is taken to

transfer the Neptune bomber squadron with a view to retaining that squadron in Western Australia.

MR. HILL (Albany) [5.47]: I oppose the motion. Politicians should keep out of military and naval matters. Up to date, they have made an awful mess of things naval and military in Western Australia. It is rather strange that the mover of this motion should be the nephew of that very great man, Lord Forrest. If Lord Forrest had been in the Ministry for 12 months longer, we would have had a naval base established at Albany instead of having two white elephants at Cockburn Sound.

Mr. Heal: What about Bunbury?

Mr. HILL: Don't talk rot! I often think of a little incident that occurred at the Dogger Bank battle in which two signalmen were involved. An 11-inch shell whizzed over their heads, and these fellows made a dive and got behind a canvas windscreen. After the shell had passed over, they looked at each other and at the canvas windscreen, and burst out laughing. I do not want to see Western Australia defended by canvas windscreens, but by an efficient army and air force. It is well known that a vigorous offensive is the best means of defence. Napoleon once said, "A study of strategy is a study of history."

Let us go back to 1900. After the British Navy had had 95 years of undisputed supremacy, it was nothing more nor less than a political plaything, Germany set out to dominate the world. The Germans thought that if their entire fleet was concentrated in the North Sea and the British fleet was scattered all over the world, they would destroy the British fleet a bit at a time. After the Russo-Japanese war, the British Admiralty started to prepare for war with Germany. They concentrated the bulk of the Navy in the North Sea. A Labour Government was in office in Australia. It took the view that our ships were being taken away to look after Germany, leaving us to the mercy of the Japs.

We then decided that we would build our own Navy. The British Admiralty, said, "You will do nothing of the kind, because the navy proposed would not be satisfactory." The Labour Government went out of office and a Liberal Government came in, and immediately the subsidy was increased to £250,000. Public opinion got further and further around in favour of an Australian navy, and finally the Admiralty agreed that Australia should have a navy. Following the advice of Admiral Fisher three town class cruisers and the "Australia" were built, and Admiral Fisher said that she could catch and sink anything afloat.

But now we come to 1910. I cannot forget that year. I was company sergeant major of the militia at Albany when Lord Kitchener made an inspection. He was accompanied by Lord Forrest. I, with most of the battery, was down with the six-pounders. Lord Forrest said to another n.c.o., "You have been neglected, but there is a change coming." Unfortunately, the change was a change of Government. A Labour Government took office, and Senator Pearce became Minister for Defence. It was then that I first heard of Cockburn Sound because the people of Fremantle took him there and asked him to have it made a naval base. He said, "It is a question for the experts, and we are getting them to decide." The expert was Henderson.

Why did not they get Admiral Fisher to advise them? He would have said, "You have sufficient ships for the protection of Australia. Now put money into the ships and send the ships to the North Sea." What would have been the reaction of the Labour Government? The whole thing would have gone off pop. When he arrived at Fremantle, he was met by Chief Gunner Mutton, who was then the District Naval Officer there. Gunner Mutton spoke to his chief, Admiral Cresswell, and said, "Shall I go to Albany?", and he replied, "No, this is to be the base here."

But Admiral Henderson came to Albany. He paid only a flying visit but he was there long enough to send a telegram saying that Albany was in every way suitable for a naval base and there was no need to inspect Cockburn Sound. Senator Pearce passed Albany by boat and came here and stayed with Admiral Henderson. Members can turn up Sir George Pearce's book, "From Carpenter to Cabinet." Sir George was not a bit proud of the fact that he was the father of the Henderson naval base.

In 1918 I joined the Albany Chamber of Commerce and spoke about the waste of money on Cockburn Sound. The then Governor of the State spent a day with me. He said, "I was Parliamentary Secretary for the Admiralty. I cannot see how Australia can carry out Henderson's scheme. The fleet to protect Australia should be based at Singapore." Senator Pearce then went to England. While he was in the Old Country the Admiralty taught him the elements of naval strategy. In 1919 Lord Jellicoe came here and he showed what he preferred. He went to Albany and travelled to and from Fremantle by rail. In that year, Henderson's naval base was abandoned.

Some people spoke to me and asked me why I did not stand for Parliament. This was after I had started writing articles for the "Albany Advertiser." I laughed at their suggestion, but later stood for Parliament, and got in. The first letter

I wrote in 1924 concerned the development of Albany as a naval port. Copies of that letter were sent to the Commonwealth Government, and the Prime Minister and the Minister concerned made very favourable comments on what I had said. A few years ago I had in this Chamber sitting with me the G.O.C. of Western Australia. He said that the Imperial Defence Council wanted Albany developed as their port in 1926.

In 1939, the then Minister for Defence, Brigadier Street, came to Western Australia. He was to have flown to Albany but the aerodrome there was too boggy so I travelled to Perth to see him. While we were talking, Senator Collett brought in a list of matters that had to be attended to. He came to the question of the Henderson naval base and he burst out laughing. I said, "I can tell you a lot about that; it is the rottenest bit of political jobbery in Australia." Later, I met the late John Curtin and told him that if he pushed for the establishment of a naval base at Cockburn Sound, he would have my opposition. He laughed at it. I have reason to believe that John Curtin thought of that before he died.

I will never forget those grim days after the fall of Singapore, when all that stood between us and the Japanese were the American submarines based in Albany. All motor craft from Princess Royal Harbour were anchored beyond my fruit shed on the Kalgan River. My son was in the naval auxiliary patrol and was placed in charge of them with orders to be ready to destroy them. A naval officer came from Fremantle to inspect the arrangements. I referred to the fact that Albany could easily have been developed into a naval base. He said, "It is not what could have been done, but what should have been done. A good naval base would be worth more than I can tell you." He then said that the naval authorities in charge at that time wanted to go to Albany, but John Curtin would not permit it.

Developments took place at Albany, and information was received that Albany was to be the naval base for Western Australia. Mr. Curtin came over and met Mr. Willcock. We do not know what took place, but another attempt was made to develop Cockburn Sound, and the main offensive was to have been based on Western Australia. The papers told us that the British Navy was to look after the Indian Ocean, and the Americans after the Pacific. Admiral Fraser was to be Commander-in-Chief of the Australian Fleet. He saw Cockburn Sound, and he said he was not going to use it because, if a ship happened to be sunk in the channel there, the base would be useless.

Admiral Mountbatten came out and he was taken to the top of Mount Clarence, from where he could see the whole of Albany. He said, "There is your naval base already made for you." But the development of the biggest naval base had to be abandoned, and our troops, instead of taking part in that offensive, had to assist in useless mopping up operations in the Pacific, and Admiral Fraser had to play second fiddle to the Americans in that ocean.

Strange to say, Albany was used as the last naval port during the latest war. We had H.M.A.S. "Tarrigan," with thousands of tons of ammunition which should have been used. It was railed to Albany, taken out to sea and dumped. What is the position today in Australia? A naval base is only useful for what the fleet can accomplish outside it. What could a fleet outside Albany or Fremantle accomplish? Russia is not like Germany or Japan. She is not challenging the British or the Americans for command of the sea; she is concentrating on submarine warfare. We have the facilities at Albany and Fremantle. We have important airports at Pearce, Albany and Geraldton, which could be used if the Neptune bombers could be brought from the Eastern States in a couple of hours. We must prepare for the anti-submarine activities.

There is another aspect to which I wish to refer. A senior naval officer, whose name I shall not mention, made the following remark:—

> The trouble with our Australian Naval defence today is that all our activities are concentrated in the Sydney harbour where one bomb could wipe out the lot.

Doubtless it is a serious weakness in our naval defence to have everything concentrated in the one spot. Admiral Jellicoe recommended that Port Stephens should be the site of the naval base. This might be the best place at which to develop a subsidiary base today; on the other hand, it might be preferable to go to Albany. Now, which is the better of the two—Albany or Fremantle?

Cockburn Sound is a wonderful sheet of water, but the disadvantage is that the entrance channel is five miles long with a width of only 450 feet, whereas the entrance to King George Sound is miles wide. I am not going to say that a naval base should be established at Albany, but I do say that if we are to have a naval base in Western Australia, for Heaven's sake let the politicians keep out of the argument and not interfere with the naval experts.

A year or so ago I met a senior naval officer and handed him a couple of articles, one of them a speech I had delivered in the House in 1945, on which occasion I had dealt fully with the question. His reply is worth reading—

> Dear Mr. Hill,
>
> Many thanks indeed for letting me read those two interesting papers. Albany, as you have stressed, has a fine Fleet anchorage and is easily defen-

sible. The inner harbour of course, would have to have a lot of money spent on it, chiefly to dredge it, but no doubt that could be done at less expense than is envisaged for Cockburn Sound.

I imagine that suitable sites can be found for large air stations—very necessary these days, not only for Fleet aircraft but also for defence. However, as a mere pommie, I feel I had better say no more.

I'd like to tell you how very much we all enjoyed our visit to your most hospitable town.

There we have an unbiassed opinion. On three occasions I have seen Albany on the verge of being made the site of a naval base, and three times Labour politicians have stepped in and blocked it, and what have we today? I recall having been at Robb's Jetty a few years ago with a party that included the present Minister for Railways. He was called away to the telephone at one stage and did not hear the conversation that ensued. We were standing in a position where we could look over Cockburn Sound and, turning to a senior civil servant of the State, I said, "The late John Curtin's big blunder! I think this helped in hastening the death of Mr. Curtin." The gentleman said, "I do not think you are far out." We realise that Mr. Curtin was confronted with much opposition, not only here but also in the Eastern States.

Between 1900 and 1914, there was very little difference between the combined naval and defence expenditure of Great Britain and Germany. England spent about 19s. in the £ on her fleet, while a large proportion of Germany's expenditure was devoted to coast defence, and we know what happened when war came. Let us be guided by men who have made these problems the study of a lifetime.

MR. JOHNSON (Leederville) [6.4]: I support the motion because I believe it is necessary that we in Western Australia should let it be known to the Canberra authorities that, without some form of defence, we feel much as would a crayfish without its shell. Defence, as the member for Albany has stated, is a job for experts. In this Chamber there are a number of gentlemen who have had recent experience of war, and when it comes to the question of the defence of Western Australia, I feel that I am in a position to add a little to the discussion.

I wish to enter a protest against the projected removal of the Neptune bomber squadron from this State. We must realise that, in order to defend any area, it is necessary to have various facilities. I should like to say quite unequivocably that the major arm of defence in an area and the major arm of offence is the infantry. Everything else is subordinate to that. There is no other arm that can gain and hold ground as can the infantry, but the other services are essential, particularly in modern warfare, and perhaps the one of greatest importance is the air arm. The air service can make long-range reconnaissances and engage in long-range bombing and also give short-range cover if required.

If it be necessary to move the Neptune bombers from Western Australia, there surely should be no objection to replacing them with some form of operational air unit, because it is absolutely necessary that an air base should be in constant being in this State. It would be preferable to have more than one air base, and probably it would be possible to keep air strips in order without having planes to land on them two or three times a day. However, a squadron working on an airstrip must have manpower, machinery and supplies. We realise that the Neptunes are being moved to a point in the East whence they could be returned to this State in half a day, if required, but I point out that it would be impossible to transport here in the same time all the mechanics, supplies, tools, machinery, etc., that would be needed. Such equipment must be here all the time.

Apart from the defence angle, there is another point, namely, that the men working in the defence force here spend money in the State. If the whole of the defence force is concentrated in the East, that amount of spending power will be transferred to the East, whereas we are entitled to have the benefit of that expenditure, because we pay our share of taxation to the Commonwealth. Certainly we should receive in return some proportion of it.

Mr. Manning: How?

Mr. JOHNSON: From the defence vote, we receive nothing like our fair share. An aspect of defence preparation is one that should be mentioned. It has to be realised that every commander in an area is expected to keep up-to-date a plan for the defence of his area and of the measures to be adopted in any particular eventuality. Doubtless there is in existence a plan for the defence of Western Australia by the forces under command here against the possibility of attack. When conditions change, the current plan is amended to bring it into conformity with the new conditions. Therefore a plan that was in being for the defence of Western Australia, say, a couple of months ago, would now be in process of being amended by reason of the fact that it is anticipated that the Neptunes will be moved to the East. This will be done, doubtless immediately, in order to have an operational plan available to meet the new conditions. In defence matters a commander has to be prepared at all times to act under conditions existing at the moment.

We in Western Australia had the experience of feeling that we were out on a limb. Those who were in the State at the time were well aware of it, though those who were abroad serving in defence of Australia might not have been so well informed. About the time the Japanese entered the war, there was very little in this State in the way of local defence, and the bulk of our forces were overseas. The point I wish to make is that, even at that stage, there was a plan for the defence of Western Australia against the various forms of attack that it was anticipated could take place, and I do not doubt that at the time there was—and probably there still is—a plan available to meet a possible seaborne attack.

At about that time, there was a change of Government and a change in the war situation, both of which occurred almost simultaneously. The defence of Western Australia was considered shortly after the change of Government and, as a result, a fairly large proportion of the operational manpower and facilities was moved to this side of the continent, because there was a chance of an attack being launched in this area. With quite a number of other men, it was part of my job to erect barbed wire as portion of the defence measures at Fremantle.

Hon. J. B. Sleeman: So you are the chap that did that!

Mr. JOHNSON: I am afraid that the local residents did not appreciate it, and the troops assigned to the job did not appreciate it, either, and the troops who later were detailed to remove it appreciated it still less. It was not galvanised barbed wire; it was that horrible black stuff, and a scratch from it set up poisoning. It was certainly bad stuff to handle. The barbed wire was set in positions that were otherwise indefensible, and weapon slits and mountings for various types of guns were prepared. We hoped eventually to be supplied with those weapons and we carried with us 50 rounds of ammunition each.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. JOHNSON: Before tea I was saying that there was a time when we were putting up barbed wire in the Fremantle area both north and south of the port and the only troops available were armed with rifles and bayonets, with 50 rounds of live ammunition apiece which was, at that time, carried on the person. There were some weeks during which the troops that went on leave were required to carry the whole of their equipment with them in case of alarm, in which event they were expected to report to situations known to most of them.

That condition of affairs did not last very long, but I have no doubt—I think it could be confirmed by people who were in greater authority than I—that at least for a period the whole idea for the defence of Western Australia was to delay any attack long enough to allow us to destroy the port installations at Fremantle. That was the only possible military strategy at that time, and no one could blame the military authorities for not doing better as they could only do whatever was possible with the men and materials that were available.

At the end of that period, further defence forces were made available by the transporting to this State of an armoured division and sundry other troops. With the arrival of those reinforcements, the defence plan became somewhat different and the defendable line moved northwards because it was then considered physically possible, with the extra facilities that had been made available, to defend a larger area. I am giving these particulars in considerable detail in order to illustrate a point which, to my mind, is of importance. It is that the defence authorities have to deal with practical situations and it is not practicable to defend an area as large as Western Australia without having the necessary forces and materials available on the spot.

Aircraft can be transferred quickly over long distances, but the ground staff and gear necessary to keep them in the air cannot. The same position applies with regard to infantry and even armoured forces. There are in Western Australia at the moment not sufficient facilities to meet anything in the nature of a full-scale attack. Fortunately, such an assault on our shores is not likely to take place at very short notice. But successful resistance cannot be prepared quickly and it is essential for the potential defence of this State that our air force establishments should be kept in being.

That requires the presence here of the necessary men and machines ready to go into action almost instantly. Such an organisation cannot be kept in operational condition by doing theoretical work only. Mechanics must work on real aeroplanes if they are to keep up to standard. Pilots can be transferred from one part of the country to another very quickly, but ground staffs cannot and it is essential, if the air bases in Western Australia are to be kept in being, that they should remain fully staffed with men and machines.

There is the City of Perth squadron which, as a branch of the air force, is analagous to a militia body, and which can supply pilots and some trained staff in the case of an emergency, but I believe that the recent exercises carried out by that body gave no great grounds for confidence in its ability to fill the defence needs of this State in an emergency. The various planes used on the last occasion were scattered all over Australia before the exercises finished.

Although I agree that the port of Albany has a remarkably good natural harbour, I wish, from the naval angle, that it were situated on a different part of our coastline. If consideration is to be given to the establishment of a naval base on the coast of this State, I think we should have in mind some point considerably north of Albany. Any attack on Western Australia can be expected to come from the north. There are very few potentially good bases on that part of our coast, but there is one that could well be surveyed at Hampton Harbour near Roebourne. I understand—although I have not seen it—that this harbour is well sheltered and carries a sufficient depth of water to accommodate any naval craft that we are likely to have in that area.

I would sooner see a base established north of Fremantle than south of that port, for reasons which I think are fairly obvious, and if that were to be done, it would be necessary to have the requisite air cover available in the same area. If it is essential that the Neptune squadron be removed from this State, it might be possible for it to be replaced with machines such as the Catalinas which did such good work in this area during the last war. They were our first line of reconaissance, if not of defence, and reconaissance is a most important factor if we are to have plenty of warning to allow us to prepare the limited facilities that are available for defence in Western Australia.

Next I desire to pay tribute to a gentleman named Foote who was a pioneer of the theory that part of the defence of Western Australia and of the Commonwealth was an air link through Perth to South Africa and to Ceylon. I think his persistence with that line of thought, was largely responsible for the development of the Cocos Island base which is now available to aircraft. He was not alone in what he advocated, but was one of the major pioneers of that line of thought, and the developments which resulted from it served us well during the last war. A long-range outlook must be cultivated if we are to be ready when trouble comes. There is not much likelihood of our being attacked by any force from across the Indian Ocean.

We are unlikely to be attacked in the foreseeable future from the African continent or the Indian sub-continent. Any attack will probably come from the north and our defence pattern must therefore be somewhat similar to that followed in the last struggle. During the war, as members will recall, considerable air forces were stationed in this State. I commend the mover of this motion which is designed to ensure that we retain some degree of readiness to meet aggression. I support the motion.

On motion by the Minister for Education debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd September.

HON. J. B. SLEEMAN (Fremantle) [7.42]: I was about to say that the Bill resembles the curate's egg, but, on second thoughts, I do not think it is even as good as that. In fact, I can see little good in it at all. The measure seeks to alter the Jury Act and I presume it is intended to improve that legislation, but there is no improvement contained in this Bill, which I think is retrograde legislation. One clause seeks to provide for women to sit on common juries. The Minister says this is a Bill designed to place women on juries in this State, but it would, in fact, do nothing of the sort as it proposes only to place a few women—those with the necessary cash and property—on juries.

Hon. Dame Florence Cardell-Oliver: Do you say the Minister said that?

Hon. J. B. SLEEMAN: I am saying it now, and I also said it in 1924.

Hon. Dame Florence Cardell-Oliver: We do not want to hear what you said then.

Hon. J. B. SLEEMAN: That was a long while ago, but I proposed the same thing then as I will propose when this Bill is in Committee. The measure provides that women shall be eligible to sit on a jury if they have qualifications similar to those of men who are appointed as jurors at present; that is, they must possess sufficient property or cash. I have never known that the possession of cash or property signifies wisdom, but I have heard that whiskers denote wisdom, although I would not agree with that contention either. Property owners are not necessarily the wise men of the country. I have known of men who have entered this Chamber well endowed with property or cash, and they have shown no ability whatsoever.

I consider it is the right of every man and woman over 21 years of age to be eligible to sit on a jury irrespective of whether he or she possesses cash or property. If an investigation were made, I wonder how many married women would possess the necessary qualifications, as outlined in this Bill, to enable them to sit on a jury. I suppose there would not be 15 per cent. The duty of sitting on a jury is not one that is sought after by many people.

Many men who have served as jurymen have complained bitterly to me and said, "Is there no way of avoiding it?" However, there is no way of evading the duty if a person is called upon to serve as a juror and, in the same way, if women became eligible to sit on a jury, they would not be able to avoid it either.

Nevertheless, in certain instances I would grant women exemption as, for example, a woman who is an expectant mother.

If a woman put forward the excuse that she had a large young family that needed a mother's care, I would also certainly grant her exemption, but I would not make it general because every man and woman should have the right to sit on a jury and there should be no property qualification. The Bill also mentions special juries. Apparently only the very nice people are to be eligible to sit on such a jury.

With respect to these juries, Section 6 of the Jury Act reads as follows:—

> (1) Subject to the exception hereinafter contained, every man between the ages aforesaid and residing as aforesaid, who is a Justice of the Peace, or is a bank director, or is a merchant not keeping a general retail shop, or who has within the Colony, either in his own name or in trust for him, real or personal estate of the value of £500, shall be qualified and liable to serve as a special juror for the trial of issues in civil cases in the Supreme Court at Perth, and in any district in which a Court of General Sessions of the Peace has been appointed to be held, and shall be qualified and liable to serve as a special juror, and also as a common juror for the trial of issues in civil and criminal cases in any Court within the limit prescribed by this Act.

As will be seen, that provision provides that a man must have all that property qualification in order that he may be eligible to sit on a special jury. In point of fact, a judge does not need to have property in order that he may preside on the High Court bench. Although many lawyers have the necessary education and intelligence, there are not many who are capable of being made a judge. They do possess the necessary qualifications to become a solicitor, but they do not get any further.

If a man has the necessary capabilities to preside as a judge, he is appointed; we do not require that he should possess £500 in cash or be the owner of a valuable property. He is appointed to the position principally because of his high intelligence. Similarly, there are quite a number of men around Perth who do not possess any money or property, but are just as intelligent as a bank director or a mechant. I have known of a few bank directors who have become members of Parliament and they have not shown much ability as legislators.

I suppose, too, that some of these merchants have been responsible for the Government of the day introducing legislation to ensure that their customers get the right weight when they are retailing goods to them. This is a measure we cannot amend. The only thing we can do is to throw it on the rubbish heap where it should be. Why should we have special juries? The only special juries I have taken any interest in have been those concerned with industrialists. I hope, when the Bill passes into Committee that, by amendment, we will see the end of special juries.

The Bill also proposes to amend the Act with regard to juries empanelled to hear a criminal trial. That provision reads as follows:—

> The principal Act is amended by inserting after section twenty-five a section as follows:—
>
> 25A. (1) Where in any criminal trial the jury has retired to consider its verdict, the decision of not less than 10 of the jurors shall be taken as the verdict of all.

That might be all right in some instances, but it should not apply in the case of a capital charge. If I have my way, it will never apply to those cases. A man's life is the most valuable thing he possesses, and it cannot be given back to him after he has stepped on the gallows. Therefore, on a capital charge a man should not be convicted on a decision made by 10 of the 12 jurors. In Committee, therefore, I hope an amendment will be moved to insert a proviso to that proposed new section which will except a capital charge.

Another portion of the Bill reads—

> Any person who—
>
> (a) is registered as the proprietor, printer or publisher of a newspaper; or
>
> (b) prints, publishes, exhibits, sells, circulates, distributes or gives away, or causes to be printed, published, exhibited, sold, circulated or given away, any newspaper . . .

The clause goes on to state that no proprietor, printer or publisher of any newspaper shall publish any photograph of a juror or print any information he has concerning him. That is the best part of the Bill. However, another provision should be inserted in this regard.

In many cases, a person may have been convicted and sentenced and have served his term of imprisonment. Years afterwards a similar case arises and the Press draws attention to the fact that the recent case is similar to that which occurred in years past and refers to the person who was convicted and sentenced to so many years imprisonment. That is entirely wrong. I was not long in Parliament when such an instance arose and the whole sordid business was again dragged through the Press. I think the newspaper in question was published weekly.

However, the person concerned wrote to me and asked if there was any way he could obtain protection from such publications because he had settled down and was

living a respectable life. Nevertheless, the provision that is now in the Bill in regard to the printing of information concerning jurors is a very wise one. If the member for Mt. Lawley and also the lady member representing Subiaco will render us some assistance, I am sure we will be able to pass an amendment to provide that all women shall be eligible to sit on a jury. I am sure the member for Subiaco will agree that it is the right of every woman to sit on a jury and if we are successful in passing such a provision, I think that in Committee we will make a Bill out of this measure.

HON. DAME FLORENCE CARDELL-OLIVER (Subiaco) [7.54]: I support the Bill. As the member for Fremantle has mentioned that he proposes to move some amendments to the Bill in Committee, that apparently means he will vote for the second reading. Since 1919, England has had on the statute book legislation which provides that a woman must possess the same amount of money or have the same property qualifications as is necessary with respect to a man in order to be eligible to sit on a jury. As I have mentioned before, I was a juror at one time in England and in that country a woman must possess at least £300 before she becomes eligible to be empanelled. The reason why women were given this right to sit on a jury in 1919 was because of the wonderful work they performed during the first world war, and the way in which they proved their worth.

Hon. J. B. Sleeman: Was it only the people with money that performed valuable work in the war?

Hon. Dame FLORENCE CARDELL-OLIVER: I did not say that. Please do not misunderstand me! They obtained the right to sit on a jury in exactly the same way as men did, and they are now performing excellent service as jurors in England. In many States of America and in France as well, there are women jurors and, in Queensland, there is an excellent piece of legislation providing for women serving on juries. The member for Fremantle knows very well that when I brought forward a jury Bill, it was based on the same lines as the Queensland legislation. At that time the member for Fremantle stated that he was in favour of women serving on juries, but he did all he could to sabotage my Bill.

Hon. J. B. Sleeman: You help me with this one, and we will put all women on juries.

Hon. Dame FLORENCE CARDELL-OLIVER: Do not be so silly! How can we put a sick woman on a jury or a mother with a large young family? There are many reasons why a woman could not serve on a jury.

Hon. J. B. Sleeman: Some of these women with money will be approaching maternity, too. You will have to let them off as well.

Hon. Dame FLORENCE CARDELL-OLIVER: I will not argue with the hon. member because I cannot understand his logic. I know that many women have been pushed around in public life, and should they be unfortunate enough to have to go before a court, they are judged by a jury of men, which seems wrong to me.

The Minister for Education: They might get a better deal that way.

Hon. Dame FLORENCE CARDELL-OLIVER: The member for Fremantle will probably remember that it was in 1938 that I introduced my Bill and, as I said before, that measure would have passed but for him. Now he says he is absolutely in favour of women serving on a jury, although, at that time, he was responsible for the Bill being defeated.

Hon. J. B. Sleeman: It got shipwrecked somewhere.

Hon. Dame FLORENCE CARDELL-OLIVER: As I have already said, it is impossible for many women to serve on a jury, and such matters will no doubt be dealt with. I quite agree with the proposed new section which provides that a verdict shall be reached if not less than 10 jurors arrive at a decision. The member for Fremantle is opposed to that provision, but at the Committee stage I will put forward my reasons for supporting it.

MR. LAPHAM (North Perth) [7.57]: I congratulate the member for Mt. Lawley for introducing the Bill because I feel that what he had in mind was to foster a policy of granting equal rights to women. I hope this measure is only a forerunner of others in this regard and that women will eventually be granted equal rights with men in every respect, including equal rates of pay. Nevertheless, I consider that the hon. member was a little off the beam when he embodied in the Bill the principle of granting to women the right to apply to sit as jurors. That is entirely wrong. The duty of a juryman is rather onerous. Why should a woman have to make application in order that she may perform such an onerous duty? I object strongly to the principle that a woman should have to suffer such an indignity. She should be on a similar footing to a man.

Hon. Dame Florence Cardell-Oliver: It is not the man who bears the children and the brunt of running the household.

Mr. LAPHAM: Exceptions could be made of those women who have families, but, firstly, let us give every woman the right to sit on a jury. Exceptions could be provided for if necessary. But I think that to ask women to make application to serve on a jury is entirely wrong. We do not tell males they must make such applica-

tion; we conscript them for that duty, provided they have the property qualification and are of a certain age. Why should women be debarred from that privilege purely on account of accident of birth? As the Bill stands, any woman who made application to serve on a jury could perhaps be criticised as being mannish in outlook and a seeker after the sordid side of life. An altogether wrong impression might be gained of such a woman. That is not what this Chamber desires.

I feel that what the member for Mt. Lawley had in mind was that women should be given equal rights with men in this matter. Consequently, he should amend his Bill to provide that every woman should have the right to serve on juries, and then exceptions could be included to meet contingencies such as those which the member for Subiaco foresees. I think the hon. member's view on that matter is quite right. For instance, my own wife would not desire to serve on a jury. We have a young family, and it would be awkward in the extreme for her to have to fulfil such a duty. It is not that she would desire to avoid her responsibility in that connection, but it would be utterly impossible for her to do so.

I think that most women would be in a similar position. They would serve on juries if they had the right and if their circumstances were such that they were able to do so. If the Bill were amended to give all women that right, I think it would pass through this Chamber; but, as it stands, my opinion is that it will not have much success. It is advisable also to consider what the jury system was intended to achieve. The object of conscripting jurymen was to secure a blending and mixing of different phases of thought and different outlooks on life brought about by varying experiences.

Mr. Yates: Do you not think that a woman's point of view would be of advantage to a jury?

Mr. LAPHAM: Exactly. That is why I say that all women should have the right to serve on juries. If we restrict the privilege to a certain section, we will have those applying who have definite views and who clamour after the job.

Hon. Dame Florence Cardell-Oliver: You have already said it is impossible for them to go on juries.

Mr. LAPHAM: Only in some instances. It is impossible where they have young families or where there is sickness. But such people could be exempted, just as men are exempt under certain circumstances. It would be entirely wrong to say that only one section should be entitled to serve on juries, namely, those that want to volunteer. That would defeat the entire purpose of the jury system, because that system was established to secure a blending of different ideas and views.

A jury should be able to hold the scales of justice with equal poise; but where there are definite ideas, the verdict is likely to be harsh and biassed, which is entirely wrong. What we should aim at is to give all women the right to be on juries, so that we can get an ideal blending and mixing of viewpoints. If the hon. member would agree to amend his Bill so that women would have the same right as males, the measure would meet with some success. I consider that women should have the same right as men, not only to serve on juries but also to receive the same remuneration as men, if they are doing the same work. What difference is there?

I agree with the member for Fremantle that there should be a unanimous verdict by a jury, especially in capital charges. Majority verdicts are entirely wrong. With the member for Fremantle, I feel it would be opposed to all sense of British justice if we were to adopt the majority scheme, especially in relation to capital charges, because once an offender has been convicted and sentenced to death and the sentence has been carried out, there is no remedy; and on a few occasions there have been very grave doubts whether innocent men have not gone to the gallows. I think the framers of the Act had in mind that the members of a jury should be definite in their decision, and that there should not be any doubt when they have brought in their verdict. But with majority decisions there is always a doubt. Therefore I must disagree with that part of the Bill. I recommend to the hon. member that he amend the measure so that women may be given the same rights as men to serve on juries without having to make application for the privilege.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [8.9]: I have read the Bill, and I do not entirely agree with it or with the other members who have spoken on the second reading. I feel that the proposal that women should serve on juries is one that requires deep consideration. The provision that they should have the same qualifications as male jurors may be quite all right, but I do not consider there should be property qualifications for either men or women.

Hon. J. B. Sleeman: Hear, hear!

The MINISTER FOR JUSTICE: I do not see that because one owns something worth £400 or £500, or less, one has more intelligence than another who has no such possessions. A man who becomes a judge is not appointed because of a property qualification, but because of his intellectual ability, his learning, and his practical experience of the world.

Under the Bill, women will have to make application in writing, expressing their desire to serve on juries. I might say at the

outset that I am not too favourably inclined towards women serving on juries, because sometimes there are fearful cases before the Criminal Court. The provision that women between 21 and 60 years of age should be entitled to serve on juries may be quite all right, but I think that our policy generally has been to protect women and not to have them listen to the very embarrassing cases that are sometimes brought before the Criminal Court.

Hon. Dame Florence Cardell-Oliver: It has not done any harm to the women in England.

The MINISTER FOR JUSTICE: There are cases of sodomy and lesbianism which are very embarrassing. A modest woman hearing such cases would be so embarrassed that probably a true verdict would not be returned. Her observations and her judgment would be clouded, and her presence would probably be embarrassing to those with whom she was sitting on the jury and would make the situation extremely difficult, especially in the juryroom. A full and frank discussion of such a case would be difficult. It would be extremely embarrassing when sexual cases were being heard.

The only way to overcome that would be to provide for women to be exempted if they did not desire to sit on juries hearing such cases. I do not think it is right that they should be required to serve in that capacity. We have always looked up to our women. We have had a respect for their piety and expected from them a lead in the right direction. The Bill provides that women must make application in writing to serve on juries, but a person could be ignorant that she might have to sit on juries during the hearing of such cases as I have mentioned.

Hon. J. B. Sleeman: You know some who would write in and ask to sit on such juries!

The MINISTER FOR JUSTICE: Yes; and probably we would have unsuitable women serving in that capacity, who would be doing so only from motives of curiosity or through irresponsibility. But a conscientious woman might be quite ignorant of what she would perhaps have to contend with if she became a juror and sat on certain of the juries, especially those dealing with sexual cases. I notice that the hon. member is making provision in his Bill that once a woman is empanelled on a jury she cannot resign. But there is provision that a resignation can be submitted at any other time. I do not know whether that is desirable. They might have a wrong appreciation of the position, and I think a number would have. I venture to say that not too many really appreciate the difficulties in certain criminal cases.

Hon. Sir Ross McLarty: Not too many men want to go on juries, either.

The MINISTER FOR JUSTICE: That is so. The present set-up has not worked badly. The only objection I have to it is that no qualifications should be needed other than that the jurors were respectable and good citizens. I do not see that property qualifications will give them any better judgment, or make them more just or impartial in their decisions.

I know we have women with a high sense of public duty who want to serve the people and the community. I admire them for that, but do they understand how they are going to feel when they are in the jury room dealing with a sordid case? And after they have left the jury room how will they feel, when they meet one of the male jurors and remember that they sat together on the jury? It must be embarrassing, and it would not be conducive to a fair and careful trial in many instances. Then, too, we must consider that the trial judge in some cases will not allow the jury to separate. The Bill does not contain any provision for this. There are social difficulties to overcome here. We would need to have a woman sheriff.

Hon. Dame Florence Cardell-Oliver: Not a bit.

Mr. Yates: What about other countries?

The MINISTER FOR JUSTICE: I am not talking about other countries, but about the Bill.

Mr. Yates: But you are dealing with the difficulties that confront jurors.

The MINISTER FOR JUSTICE: The Bill may be amended later. I am not very keen on the measure, but I will support the second reading in the hope that we shall knock it into shape in Committee. Women jurors have not proved a success in Australia.

Hon. Dame Florence Cardell-Oliver: Only one State provides for women jurors.

The MINISTER FOR JUSTICE: I shall deal with that aspect later. In Committee, we should provide that women jurors shall not have to sit on mixed juries to deal with sordid sexual cases. I would sooner have a jury of women only rather than have a mixed jury to deal with such cases. They would then be able to have a full discussion and give a fair decision. If they sit on mixed juries to decide such matters, we shall lose the high respect we have always had for the female, particularly for her piety and modesty. Men are not supposed to be so modest, but they are very modest when it comes to sitting on a mixed jury. This will be embarrassing. I have no idea what the Jury Act in the Old Country provides, but I should think there would be some provision in it whereby women jurors would not sit with male jurors on sexual cases.

Hon. A. V. R. Abbott: That is not so.

The MINISTER FOR JUSTICE: I am surprised at that. I may be a bit old fashioned in this regard, but I feel it would be fearfully embarrassing to sit on a jury with women to deal with some cases that I know of. It would be difficult to express oneself when dealing with sordid cases. I know that women have done wonderful work. During the war they took the place of men and carried out their tasks very ably indeed. We have women doctors and lawyers.

Hon. A. V. R. Abbott: And nurses.

The MINISTER FOR JUSTICE: Yes, but they do not sit on mixed juries on these difficult cases. It would be very embarrassing for one to meet at some social function a woman with whom one had been associated as a juror when dealing with such a case. I would feel she had deteriorated to a great extent. The next matter refers to the choosing of juries. I feel that the old alphabetical style is the better one. Everyone took his turn, in alphabetical order. There has not been any great dissatisfaction about it. I have not heard it said that anyone has not been treated fairly. With the rotating box and choosing by chance, some people would probably never be chosen, whilst others might be chosen on one, two or three occasions.

Mr. J. Hegney: The principle of the lottery comes into this now.

The MINISTER FOR JUSTICE: Yes. I feel that the old style is the best, whereby they cannot be drawn twice or more. I do not feel that rotation will be an improvement.

Hon. A. V. R. Abbott: Jurymen have been bribed; that is the point.

The MINISTER FOR JUSTICE: That might be so, but I do not think it has happened very often. I suppose the rotating box would prevent that, but it would be unfair and some of the people would be disgruntled, and in consequence we would not get the fair trials that we should. Provision should be included for the Bill to be proclaimed. It should not be assented to, because quite a lot of machinery will be necessary—accommodation and all that sort of thing, not only in the metropolitan area but in other parts of the State, too—before it can be put into effect. I got the Sheriff to put up a small report, which I shall read—

> Women Jurors.
>
> Some reference to the experience in Queensland and New Zealand, where provision enabling women to serve on juries has been in operation for some years, is of interest. In both places the provision is similar to that proposed in the Bill.
>
> The Queensland legislation was passed in 1923 and between 1923 and 1936 only 52 applications had been made by women for enrolment. In 1936 only 36 women were eligible as jurors and up to that year, although at rare intervals women had been summoned, no female juror had ever been sworn. Between 1936 and 1947 only three women served as jurors in Queensland.
>
> In New Zealand the Women Jurors Act was passed in 1942. In 1946 the jurors on the Wellington roll numbered 7,650, of which only two were women. The number of women on the Wellington list in 1943 was 17, in 1944 none and in 1945, one, and no woman served as a juror in the Wellington district between 1942 and 1946. During that period only one woman served as a juror in the whole of New Zealand. This information, which is taken from a note in Volume 21 of the Australian Law Journal, page 133, does not go beyond the year 1947.
>
> If the provision allowing women to become jurors becomes law it will be necessary to attach a suitable women's retiring room to the jury room, not only in the Supreme Court but also in other courthouses throughout the State where criminal trials are heard. This will involve structural alterations and will raise various problems as well as taking time. It would therefore be necessary to provide that the Bill, so far as it relates to women jurors, should only come into operation by proclamation and it may be desirable to go further and provide that it may be proclaimed to commence in different districts at different times as accommodation and requirements warranted.
>
> I understand that accommodation difficulties have led to the postponement of the operation of a similar provision for women juriors passed by the N.S.W. Parliament in 1947.

That has not come into operation. We can see the difficulties here. If we are to have women jurors, they should have the qualifications of men jurors. The Act needs amending so that any person who is a good citizen shall be eligible to be a juror provided he or she has the ordinary intellect necessary to sit on a jury. In America, they have women jurors, but before jurors there sit on a jury they have to undergo an examination to satisfy the authorities that they know the subject that they will be dealing with.

Hon. J. B. Sleeman: Not the men.

The MINISTER FOR JUSTICE: Yes, the men as well.

Hon. Dame Florence Cardell-Oliver: In what State of America does that apply?

The MINISTER FOR JUSTICE: It is general.

Hon. Dame Florence Cardell-Oliver: Does it apply in all States?

The MINISTER FOR JUSTICE: I do not know about that, but it is general.

Hon. Dame Florence Cardell-Oliver: I doubt that, because not all States have women jurors.

The MINISTER FOR JUSTICE: They must have some qualification before they can be on a jury, in the same way as a judge must be qualified before he can be appointed to the bench. I do not agree with that, because if they have to undergo an examination before becoming jurors the position would be rather impossible. I believe, however, that they should have some qualifications. In a matter concerning accounts, those sitting on the jury might know nothing about that accountancy. How could they give a fair decision as to fraud or mutilation of books if they did not have some qualifications? The qualifications need not be of a high standard but I think that some qualifications are necessary when jurors sit in judgment upon technical cases.

As regards the majority vote, I agree with the provision to a large extent. In a democracy the majority rules and I think 10 out of 12 is a fair majority because some people become indifferent when they are sitting on a jury and others do not quite understand the subjects discussed; as a consequence the proceedings are held up. If those who are not thoroughly conversant with all aspects of the case are given three hours, for instance, to discuss it, they should be able to come to a decision, and in that case I feel that the majority should rule.

Hon. J. B. Sleeman: Even in capital cases?

The MINISTER FOR JUSTICE: Yes, but I think the minority should be given a fair opportunity to understand all the implications. In the long run I think the majority of decisions would be the same as if a unanimous decision were required. Some people will not agree with the majority and will sit around until they are tired and then finally agree. Even in capital cases if a jury does not come to a unanimous decision within three, four or even five hours, I think a majority of 10 out of 12 should be sufficient. I think I will support the Bill as far as the second reading is concerned, but if all the amendments I have in mind are made there will not be much left of it after it passes through the Committee stage.

MR. JAMIESON (Canning) [8.32]: There is little I wish to add to the second reading debate, but in the main I support the remarks made by the members for Fremantle and North Perth because I think they are on the right track. I fail to see why it is necessary for men and women to have certain qualifications before they are permitted to serve on juries. If a person is entitled to be listed on the Legislative Assembly electoral rolls I think he is sufficiently competent to be a member of a jury. If a person has sufficient intelligence to record a vote to elect members to this House—after all this is the place where laws are made and if those laws are not complied with people are punished—he should be quite capable of serving on a jury which sits in judgment on a person who has offended against the law. For the life of me I cannot understand why some of the provisions in this measure were not introduced years ago.

I cannot altogether agree with the remarks made by the Minister for Justice as regards the embarrassment some women jurors might feel. If, through the ages, women had not been granted concessions for fear of embarrassment, they would probably be in a considerably worse position than they are today. About 50 years ago all the Turkish women were veiled but owing to an order by the late Kemal Attaturk they were granted equality with men and now, unless I am misinformed, the majority of judges in Turkey are women. I have not heard of any complaints about their unfair treatment or embarrassment in trying cases.

It is only a matter of tradition and tradition will not be overcome unless an opportunity is given. For that reason I think this measure is a good one although I do not agree with the provision which states that women can be placed on the jury list only at their own request. That leaves the system open to abuse and probably only those who are morbid or curious will apply to sit on juries dealing with certain cases that come before the court. I could not support that clause in the Committee stage but I would be more inclined to support an amendment to it somewhat on the lines suggested by the member for Fremantle.

In my opinion the Minister for Justice overstated the position about the separation of the jurors when cases are being tried and the jury is locked up for the night. The position could be overcome without much trouble. If it is necessary that a jury be locked up for the night, or for the week-end, women officials could be appointed to look after the women jurors and little difficulty would be experienced. The Minister also said that some women might not know much about a subject that was before the court and therefore should not be eligible to sit on juries. I do not know that many people know much about the subject of murder, or other capital crimes, but at various times they are asked to sit in judgment upon these cases. Under those circumstances I would be inclined to support the second reading but I cannot support the Bill in its entirety.

HON. A. V. R. ABBOTT (Mt. Lawley—in reply) [8.38]: I thank members for the suggestions they have put forward. This is a private member's Bill and I would point out that it was not my intention to review the Jury Act. It is an old Act and, in my opinion, does need reviewing, but that is a matter for the Government of the day. It would be a big task and

the question would have to be given a good deal of consideration. My object was merely to put forward one or two points that I thought were essential and should take effect prior to a recasting of the whole Act. I gave no consideration as to the qualifications of jurors generally. I accepted the position as it was in the Act and I wanted to make women eligible to serve on juries and under the same conditions as men.

As a matter of right, women should, if they so desire, be eligible to serve on a jury. However, I agree with the member for North Perth. I do not think that the majority of women, because of their household duties, would be able to serve as jurors. Furthermore, as the Minister for Justice has said, their temperament renders them unsuitable for such a task. It must be admitted that the stern duty of a juryman has to be performed for the benefit of the community as a whole. Similarly, we do not make women serve in war as a duty; they volunteer, and the same should apply to juries.

We should not compel women to serve as jurors. It is all very well to say that we can make exceptions. Are we to subject women to an investigation of their feelings or a hundred and one other things before they are to be permitted to relinquish a duty? We should give a woman the option as to whether she wishes to serve or not. Surely she should have the right to say, "I do not want to serve on a jury," without being asked, "Are you single? Have you the right temperament?", or any other question that is pertinent. I thank members for the sympathetic hearing they have given me and I appreciate that many have promised they will give support to the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; Hon. A. V. R. Abbott in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 5A added:

Hon. J. B. SLEEMAN: This is the clause that provides that women shall have property qualifications and also that they shall be required to notify, in writing, the resident or police magistrates of the districts in which they reside that they desire to serve as jurors. I do not think we should have that provision in the Bill. A property qualification does not signify that a woman has the required intelligence to serve on a jury. The suggestion that a woman would be embarrassed if she served as a juror on certain cases is without foundation. If we agree to the provision that a woman has to apply to serve as a juror, it will be found that so-called stickybeaks will be appointed and a good honest housewife who is more competent to serve will not even bother to apply. However, if she were granted the right to serve as a juror, I am quite sure she would be willing to offer her services. Of course, if she wished to be exempted because of some good reason, I am sure that such exemption would be granted. I propose to move an amendment along these lines—

> That after the word "character" in line 1 of paragraph (a) of Subsection (1) of proposed new Section 5A, the words "and has the same property qualification as a male juror under section five of this Act; and (b) notifies in writing the Resident or Police Magistrate of the district in which she resides that she desires to serve as a juror" be struck out.

If such an amendment were agreed to, it would place a woman on the same footing as a man. Later, however, an amendment would have to be moved to alter the qualifications of the male.

Hon. A. V. R. ABBOTT: I wonder if the hon. member would agree to moving his amendment in two parts. In other words, could he move to strike out all the words after "character" in paragraph (a) by one amendment and then, in a separate amendment, move to strike out paragraph (b)?

Hon. J B. SLEEMAN: I am agreeable to anything the member for Mt. Lawley desires. I move an amendment—

> That after the word "character" in line 1 of paragraph (a) of Subsection (1) of proposed new Section 5A, the words "and has the same property qualifications as a male juror under section five of this Act" be struck out.

Hon. A. V. R. ABBOTT: We would be ill-advised to take this step at present and make a distinction between women. I do not propose to argue the question as to whether there should or should not be a property qualification for a juror, but I do not think it is advisable to make a distinction between men and women jurors. This is a matter that could be reviewed by the Government and a Bill introduced later this session if it so desired. The question should be dealt with in a measure dealing with the position of jurors generally.

Hon. J. B. SLEEMAN: I do not agree with the hon. member's contention. Once a measure becomes an Act we know how difficult it is to have its provisions altered. This is the time to make the change. Nobody could put up a reasonable excuse as to why these words should not be struck out.

Hon. Dame Florence Cardell-Oliver: Why make a difference?

Hon. J. B. SLEEMAN: The hon. member need not worry because women would have more right than men. They would

have the right to sit on the jury without any qualifications while a man would have to show that he had property qualifications. Later the Bill would have to be altered to bring the man into line.

Hon. Sir ROSS McLARTY: I do not know where the Minister is, but I suppose there is some reason for his not being in his seat.

The Minister for Education: It is not the Minister's Bill.

Hon. Sir ROSS McLARTY: No, but it concerns his department. I think the member for Mt. Lawley is right when he says that the amendment should not be agreed to. There is a property qualification in the Act and if we make an alteration in that direction, I think it should apply to the measure generally. Why make the discrimination? If it is necessary for a man to have a property qualification, I do not see that it could be argued that it is not also necessary for a woman to have a similar qualification. I do not agree with the member for Fremantle when he says now is the time to make the alteration. The clause should be carried as it is. If the Government desires, it can bring down its own amending legislation later. I hope the amendment will not be carried.

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

Ayes	14
Noes	13
Majority for	1

Ayes.

Mr. Brady	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. Jamieson	Mr. Rhatigan
Mr. Johnson	Mr. Sewell
Mr. Lapham	Mr. Sleeman
Mr. McCulloch	Mr. Tonkin
Mr. Moir	Mr. May
	(Teller.)

Noes.

Mr Abbott	Mr. Hutchinson
Mr. Ackland	Mr. Manning
Mr. Brand	Sir Ross McLarty
Dame F. Cardell-Oliver	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. North
Mr. Hill	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Norton	Mr. Watts
Mr. Styants	Mr. Cornell
Mr. Hawke	Mr. Wild
Mr. Graham	Mr. Nimmo
Mr. W. Hegney	Mr. Mann
Mr. Andrew	Mr. Owen
Mr. Kelly	Mr. Yates
Mr. Guthrie	Mr. Thorn
Mr. Lawrence	Mr. Perkins
Mr. Hill	Mr. Bovell

Amendment thus passed.

Hon. J. B. SLEEMAN: I move an amendment—

> That after the word "Act" in line 4 of paragraph (a) of proposed new Section 5A., the words "and (b) notifies in writing the Resident or Police Magistrate of the district in which she resides that she desires to serve as a juror," be struck out.

A woman should not be in the position of having to say, "Please may I serve on the jury?" As the Minister has said, there are practically no women on juries these days. If the matter were left to the men and women themselves, they would not ask to serve on a jury. Only a few who desire the limelight would do that. If the duty were given to a woman as a right, I feel sure she would do the job.

Hon. A. V. R. ABBOTT: The Committee would be well advised to disagree with this proposition. It is too radical an alteration to bring in at one time. It would be too much to make every woman in Australia liable to serve on the jury. Consideration could be given to formulating some scheme.

Mr. May: How would you differentiate?

Hon. A. V. R. ABBOTT: I do not think we could differentiate. If a woman does not want to serve on a jury, she should not be compellable. If she wants to sit on a jury, let her. Ordinarily, women would not want to sit on a jury. Why should she have to go to a magistrate?

Hon. J. B. Sleeman: She would not have to go to a magistrate.

Hon. A. V. R. ABBOTT: Of course she would.

Hon. J. B. Sleeman: She would write in and be given exemption. A written notice to the Sheriff would be sufficient.

Hon. A. V. R. ABBOTT: If she has no reason except that she does not wish to serve, why compel her to submit it? The hon. member should consider the correspondence and work that would be entailed. Let us try for a start the procedure adopted in New South Wales, Queensland and New Zealand, and perhaps later on some compulsion could be introduced along the lines of the English Act. One could well imagine that a lady doctor might not wish to serve.

Hon. J. B. SLEEMAN: Medical practitioners are exempt under the Act, so that argument does not hold water. If women were permitted to sit on juries, a lady doctor would take advantage of the exemption already provided. Why subject women to the indignity of having to write in?

Hon. A. V. R. Abbott: I do not want them to have to write refusing to serve.

Hon. J. B .SLEEMAN: I trust that the member for Subiaco will support me, in the interests of her sex, by helping women to get on a jury without having to ask permission to do so.

Mr. BRADY: I think the member for Fremantle is going too far by proposing that a woman should have to write and state her reason why she does not wish to serve. At the same time, I do not agree

with the member for Mt. Lawley. A woman with family responsibilities would not wish to serve, and all that should be required of her should be to say that she does not wish to serve. I hope the amendment will be accepted, but we should not insist on reasons being given.

Hon. Sir ROSS McLARTY: I agree with the member for Fremantle that the paragraph is undesirable. The only woman who would serve on juries would be those who wrote expressing a wish to act, and there would be comparatively few. If a woman intimated that she did not wish to serve, that should be sufficient reason for granting her exemption. Thousands of women would dislike intensely the idea of being compelled to go into court, and many would suffer severe nervous strain in consequence. Even many men show a keen desire not to serve. Perhaps the Minister could assist to draw up a suitable amendment.

The MINISTER FOR EDUCATION: I am in complete agreement with the views expressed by the Leader of the Opposition. The underlying principle of the Bill is to extend to women a right and a privilege that previously has been possessed by men only, but in extending that right we should not make it an obligation. We should not compel women to serve against their will. In future, we might reach that stage, but it would be too drastic a change to make at present. The mere idea of going into court would greatly upset many women, and it would be quite wrong to compel them to serve. All that we should do is to extend to them the right to serve if they so desire, and leave it to them to indicate if they do not wish to exercise the right. An intimation in that direction should be sufficient to relieve them of the responsibility to serve.

Amendment put and passed.

Hon. J. B. SLEEMAN: It seems that the Committee wants the proposed Subsection (2) to remain. I am quite prepared to let it go at that.

Hon. Sir ROSS McLARTY: The clause now will give all women the right to sit on juries, but I understood the Committee was of the opinion that if a woman did not want to sit on a jury she could express her desire not to sit, and that would be sufficient reason to exempt her.

The Minister for Education: Proposed new Subsection (2) provides for that.

Hon. A. V. R. ABBOTT: If a woman were empanelled she should have to serve until the session, for which she was summoned, was exhausted. We could not have a jury go half way through a case and then have a woman juror say she wanted to cease being on the jury. The amendment I propose is to ensure that a woman must object before she is actually before the court.

The Minister for Justice: Supposing he became suddenly ill?

Hon. A. V. R. ABBOTT: She can be excused in those circumstances, and so can a man. I move an amendment -

> That the following words be added to subsection (2) of proposed new Section 5A.:—
>
> "except in the case of a woman who, at the time of giving such written notice, is already empanelled as a juror, when such qualification and liability shall not cease until completion of the civil or criminal proceedings in respect of which she has been empanelled."

Amendment put and passed.

Mr. HUTCHINSON: I want to move that Clause 3 be struck out.

The CHAIRMAN: The hon. member cannot do that, but he can speak and vote against it.

Mr. HUTCHINSON: I shall give reasons why I shall vote against the clause. The proposition of whether a woman should serve on a jury under the same conditions as a man is one which I would consider in a very different light from a proposition which enables a woman who has not the same qualifications as a man to be empanelled for jury service. A man, in order to serve on a jury, must have certain property qualifications. If the Bill becomes law, women will not be required to have the same property qualifications, so, for jury service, they will not be under equal conditions. For that reason I am opposed to the clause. If a woman desires to serve on juries she must give notification in writing.

The population of the State is approximately 620,000, so I suppose about 200,000 women will be entitled to serve on juries. Not all of them will avail themselves of the right. They will have greater rights than men in this regard. It will be possible to have juries swamped with women. Perhaps that, in itself, is not bad, but I think the Committee should vote against the clause because of the anomalies it will create. I do not think women would be pleased to come in under these conditions. They must notify if they desire to serve—

The Minister for Education: No. They notify if they do not wish to serve.

The Minister for Justice: The group that are to serve are selected under the Act.

Mr. HUTCHINSON: The women who want to serve select themselves.

Hon. J. B. Sleeman: No, but they can ask to be excused.

Mr. HUTCHINSON: But it is written into the Bill.

Hon. J. B. Sleeman: That provision has been amended.

Mr. HUTCHINSON: Then it is all the more likely that juries will be swamped by women. I think it would be wise for the Committee to strike out the whole clause.

Hon. J. B. SLEEMAN: The member for Cottesloe need not worry about the women getting more than the men. I have had my eye on the situation from the beginning but the member for Mt. Lawley moved an amendment to insert a new provision and so I could not move to strike out the word "man" and substitute the word "person." The hon. member need not worry that women will be allowed to serve without any property qualification such as applies to men.

Mr. OLDFIELD: I cannot follow the reasoning of the member for Fremantle on this clause. Perhaps it could be recommitted and put back into its original form. The member for Fremantle wanted to strike out paragraph (b) of proposed new Subsection (1). If Mrs. Jones wanted to be on a jury her neighbours would say that she must have written in and asked to serve on it, and the same state of affairs remains because under the proposed new Subsection (2) any woman who does not desire to act on the jury writes in giving her reasons. The same state of affairs exists now as the member for Fremantle tried to obviate—

The Minister for Education: No, it is a vastly different state of affairs.

Mr. OLDFIELD: Any woman could still be accused of acting on a jury merely because she desired to do so.

Mr. May: Mrs. Smith would not know that her neighbour had been notified to serve on a jury.

Mr. OLDFIELD: The neighbours would say that because she did not decline, she must have desired to serve.

Mr. HUTCHINSON: There would be about 200,000 women—

Hon. J. B. Sleeman: There would not be that many as it is only in the main centres that there is a jury list.

Mr. HUTCHINSON: Then there might be 100,000 women between the ages of 21 and 60.

Mr. Brady: I suggest that all women are 21 years of age.

The CHAIRMAN: The hon. member should address the Chair and take no notice of interjections.

Mr. HUTCHINSON: I submit that there would be far more women than men called for jury service.

The Minister for Education: How do you make that out?

Mr. HUTCHINSON: There could be far more women than men called for jury service because of the property qualification for men. When a jury was required it would be necessary to call on various women and, if they did not wish to serve, those responsible would have to try again and again. I do not think this clause will fit in with our present legal system. There will be extreme difficulty in forming a jury within a given period of time which will hardly prove of benefit to any case brought forward. So I think we should oppose the clause.

Hon. Sir ROSS McLARTY: I want to be perfectly certain that no woman shall be forced to serve on a jury if she does not wish to do so. I understand that under the present set-up which applies only to men, a man must attend the court if he receives a summons. Under the Bill if a woman received a summons to say that she had to serve on a jury, would she be permitted to write in and say, "I do not desire to serve?"

The Minister for Education: Yes.

The Minister for Justice: But not after she is empanelled.

Mr. JOHNSON: I find that I am somewhat in agreement with the members for Maylands and Cottesloe and I disagree entirely with the outlook of the Leader of the Opposition. We are discussing the question of whether women are equal citizens with men or whether they should be treated in an entirely different way. There seems to be a certain amount of sex prejudice in this matter, but I trust that women will be given equal rights as regards jury service.

Hon. Sir Ross McLarty: But this is not giving them equal rights.

Mr. JOHNSON: If it is right for a woman to be able to send in a written excuse, then it should be right for a man to do the same. A jury is supposed to be a cross-section of the community and as women are a part of the community, they should be in the same position as men. We have heard sob stories about what will happen to women's nerves if they are called to serve on juries. Some men suffer from nerves and so I cannot see that that is any reason why women should not serve. I am opposed to proposed Subsection (2).

Mr. LAPHAM: I am afraid I am out on a limb, because I cannot agree with anybody. We are in a difficult position, and if we agree with the contention of the member for Leederville we will put ourselves in a different position from what I originally intended. Some women who might be placed on juries would suffer certain hardships that would not be suffered by men. As a consequence, they should be allowed to be excused.

Hon. J. B. Sleeman: We have given them that right.

Mr. LAPHAM: But only some. I want to give women equality, but within reason.

Hon. A. V. R. Abbott: But you cannot do it under this Bill.

Mr. LAPHAM: This is rather confusing and I think we should report progress so that we can review the whole position.

Mr. BRADY: I do not think we need to report progress. We should take a realistic view of the matter. Married women are not equal in the eyes of the law because once they are married they act as agents for their husbands, and if we want to go into all aspects of the question we will have to alter half a dozen Acts. Members are bringing into the discussion matters which are entirely irrelevant. If a woman buys something for the home, it is bought in her husband's name and a married woman does not own property unless she was reasonably wealthy before she was married. The average woman, before she is married, must keep up a decent appearance and, in addition, she gets less wages. I hope the clause will be passed as it has been amended.

The MINISTER FOR EDUCATION: The question now is a simple one—Are we going to extend to women the right to serve on juries? All other matters have been determined; the conditions under which they are to serve and the rights they will have to reject the opportunity to serve. All we are considering now is whether we are going to vote against the clause or accept it. The clause now provides that women shall have the right to serve on juries. Having been given that right, they will have the opportunity to forgo it if they so desire. However much we might differ about the conditions that surround this right, it is too late to do anything about it now. Members should make up their minds as to whether women are to be given the right to serve on juries or not and vote for the clause accordingly.

Mr. HUTCHINSON: I agree with the Minister for Education to a certain extent, but the issue is not as clear cut as he would make out.

The Minister for Justice: If you vote this clause out, it means that women cannot serve as jurors.

Mr. HUTCHINSON: I said earlier that whether women shall have the right to serve on juries or not is a different question from the one now before us. Paragraph (a) of Subsection (1) of proposed new Section 5A provided that a woman should serve on a jury if she had the same property qualifications as a male, but that paragraph has now been deleted.

The Minister for Education: What happens if the clause goes out?

Mr. HUTCHINSON: It means that women will not be placed on the same basis as men. However, the issue is not clear cut as to whether a woman shall have the right to serve on a jury or not.

The Minister for Education: The only question before the Committee now is as to whether they shall serve or not.

Mr. HUTCHINSON: I say again that it would be repugnant for a woman to serve on a jury if she possessed the same qualifications as a man.

The Minister for Education: It may be repugnant, but it will have no effect.

Mr. HUTCHINSON: It will have no effect if we defeat the clause.

The Minister for Education: If you defeat it, no woman will serve on a jury.

Mr. HUTCHINSON: The whole clause has been mangled and it does not conform with the Act whatsoever.

The Minister for Justice: The Act can be amended.

Mr. OLDFIELD: I agree with the Minister for Education that the question now before the Committee is whether women are to serve on juries or not. Nevertheless, I also agree with the member for Cottesloe that the clause has been mangled. It is not as clear as it should be. The same sentiment has been expressed by the member for Leederville and the member for North Perth. I disagree with the Minister for Education when he says that it is too late to do anything about it.

The Minister for Education: You try.

Mr. OLDFIELD: It could be put in some semblance of order in another place.

The Minister for Education: You cannot recommit it now.

Mr. OLDFIELD: I agree, and for the time being I will support the clause.

Clause, as amended, put and passed.

Clause 4—Section 6 amended:

Hon. J. B. SLEEMAN: This is the worst part of the Bill. It refers to special juries and there is no argument as to the equality of sexes on this question. At present the Bill proposes to appoint women as jurors if they have the same qualifications as men, but I think that special juries should be abolished altogether. If that is done, neither a man nor a woman will be required to serve as a special juror. I move an amendment—

> That all words after the word "is" in line 1 be struck out with a view to inserting other words.

If the amendment is passed, it will mean that special juries will be abolished altogether and we will not need either men or women to serve as special jurors. It has often been found that some individuals, when they get into trouble, ask to be tried by a special jury which is generally comprised of selected people. The industrialists of this country have had a pretty raw deal from special juries. In Fremantle, during the first World War, when the Government refused to discharge German waterside workers, nothing was done, but when the Australian workers decided they would not work with the Germans, they were brought before a special jury on a conspiracy charge and fined

£2,000. If the amendment is carried, there will be no special jury whatsoever appointed in the State.

Hon. A. V. R. ABBOTT: Again, this amendment should be given mature consideration. It introduces new matter and has nothing to do with the Bill.

Hon. J. B. Sleeman: You are amending Section 6.

Hon. A. V. R. ABBOTT: But the hon. member's amendment has nothing to do with the principle behind the clause. He proposes to alter the Act in a way not intended by the Bill. Special juries may be required in certain cases. They cannot be used for all trials. The leave of the court must be obtained for some of them. Special juries are only appointed for the hearing of special and technical cases and where specialised knowledge is required.

Amendment (to strike out words) put and a division taken, with the following result:—

Ayes	14
Noes	14
A tie	0

Ayes.

Mr. Brady	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. Jamieson	Mr. Rhatigan
Mr. Johnson	Mr. Sewell
Mr. Lapham	Mr. Sleeman
Mr. McCulloch	Mr. Tonkin
Mr. Moir	Mr. May

(Teller.)

Noes.

Mr. Abbott	Mr. Hill
Mr. Ackland	Mr. Hutchinson
Mr. Brand	Mr. Manning
Dame F. Cardell-Oliver	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Doney	Mr. Oldfield
Mr. Hearman	Mr. North

(Teller.)

The CHAIRMAN: The voting being equal, I give my casting vote with the "Ayes."

Amendment thus passed.

Hon. J. B. SLEEMAN: I move an amendment—

> That the word "repealed" be inserted in lieu of the words struck out.

Amendment (to insert word) put and passed; the clause as amended agreed to.

Clauses 5 to 8—agreed to.

Clause 9—Section 25A added:

Hon. J. B. SLEEMAN: I move an amendment—

> That at the end of Subsection (1) of proposed new Section 25A the following words be added:—"excepting on a capital charge."

I think the exception is fair. On a capital charge of murder, I believe the verdict should be unanimous. I am not prepared to allow a jury to return a verdict of guilty or not guilty in a murder charge by a verdict of ten to two. It is the most serious charge that can come before a court.

Mr. BRADY: I think the Committee should strike out the entire clause.

Hon. A. V. R. Abbott: You can speak to the clause when it is amended.

Mr. BRADY: I wish to do so now. I do not think it is desirable to alter the number required for the jury's verdict in such cases. A capital charge is, of course, the most serious one that can possibly be dealt with.

Hon. A. V. R. Abbott: The amendment is under debate at present, and you can speak to the clause later.

Mr. BRADY: I am quite prepared to resume my seat provided I do not lose my right to speak.

Hon. A. V. R. ABBOTT: I know this matter is controversial, but I would like to remind members of the argument I advanced previously. The most important point is that the decisions of all juries, whether on capital charges or not, should be secret in so far as they relate to individual jurors. The only way I could achieve that was to ensure that the decision of only ten out of twelve would be sufficient to secure a verdict. That would mean that nobody would know how each juror voted. There would be complete secrecy, and in capital charges particularly, that is essential. No one wishes to make public the decision he has given in respect of a capital charge.

Members of Cabinet would dislike it intensely if their individual views were made public. Accordingly, the decision of Cabinet becomes the decision of the Government on matters like this. So the decision should be announced as the decision of the jury, not of the entire jury. That is a strong point. It is democratic, and other details regarding the decision should not be made public. Otherwise, there would be a number of men who would be confronted with the unpleasant tasks of saying to their wives, "This day I condemned a man to death or to imprisonment for life," or he might say, "I acquitted a man of sex charges."

Mr. Hutchinson: In what other countries is this practised?

Hon. A. V. R. ABBOTT: It is practised in South Australia and Tasmania, but not in relation to capital charges. Capital charges are particularly important. I do not think there is a fetish about requiring to have a decision of 12 people. It might be of 14, 16, 20 or 10. I feel that the decision of ten would be as sound as that made by any other number. I have had a good deal of experience and I can say that no juror ever convicts on a capital charge unless he is convinced there is some evidence which cannot be denied and that there is conclusive proof of the guilt of the accused.

If such evidence is lacking, there is invariably a verdict of manslaughter or of not guilty. If a juror, according to his conscience, finds a man guilty of a capital charge, why should the fact be blazoned forth to the world? At a military execution, some of the rifles are loaded with blank ammunition so that nobody may know who was actually responsible for firing the fatal shot. In some other countries, members of juries serving on capital charges have been bribed to return an acquittal.

Hon. J. B. Sleeman: The accused would then have to face another trial.

Hon. A. V. R. ABBOTT: That is so. A man would not be found guilty unless the evidence was conclusive. I consider the Committee would be wise to make this innovation in the interests of secrecy.

Hon. J. B. SLEEMAN: The member for Mt. Lawley must have a very poor opinion of jurymen. I can claim the vote of the member for Subiaco on this amendment because she is opposed to capital punishment and I cannot imagine her agreeing to an accused person's being condemned on the vote of 10 jurymen.

The MINISTER FOR JUSTICE: I agree with the Opposition. The opinion of 10 out of 12 jurymen should be sufficient. In our democracy, we accept the decision of a majority, and by this proposal we are requiring a large majority. I believe that in England a majority verdict is accepted on any charge. The adoption of the provision would save time and expense and, in my opinion, the decision would be just as accurate.

The MINISTER FOR EDUCATION: I find myself in serious conflict with the view of the Minister for Justice. A majority proves nothing; it merely decides a matter. If there is a doubt, the accused is entitled to receive the benefit of it, and if two jurors are not prepared to agree with the other 10, it shows that a doubt exists. An accused person will not get the benefit of the doubt if we provide for a majority decision, and especially would this apply in capital cases. Innocent persons have been sent to the gallows on the unanimous decision of a jury, and the possibility of such mistakes occurring would be increased by providing for a majority decision.

Mr. MANNING: If we provide for a verdict by 10 out of 12 jurors, it can be said that their decision is a secret one. That is the main point made by the member for Mt. Lawley and I express agreement with it. I cannot see that the element of doubt would be increased, but the element of secrecy would be introduced.

Mr. MOIR: I oppose the proposed new subsection. I cannot appreciate the arguments in support of a majority decision. It was stated it would relieve people from embarrassment, and that the public would not know whether the twelve men had all come to the same decision. All adults should be responsible. Members of Parliament have to take the responsibility of making important decisions. The judge who sentences a man is responsible for doing his duty, and so is a magistrate in a court of summary jurisdiction. The prosecutor and the defending lawyer are responsible for what they do. Every person over 21 years of age should be responsible for his actions.

The MINISTER FOR JUSTICE: I do not see that there would be any greater doubt by having a majority vote of ten. Mistakes have occurred by having a unanimous vote. Mistakes will always be made.

Mr. Moir: You cannot afford to make a mistake when trying a man for his life.

The MINISTER FOR JUSTICE: I admit that. This has been tried in South Australia and Tasmania and in the Old Country, and I have not heard any complaints about it. I do not see why the ten out of the twelve would not be responsible.

Hon. Sir Ross McLarty: They would probably be more responsible than the minority of two.

The MINISTER FOR JUSTICE: Yes. The minority of two might be mistaken, or they might be sympathetic to the person being tried. I intend to support the proposition to have a majority decision because it is my belief the jurors would bring in a true and fair verdict. If I thought there was any doubt that a man would be hanged, or convicted on something not quite as serious, I would still stick to the unanimous decision. We do not like changes, but I feel we could make a change here.

Hon. J. B. SLEEMAN: I shall quote a few words made on the subject of capital punishment—

> I claim definitely that no member of this Chamber would vote for hanging if he had to do the hanging. No judge who sentenced a man to be hanged would do so if he had to do the hanging. The same thing applies to jurors.

Hon. Sir Ross McLarty: Whom are you quoting?

Hon. J. B. SLEEMAN: Do not be impatient! I shall tell the hon. member in a minute—

> My last plea is this, that neither judges, jurors nor members of the legal profession are infallible. History reveals many instances of mistaken identity, of false evidence and other factors which have led to men being hanged wrongfully.

Those are the words of the member for Subiaco who was, at that time, Mrs. Cardell-Oliver. If she votes for this she is going to give ten men out of twelve the right to send a man to the gallows. I am quite sure, as the hon. member said a few

years ago, no member would vote for it if he had to do the hanging. In capital punishment the decision should be unanimous. I fail to see how the member for Subiaco can support the amendment.

Mr. O'BRIEN: The amendment is very important. We should have a 100 per cent. vote. The twelve honest men should give their decision whether it be in favour or against.

Hon. Dame FLORENCE CARDELL-OLIVER: Because my name has been mentioned and remarks made by me have been quoted, I wish to say a few words. What I said then was on a different subject—on the question of hanging. I still say that if the judge had to do the hanging or a member of Parliament had to judge the accused, he would probably judge him so that the accused would not be hanged.

Hon. J. B. Sleeman: If the Minister for Justice had to pull the lever he would not vote for ten out of the twelve jurors to have the right to find the accused guilty.

Hon. Dame FLORENCE CARDELL-OLIVER: I do not think we should concentrate on the subject of hanging. There are comparatively few hangings in this country, but there are many trivial cases in which the jury must be unanimous. If the member for Fremantle would quote another part of my speech he would find that I said that when I was on a jury with eleven men, we started at 11 o'clock at night and the chairman—or the man who put himself at the head of the table—said, "We will all be agreed in a few minutes because this man is guilty." I said, "No. I am not agreeing." They said, "You are wrong." We argued until three o'clock in the morning. I said I was not agreeing, so they said, "We will all agree with you," so the other eleven agreed with me because they had to go home and milk the cows.

The Minister for Education: Were you right?

Hon. Dame FLORENCE CARDELL-OLIVER: Yes. Had there been a majority of 10 on that occasion we would have got home at 11 p.m. instead of 3 a.m. When Cabinet has to decide whether an accused shall be hanged or have his sentence commuted, a majority decision is taken.

Mr. McCULLOCH: Does this provision mean that if three out of the 12 on the jury disagreed, the case would be dismissed or that there would have to be a retrial?

The Minister for Education: It would mean a retrial.

Mr. McCULLOCH: In most of the decisions in Scotland the majority decision is final and the case is then finished. If with even three out of the 12 disagreeing, there is to be a retrial, I think it would be as well to retain the unanimous vote.

The MINISTER FOR EDUCATION: When the jury system was first established the idea was that a man should be judged by 12 of his peers and that their decision should determine whether he was guilty or not. It is now proposed that a man should be judged by 10 of his peers because even if 12 are empanelled and we accept the decision of 10, that is a decision of 10 of the accused's peers. That is a drastic departure from the existing provision and we should not make such a change without sound reasons for doing so. No examples have been advanced—

Hon. A. V. R. Abbott: I disagree with that.

The MINISTER FOR EDUCATION: There have been statements made that this course should be followed in the interests of secrecy, but that is not an example of where the present system has failed. It merely shows a desire to shelter some people who are afraid to stand by their decisions. In many cases a judge, whose duty it is to make up his mind about a charge, says that he gives the accused the benefit of the doubt. In other words, because he is not completely sure of the guilt of the accused, he will not find him guilty. If it is a sound proposition that 10 out of 12 shall decide the matter, then a judge should find against the accused if he were five-sixths certain.

Hon. A. V. R. Abbott: The 10 must be absolutely sure.

The MINISTER FOR EDUCATION: It is still a five-sixths decision. There is not complete agreement about the guilt of the accused, because there is doubt in the minds of two of the jurymen.

Hon. A. V. R. Abbott: They may have other reasons for finding him not guilty.

The MINISTER FOR EDUCATION: And some of the 10 may have other reasons for finding him guilty. There is something in what the member for Hannans said about the Scottish verdict, where the accused has an equal chance, and where if 10 of the 12 say he is not guilty, he is discharged, but here both barrels are loaded against him.

Hon. A. V. R. Abbott: No.

The MINISTER FOR EDUCATION: Yes, because if nine of the jury which is a majority decision, say he is not guilty, there is a retrial.

Hon. A. V. R. Abbott: There may be. It is up to the Attorney General.

The MINISTER FOR EDUCATION: There will be, and so the accused must run the gauntlet of a further majority decision. If such a decision decides the matter in one way, it should decide it in the other. I think the safest ground is to ask for a unanimous verdict of a man's 12 peers who are specially selected, after a right

of challenge has been exercised, to reach a decision. What solid reason can be advanced against this practice which has stood the test of years? As civilisation is supposed to advance, we are being asked to reverse what was established when life was not held as dear as it is today and when men were less careful about taking life.

Hon. A. V. R. Abbott: When the 12 were selected they did not arrive at a decision but were there only to charge the accused, who was then tried by ordeal.

The MINISTER FOR EDUCATION: I am speaking of when the jury system, as we know it, was established.

Hon. A. V. R. Abbott: When was that?

The MINISTER FOR EDUCATION: I do not know. Does the hon. member?

Hon. A. V. R. Abbott: In 1899.

The MINISTER FOR EDUCATION: In those days life was not held in the same regard as it is today, but it was seen fit then to provide for a unanimous decision. We are now asked to be satisfied with something less than that in order that the decision of some persons may be covered with a veil of secrecy, and that is no adequate reason for the change. The illustration given by the Minister for Justice is not comparable because Ministers of the Crown are under oath to administer the law as it stands.

Hon. A. V. R. Abbott: Is not the position of the jury the same? They are under oath.

The MINISTER FOR EDUCATION: They are not under oath to interpret the law, nor would one expect normally to find on a jury men with the education and experience of members of Cabinet.

Hon. A. V. R. Abbott: Therefore I think it is reasonable to allow the opinions of one or two to be discarded.

The MINISTER FOR EDUCATION: I think the argument applies the other way. I would say, too, that if we were to insist that no decisions of Cabinet were made until unanimity was reached, they would be unanimous. But there is no necessity to insist on unanimous decisions in Cabinet and so we take the majority rule, the same as we do in a lot of other matters. In the case of a man being tried—and I am thinking now particularly of capital charges—we cannot rule out the possibility that errors will be made. No one can gainsay the fact that if a majority decision is allowed, the possibility of error is increased.

Hon. A. V. R. Abbott: I do not think so.

The MINISTER FOR EDUCATION: Of course it is. If 12 men, with a unanimous decision, can be wrong—and it has been proved that they have been wrong on occasions—there is a greater possibility of error if the decision of 10 out of 12 is accepted.

Hon. A. V. R. Abbott: No; it all depends on the ability of the particular jury.

The MINISTER FOR EDUCATION: In the same way there would be a greater possibility of error if it was the decision of nine out of 12 and a still greater possibility of error if it was eight out of 12.

The Minister for Justice: It is seven out of 12 in Scotland.

The MINISTER FOR EDUCATION: There there is a still greater possibility of error.

Hon. A. V. R. Abbott: I do not think so.

The MINISTER FOR EDUCATION: Of course there is. Why increase the possibility of error if, in a case where an error is made, it is fatal? Surely the accused person is entitled to the benefit of the doubt and we ought to ensure that the existing system, which has been in operation for so long, should continue to operate. It is not a question of breaking with tradition; it is a question of sticking to something which has been used for many years and which is still in use in the majority of places throughout the world.

Mr. COURT: I am opposed to the amendment and I am in complete agreement with the member for Mt. Lawley. Insufficient emphasis and value has been placed on the sensitivity of some laymen who have to sit on juries. On one occasion, after receiving a notice to serve on a jury, I had some feelings about the matter myself although I realised it was my duty. The member for Boulder said that judges, magistrates, prosecuting counsel and the like have publicly to declare themselves in respect of matters before the court. So they should, because they are career men and should expect to act in these particular jobs. The circumstances of a judge or an advocate are entirely different from the position of laymen who might be from any walk of life and quite sensitive about the decision that has to be made.

It is a move in the right direction to remove some of this odium, as some people are inclined to regard it. At present if a verdict of guilty is brought in respecting any particular man or woman, every person who served on that jury must have agreed on the verdict. This amendment to exclude capital punishment defeats the main purpose of the measure. Other cases are not quite so serious and people would not be so sensitive about them, but I know of people who have sat on juries and for years afterwards they have been haunted by the decision they made. There is also a type of person who will go on to a jury with a mental reservation. He does not have to declare that reservation and he could deliberately go against the course of justice. For those reasons I think the amendment is undesirable.

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

Ayes	13
Noes	15
Majority against	2

Ayes.

Mr. Brady	Mr. O'Brien
Mr. Heal	Mr. Rhatigan
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Sleeman
Mr. Lapham	Mr. Tonkin
Mr. McCulloch	Mr. May
Mr. Moir	*(Teller.)*

Noes.

Mr. Abbott	Mr. Hutchinson
Mr. Ackland	Mr. Manning
Mr. Brand	Sir Ross McLarty
Dame F. Cardell-Oliver	Mr. Nalder
Mr. Court	Mr. Nulsen
Mr. Doney	Mr. Oldfield
Mr. Hearman	Mr. North
Mr. Hill	*(Teller.)*

Amendment thus negatived.

Mr. BRADY: As I indicated previously, the Committee will permit of an injustice being done to an accused if it accepts this clause in its amended, or even its original, form, because I think we will only weaken the course of justice instead of strengthening it. We are going to rear a spineless nation if we say that the opinion expressed by jurors shall be made in secret so that no one will know how they vote. Every man and woman over 21 years of age should be made aware that they should accept some responsibility for the administering of laws in their country. If needs be, one of the responsibilities they must accept is that they shall serve as jurors and, if necessary, give a decision against their friend or even a member of their family.

This provision to enable a verdict to be reached on a decision made by 10 jurors out of 12, which will mean that the views of the other two jurors will be smothered, is entirely wrong. It may be that the remarks of the member for Nedlands have influenced some members in regard to this matter when he said that in the past some jurors had been worried because the decision they had to make might be made public. I would point out that one of the following clauses in the Bill prohibits any person from publishing in a newspaper the names of jurors or any information relating to them, and that would reduce those people who would know the names of jurors to a very small number. Therefore, the argument put forward by the member for Nedlands should have no influence on the Committee.

My views may be different from those of other members. I sometimes consider that a man who is convicted of murder should not be placed in the same category as another whose character may be blemished by the decision of a juror. If that should occur as the result of a decision by 10 men out of 12, it would be wrong. The decision should be unanimous. A position should not arise whereby those who are prosecuting and compiling the evidence against the accused will get into their minds the fact that they would be unfortunate if they could not convince 10 men out of 12. If a man is subject to a charge that affects his character, the decision should be as faultless as possible.

I served as a juror on a murder charge when 10 men out of 12 decided that the accused was not guilty and two were of the opposite opinion. However, after two hours' or more discussion, those 10 men were able to convince the minority that they were wrong and a unanimous decision was reached. Therefore, I think it is only correct to say that, should a similar circumstance arise, time will be well spent in trying to convince those who vote against the majority to arrive at a unanimous decision, because what does time matter when a man's life is at stake? There is an old saying that it is better that a hundred guilty men should be set free than that one innocent man be convicted.

The provision for the unanimous decision by 12 jurors has stood the test of time, and I do not think we are justified in agreeing to a change such as that now suggested. Every juror should be prepared to perform his duty according to his views, no matter what decision is reached. In this Chamber, members are often called upon to make decisions that are unpleasant to them, but the majority of us perform our duty, and the same should apply to jurors. I hope that members will vote against the clause, because it is the only course to adopt in the circumstances.

Hon. Sir ROSS McLARTY: The member for Guildford-Midland is asking us to vote against that to which we have already agreed.

Mr. Brady: By a majority of one.

Hon. Sir ROSS McLARTY: Yes, but many decisions are made by a majority of one.

Mr. Brady: But not as important as this.

Hon. Sir ROSS McLARTY: That may be so, but there has been much discussion on the provision and we have arrived at our decision. I disagree with the member for Guildford-Midland when he says that certain jurors will be able to say, "I did not vote this way or that," if we agree to the principle of 10 men out of 12 being able to arrive at a verdict. The Minister for Education referred to the satisfactory jury system that exists today. We accept it, but there have been glaring instances of where one or two men have prevented a decision being reached.

Hon. J. B. Sleeman: There has been only one case over the years.

Hon. Sir ROSS McLARTY: It is a weakness in the jury system when one man can prevent a decision being reached although the other 11 are in agreement. Surely we cannot assume that one man is right and the other 11 are wrong! I agree that the accused should be given the benefit of the doubt. Nevertheless, some juries have given decisions that have astounded the judges because they have had no doubt of the verdicts that should have been reached. No doubt such decisions were influenced by the opinions of one or two jurors. If we adopt this principle, as proposed by the member for Mt. Lawley, I do not think we shall be weakening the principle of justice, because if 10 men arrive at a decision, surely it is safe to assume that it is a proper and fair one. I do not think we will be doing anything to weaken the jury system; on the contrary, I think we will improve it.

The MINISTER FOR EDUCATION: The Leader of the Opposition mentioned that there had been glaring decisions by juries under the existing system. Those decisions had been unanimous decisions. So if we could get glaring decisions when we require unanimity, we can surely get glaring decisions from 10 out of 12 because to secure those former verdicts we had to get all 12 to agree.

Hon. Sir Ross McLarty: You get them because one or two hold out.

The MINISTER FOR EDUCATION: If one or two persons on a jury could sway the balance and get a decision, then we must contemplate the argument that has been used that we will have 10 persons thinking the right way and two persons holding out against a correct decision. It may be, however, that when the argument commences in the jury room six will think one way and six another. They have to get the other six to change their minds to get the decision they want. It might happen that four of the six who change their minds are the weaker type and their original idea might have been correct.

Hon. D. Brand: Could it not be vice versa?

The MINISTER FOR EDUCATION: It could be, but I am indicating the possibilities. We could have the position where 10 are right and two are holding out. At present it is only necessary for the six who are thinking one way to convince the six who are thinking the other, but under this clause it will be necessary for the six to convince four which is a much easier matter. When judging people, we invariably give the accused the benefit of the doubt and there can be a very serious doubt if two persons out of the 12 cannot be convinced because they have a doubt.

Hon. Sir Ross McLarty: I would not say it was very serious.

The MINISTER FOR EDUCATION: The Leader of the Opposition made a statement that it is unlikely that 10 persons out of 12 could be wrong and the other two right. I will give him an instance where one person was right and 40 were wrong. Some years ago when the eminent surgeon Lawson Tate was in the chair, there was a gathering of highly qualified doctors for the purpose of hearing one of their number explain the discovery of a new corpuscle in the blood. There was a clergyman at that meeting who had no training in medicine, but he pointed out a possible source of error. The surgeons who were gathered together pooh-poohed the idea that the man who was explaining the discovery of this corpuscle could be wrong and the clergyman right. The remarkable thing is that nothing more was ever heard of that corpuscle afterwards.

Hon. A. V. R. Abbott: We do not believe in that system.

The MINISTER FOR EDUCATION: The hon. member believes in the majority system.

Hon. Sir Ross McLarty: No, not in the majority.

The MINISTER FOR EDUCATION: Yes, 10 out of 12 is a majority.

Hon. Sir Ross McLarty: It is more than a majority.

The MINISTER FOR EDUCATION: It is a majority decision.

Hon. Sir Ross McLarty: No, you cannot call it a majority decision.

The MINISTER FOR EDUCATION: It is not a minority decision, so it must be a majority decision. The weakness is that it deprives the accused of the benefit of the doubt, and that is his right.

Hon. Sir Ross McLarty: I do not agree with that.

The MINISTER FOR EDUCATION: It does. It enables some members of the jury who might be the stronger to convince a proportion of those who are opposed to them. When they convince a proportion of those opposed to them so that the total number is 10 out of 12, they can get a verdict. I am surprised at the member for Subiaco supporting the proposal because she gave an instance this evening where she was right and was able to get a decision against 11 persons opposed to her. If the hon. member applied to the matter she had under consideration the same test that she applies to this, then the decision which the 11 wanted was the right one. But she felt she was right and she held out. Where would the hon. member be if she found herself in a jury as proposed by the member for Mt. Lawley. She might be convinced she was right.

Hon. A. V. R. Abbott: She might be wrong.

The MINISTER FOR EDUCATION: In all probability she would be wrong.

Hon. Sir Ross McLarty: You can get people who hold up a jury; one out of 12 or two out of 12.

The MINISTER FOR EDUCATION: There have been instances where juries have failed to agree because very few of their number have held out and finally there has been an acquittal.

Hon. Sir Ross McLarty: I think you are much more likely to get real justice under the proposed amendment.

The MINISTER FOR EDUCATION: There have been instances where juries have failed to agree and have been discharged and subsequently the accused has been acquitted by a fresh jury.

Hon. A. V. R. Abbott: So what!

The MINISTER FOR EDUCATION: That proves the possibility that if in the first instance we had a provision for a majority decision, the person who was subsequently found not guilty would have been found guilty in the first instance.

Hon. A. V. R. Abbott: And possibly rightly.

The MINISTER FOR EDUCATION: And possibly wrongly.

Hon. A. V. R. Abbott: Oh, no!

The MINISTER FOR EDUCATION: Oh, yes, because if we had a completely new jury and we got a unanimous decision, how could the hon. member argue that they must be wrong and the original jury right. That is the weakness here. The Minister for Justice said that this operates in England. A recent case in England left very grave doubt as to whether the decision of the jury was the correct one.

Hon. A. V. R. Abbott: The inquiry did not show that.

The MINISTER FOR EDUCATION: No, the inquiry did not, but it left a very grave doubt.

Hon. J. B. Sleeman: You do not doubt that innocent men have been hanged.

The MINISTER FOR EDUCATION: Surely the member for Mt. Lawley will agree that a possibility of error does exist.

Hon. A. V. R. Abbott: There is always that possibility.

The MINISTER FOR EDUCATION: If the possibility exists with a unanimous decision, this proposal must increase the possibility of error, and for that reason it is repugnant to me.

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

Ayes	15
Noes	13
Majority for	2

Ayes.

Mr. Abbott	Mr. Manning
Mr. Ackland	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. North
Mr. Court	Mr. Nulsen
Mr. Doney	Mr. Oldfield
Mr. Hearman	Mr. Hutchinson
Mr. Hill	*(Teller.)*

Noes.

Mr. Brady	Mr. O'Brien
Mr. Heal	Mr. Rhatigan
Mr. J. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. McCulloch	*(Teller.)*

Clause thus passed.

Clause 10 put and negatived.

Clauses 11 to 15, Title—agreed to.

Bill reported with amendments.

House adjourned at 11.6 p.m.

Legislative Council

Thursday, 15th October, 1953.

CONTENTS.

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