HON. J. A. DIMMITT (Suburban) [8.32]: I support the measure. The original legislation was of such a restrictive nature as to make the selling and transfer of these shares almost impossible. This new plan, while still restrictive and most unusual in company affairs, does make for the freer transference of shares.

Hon. L. Craig: It is still most unfair.

Hon. J. A. DIMMITT: I agree that it is unfair and I think the priorities are lopsided, but the measure meets the wishes of the company and of the Stock Exchange and, as they are the people most interested, I can see no reason why we should do other than give it our support.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; Hon. G. Fraser in charge of the Bill.

Clause 1—agreed to.

Progress reported.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland): I move—

That the House at its rising adjourn till 3.30 p.m. tomorrow.

Question put and passed.

House adjourned at 8.35 p.m.

Legislative Assembly

Tuesday, 6th November, 1951.

CONTENTS.

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

QUESTIONS.

EDUCATION.

(a) As to New School, Baker's Hill.

Hon. A. R. G. HAWKE asked the Minister for Works:

When is a commencement likely to be made with the erection of a new school building at Baker's Hill?

The MINISTER replied:

As Treasury approval is awaited for a second room, no definite date can be given for commencement of this work which, because of inability to obtain a reasonable tender, will be done by day labour.

(b) As to Pre-fabricated Classrooms, Cunderdin.

Hon. A. R. G. HAWKE asked the Minister for Education:

(1) Have the proposed prefabricated classrooms for use at the Cunderdin State School been erected?

(2) If not, when are they likely to be erected?

The MINISTER replied:

(1) No.

(2) Work will commence this week and the completion is expected within a month.

(c) As to Location of New High School.

Mr. BRADY asked the Minister for Education:

(1) Has a decision been made regarding the location for the next complete High School to be erected in this State?

(2) Where is it intended to build the school, and when is it to be commenced?

The MINISTER replied:

(1) Yes.

(2) Narrogin; probably during January or February, 1952.

CEMENT.

As to Allocation of Priorities.

Mr. GUTHRIE asked the Minister for Housing:

(1) In what proportion of the total works output do members of the Cement Dealers' Association receive their weekly allocation of cement?

(2) Is any cement supplied to legitimate traders other than through the Cement Dealers' Association?

(3) If a weekly allocation of output is made (or has been established) is such allocation a fixed quantity irrespective of the priority one release forms held by the member of the Dealers' Association?

(4) If the quantity is fixed and invariable, will he consider ways and means of ensuring that holders of priority one releases receive their entitlement in order and not at the whim of the dealer?

The PREMIER (for the Minister for Housing) replied:

(1) Approximately 12½ per cent. of works output is allocated to members of the Cement Distributors' Association, but the quantity varies with production and special demands.

(2) No.

(3) Yes.

(4) The suggestion will be investigated.

HOUSING.

(a) As to Rate of Building Homes.

Hon. J. T. TONKIN asked the Minister for Housing:

(1) What is the average building rate of—

(a) houses built on "spec"; and

(b) war service homes?

(2) How many war service homes were commenced at least eighteen months ago and are not yet completed?

(3) What was the average time taken by C. H. Plunkett Pty. Ltd. in erecting "spec" houses in Melville during this year?

(4) What is the reason for the slow progress in the erection of War Service homes, especially those under the group system, compared with the rate of building of "spec" houses?

The PREMIER (for the Minister for Housing) replied:

(1) (a) Information not available to the Commission.

(b) Twelve months.

(2) Fifteen individual and 61 group homes.

(3) Not known to the Housing Commission.

(4) C. H. Plunkett, by producing his own bricks, timber, tiles, etc., has an advantage over other builders not similarly situated.

(b) As to Deposits on War Service Homes.

Hon. J. T. TONKIN asked the Premier:

(1) What is the total amount of money which has been deposited with the State Housing Commission by approved applicants for war service homes to provide for the difference between the cost of erection of their houses and the maximum loan available under the Act?

(2) What is the number of applicants who have made such deposits and in what fund or account is the money being held?

(3) Are there instances of deposits exceeding £400 which have been held for more than two years to date in connection with houses which are not yet completed?

(4) Does he not think that applicants are entitled to interest on their deposits?

The PREMIER replied:

(1) Amount deposited by approved applicants for War Service homes between July, 1944, and September, 1951, and representing the difference between approved loan and cost of erection of buildings was £607,626,

(2) 2,769 applicants. The money collected is remitted to the Commonwealth Collector of Public Moneys, Canberra.

(3) No. The amounts collected are included in first progress payments to builders.

(4) The policy relating to War Service homes is laid down by the Commonwealth Government.

PENSIONS AND SUPERANNUATION.

As to Report by Public Service Commissioner.

Mr. GRAHAM asked the Premier:

Will he lay upon the Table of the House the files containing the reports of the Public Service Commissioner made last year and this year in relation to adjustments of pension and superannuation payments to retired Government employees?

The PREMIER replied:

Matters relevant to the proposed adjustments will be mentioned when the amending Bill is introduced.

RAILWAYS.

(a) As to New Type of Locomotive Spark-arrester.

Mr. BRADY asked the Minister representing the Minister for Railways:

(1) Has a new type of spark-arrester, known as "Master Mechanic" been recently fitted to locomotives in Western Australia?

(2) Is it proposed to fit this new spark-arrester to all locomotives?

(3) Has the arrester been suitably tested, and results compared with existing arresters?

(4) Who made the tests?

(5) What is the approximate cost of fitting the new arresters to all locomotives?

The MINISTER FOR EDUCATION replied:

(1) Yes.

(2) Yes, except older type locomotives.

(3) Yes.

(4) Senior officers of the Department.

(5) Average cost to date, £136 per locomotive.

(b) As to Closing of Port Hedland-Marble Bar Line.

Mr. RODOREDA (without notice) asked the Premier:

Will he confirm the following facts regarding the Marble Bar railway?

(1) That the Government is solely responsible for the closure of this railway.

(2) That the Government arrived at this decision long before I was elected member for Pilbara.

(3) That even had I strongly protested in Parliament against the closure it would have made no difference to the Government's decision.

The PREMIER replied:

The hon. member intimated to me that he would ask these questions and my replies are as follows:—

(1) and (3) While the Government made the decision to close the railway, the approval of Parliament was necessary.

(2) The original decision of the Government to close the railway was made in January, 1949, and the decision to proceed with the introduction of the Bill was made on the 18th September, 1950.

(c) As to Episode at Marble Bar.

Mr. RODOREDA (without notice) asked the Premier:

(1) Following on the publication in "The West Australian" of a photo of my effigy fastened to a Government locomotive, does he approve of the use of Government property for this purpose?

(2) Have the Commissioners of Railways suspended the stationmaster and loco-driver, who were both in Marble Bar at the time, for allowing the locomotive to be used for this purpose as a preliminary to the holding of an inquiry?

(3) If not, will he see that this is done?

The PREMIER replied:

(1), (2) and (3) The answer in each case is "No."

SWAN RIVER.

As to Discolouration near Guildford Bridge.

Mr. BRADY asked the Minister for Works:

(1) Is he aware that there is considerable discolouration of the Swan River in the vicinity of Guildford Bridge?

(2) That the discolouration has persisted for some months?

(3) Will he have an inspection made to ascertain the cause with the view to removing same and thereby ensure the fitness of the river for swimming purposes?

The MINISTER replied:

(1), (2) and (3) An inspection will be made on Thursday afternoon, the 8th instant, and steps will be taken to alleviate any cause of discolouration of the Swan River in the vicinity of Guildford Bridge.

BUNBURY HARBOUR.

(a) As to Erection of Transit Shed.

Mr. GUTHRIE asked the Minister for Works:

Will he inform the House when the transit shed for Bunbury is to be erected?

The MINISTER replied:

A contract has been let for dismantling the building at Wiluna and the contractor has just commenced work.

It will be some time before the sections arrive at Bunbury.

A site on which to erect the shed is now being determined.

(b) As to Extension of Wharf.

Mr. GUTHRIE asked the Minister for Works:

How far has the work for the extension of the Bunbury wharf proceeded?

The MINISTER replied:

Piles have been delivered and the contractor has commenced cement guniting for protection of the piles from teredo attack.

Sixty per cent. of the sawn timber has already been delivered.

Dredging of the berths has made good progress.

STATE BRICK WORKS INQUIRY.

As to Assistant Manager's Expenses.

Mr. GRIFFITH (without notice) asked the Premier:

In view of the Royal Commissioner's finding in the case of Mr. Harrison, assistant manager of the State Brick Works, is the Government prepared to meet Mr. Harrison's expenses?

The PREMIER replied:

I think there is a precedent in such cases where a Government Officer has had charges laid against him similar to that laid against Mr. Harrison, and I think the Government would be prepared to meet reasonable expenses.

COCKBURN SOUND.

As to Tabling Chart.

Hon. J. B. SLEEMAN (without notice) asked the Minister for Works:

Will he lay on the Table of the House a copy of the chart Aus: 077 Cockburn Sound?

The MINISTER replied:

Yes.

WORKERS' COMPENSATION ACT.

As to Amending Legislation.

Mr. W. HEGNEY (without notice) asked the Attorney General:

(1) Does he intend to introduce, during the present session of Parliament, a Bill to amend the Workers' Compensation Act?

(2) If the reply is in the affirmative, can he indicate when it is likely to be introduced?

(3) If not, will he explain the reason?

The ATTORNEY GENERAL replied:

(1), (2) and (3): Yes, it is the intention of the Government to introduce a Bill to amend the Workers' Compensation Act. The Bill is at present being drafted and, as soon as drafting is completed, it will be presented.

AUSTRALIAN POUND.

As to Value.

Hon. A. R. G. HAWKE (without notice) asked the Premier:

The following question is based on something which appears in "The Daily News" and which I read only a moment ago. Apparently, from the report, some experts in Eastern Australia have discovered an Australian pound note worth 8s. 2d.

Would the Premier endeavour to make arrangements to import a large quantity of these pound notes into Western Australia?

The PREMIER replied:

I have not seen the article in "The Daily News," so at this stage I am not in a position to make any comment on it.

RENT LEGISLATION.

(a) As to Introduction.

Hon. J. T. TONKIN (without notice) asked the Chief Secretary:

(1) Is it the intention of the Government to introduce the increase of rent Bill this year?

(2) If so, when will such Bill be introduced?

The CHIEF SECRETARY replied:

(1) and (2) It certainly is the intention of the Government to bring down the Bill mentioned this year, but I am not in a position to say precisely on what day. Nevertheless, it will be one day next week.

(b) As to Proposed Amendments.

Hon. J. T. TONKIN (without notice) asked the Chief Secretary:

(1) Has he seen the circular from the Property Owners' Association which has been supplied to a number of members, and in which it is stated that the property owners view with alarm the proposed amendments?

(2) Have the property owners been shown the proposed amendments embodied in the Bill?

The CHIEF SECRETARY replied:

(1) and (2) It is quite easy to answer those questions. The answer to each one is "No."

BILL—CONSTITUTION ACTS AMENDMENT.

Third Reading.

HON. A. R. G. HAWKE (Northam) [4.48] in moving the third reading said: As is well known, the Bill is considerably different now from what it was when I first introduced it. Originally, it provided for the granting of adult suffrage for the Legislative Council on the same lines as has always applied for the Legislative

Assembly. When the Bill was in Committee the Government succeeded in so amending its provisions as to wipe out of the Bill altogether the provision for adult suffrage. The Government then substituted for those provisions others which liberalised to some extent the franchise for the Legislative Council.

The main point upon which the Bill would now liberalise that franchise is to grant the right of franchise to the wife of a husband already enrolled and to the husband of a wife already enrolled. I am still of the opinion that the Government had no justification for doing what it did because it seriously breached an important principle by its action, that principle being the right of every person within the State, over 21 years of age, to have a vote and, as nearly as possible, an equal influence in electing representatives to Parliament; also, in electing those who are to form the Government and, in the administrative sense at any rate, to govern the State.

Since the Bill was finally considered in the Committee stages "The West Australian" has seen fit to publish a leading article dealing with my original Bill and the Bill as amended by the Government in Committee. There was a time when I would have replied direct to "The West Australian" in regard to its leading article, but I gave that practice away some long time ago. I found from experience that whenever one sent down a statement to "The West Australian" concerning a leading article, or a sub-leading article, wherein it had commented upon what one had said or done, those responsible in the office of that paper struck out the most vital portions of one's statement; those portions which would be extremely awkward for them to handle effectively.

They then published the balance of the statement and, in another leading article or sub-leading article, attacked the balance of one's statement which they had seen fit to publish. When one again replies to the second criticism or attack, or however the publication may be described, and endeavours to draw the attention of the public to the most vital portions of one's stand in the matter under discussion, the newspaper again suppresses that particular angle and adds some footnote saying that so-and-so is so-and-so or something is something else.

Hon. J. B. Sleeman: That is the newspaper's interpretation of the freedom of the Press!

Hon. A. R. G. HAWKE: In these circumstances, Mr. Speaker, you will readily recognise that it is not possible to carry on a controversy with the newspaper on an even or fair basis when those responsible, through this line of action, do not play the game but introduce Rafferty's rules to suit their particular angle. One cannot possibly do that, when those in charge of the newspaper, in effect, cheat by deliberately suppressing from the statement submitted those portions that are most relevant and are strongest in respect of a case one has presented in Parliament or somewhere else, and which one desires to present to the readers of the newspaper, when those controlling the newspaper have seen fit to attack one's statement, or portions of it, in a leading article or a subleader. In the leading article on this occasion, "The West Australian" made some statements that are quite out of line with the facts of the situation. For instance, it referred to the fact that—

> there is a case for reform of the Upper House franchise and for devising more satisfactory means of overcoming deadlocks between the two Houses.

The article then went on to state that the Bill which I introduced did not represent any practical way of setting about the task, and that I must have known that it did not represent any practical way. I cannot conceive of a more practical method of attacking the problem. We on the Opposition side of the House do not concede that it is right or proper to try to devise ways and means at this stage to settle deadlocks between the two Houses, when the franchise for the Legislative Council is as unjust as it is. Surely, the first and most important thing to do is to liberalise the franchise of the Council to the fullest extent possible. When that step has been taken, any subsequent attempt to deal with deadlocks could be better based upon practical experience in relation to any disagreements that occur from time to time between the two Houses, with the new and liberalised franchise in operation for the Legislative Council.

If the franchise for the Council were sufficiently liberalised, it might easily be found that no deadlocks of any serious character would develop. There would in that situation be far less need than there is now—if there were any need at all then —to consider bringing before Parliament legislation which would be calculated to prevent or overcome deadlocks between the two Houses. There were other points in the leading article published by "The West Australian" that were just as weak as the one I refer to. However, the only other portion to which I desire to make reference this afternoon is embodied in the last sentence of the leading article, which, in referring to the Legislative Council, reads—

> But it would not be called upon to sign its own death warrant or to convert itself into a rubber stamp for facilitating the passage of legislation from the Assembly.

"The West Australian" envisages a situation of that kind developing if the franchise were to be liberalised in accordance with the Bill as we introduced it, and if the Bill were not supported with legislation to establish suitable legislative machinery for the purpose of overcoming deadlocks

between the two Houses. This talk about the Legislative Council being a rubber stamp for the Legislative Assembly might sound all right when people give voice to it, and read the words in a newspaper article. I am not a bit concerned as to whether the Legislative Council should become a rubber stamp for the Assembly or otherwise.

In my opinion, there is only one great principle for consideration in connection with the issue, and that is the one concerning the giving to all the men and women of Western Australia the right to claim enrolment for the Legislative Council and the right to vote at all Council elections. If the whole of the people of this State were given the right to be enfranchised for the Legislative Council, just as they are for the Legislative Assembly elections, and by their votes elected to the Council, by the adult suffrage system, a majority of members who were of the same point of view on major issues as were a majority of members of the Legislative Assembly, that would, in my judgment, be perfectly in order because it would be the will of the people as expressed, in the first place, at the Legislative Assembly elections and, in the second place, as expressed at the Legislative Council elections.

We cannot wipe that great principle away by saying that in practice in Parliament the result would be that the Upper House would be of much the same opinion on major issues as would the majority of members of the Lower House, and describing that situation as resulting in the second Chamber becoming the rubber stamp for the first Chamber. Why should not the will of the people, as expressed in the election of a majority of members in the Legislative Assembly, be also expressed in the election of a majority of members of the Legislative Council? So this talk about the possibility of the Legislative Council becoming a rubber stamp for the Legislative Assembly has no warrant at all.

It would be preferable, from the point of view of the will of the people being effective and supreme, that the Upper House should approve of the major measures endorsed by the Legislative Assembly rather than that the opposite should be the position. I cannot imagine a worse situation, nor one more unjust in parliamentary affairs, than that in which a Government elected by a majority of the people succeeds in having legislative measures passed through the Lower House and then, because members in another place are elected by only a proportion of the people—less than half of the people —finds itself unable to succeed in making law those major measures which it has been elected to put into operation.

When the Bill was in Committee, I invited the Minister for Education on several occasions, and I also invited other Ministers and members supporting the Government, to stand up and justify their action in respect of their amendments, in refusing to give the right to such people as female nurses, female schoolteachers, land clearers, railway construction workers and others to become enrolled for the Legislative Council. Very wisely, the Minister for Education made no attempt to justify the Government's action in refusing the right of enrolment for the Council to those people. No Minister and no supporter of the Government made any attempt to justify the Government's stand.

If "The West Australian" newspaper is so anxious to write about this matter—and it should, I quite admit, because it is a very important issue in the affairs of our State—then let that paper justify to its readers and to the public generally its attitude in arguing that those groups of people within the community to whom I have referred should not be granted the right to vote for the Legislative Council elections in this State. After all is said and done, that represents part of the heart of the whole situation.

We can talk until we are blue in the face about rubber stamps and all the rest of it, but what we have to do in a situation of this kind, if we are sincere and conscientious and believe in democracy, is to justify our refusal, where we do refuse, to grant the right to be enrolled to those people and groups of people to whom we refuse that right. That seems to me to bring the thing right down to earth, and I have never yet heard anyone submit an effective argument or any good reason why those groups of people I have mentioned, and others that could be mentioned, should be refused the right to claim enrolment for the Council elections.

As I said at the beginning this Bill, as it now stands, is far less satisfactory and far less complete than the one originally introduced. However, it does represent a considerable step forward; and it might very well be that if we can succeed with this step at this stage, we might, with the pressure of public opinion behind the Legislative Assembly, succeed with some further step at a later date. As the Bill stands, I really think the Government should father it in another place because it does, in effect, become the Government's Bill. I suppose that neither our Standing Orders nor those of another place would permit of that. However, it might be worth having a look at before the Bill is introduced in the Legislative Council. I content myself with moving—

> That the Bill be now read a third time.

Question put.

Mr. SPEAKER: There being no dissentient voice and an absolute majority of members being present, I declare the question duly passed.

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (3)—THIRD READING.

1, Prices Control Act Amendment (No. 2).

2, Co-opted Medical and Dental Services for the Northern Portion of the State.

3, Lotteries (Control) Act Amendment. Transmitted to the Council.

BILLS (3)—APPROPRIATION.

Messages.

Messages from the Administrator received and read recommending appropriation for the purposes of the following Bills:—

1, Acts Amendment (Superannuation and Pensions).

2, Native Administration Act Amendment.

3, State Housing Act Amendment.

BILL—TOTALISATOR DUTY ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st November.

MR. STYANTS (Kalgoorlie) [5.9]: This is a Bill which will receive my wholehearted support. It provides that all racing and trotting clubs outside a radius of 25 miles of the metropolitan area will receive an additional 4 per cent. of their totalisator investments. For many years past, the Government has received 7½ per cent. as its portion of those investments, and the clubs have received 6 per cent. The clubs have many commitments to meet. They have to staff the totalisators and pay certain sums for the use of totalisator equipment. I propose to speak of the financial position of the Eastern Goldfields racing clubs, a position with which I am very familiar because, as one of their representatives, I have constantly sent to me financial statements showing the deterioration that has taken place over a number of years. Those statements I have sent to the Treasurer.

The Eastern Goldfields racing clubs reached the position where they had to obtain some relief from taxation or they would not have been able to carry on. Recently there was effected an almost total amalgamation of the Boulder and Kalgoorlie Racing Clubs, which has obviated the necessity for the upkeep of two courses. That costs a considerable amount of money in a climate such as that of the Eastern Goldfields. The clubs now race on the same course, and have to meet only the same upkeep as far as the course and its appointments and buildings are concerned. A considerable saving has been made in that direction. I think that the water bill for the one course is in the vicinity of £900 per annum.

It frequently occurred that the totalisator tax paid to the Government in respect of the ordinary meetings, apart from the annual meeting, was much in excess of the profits made. As a matter of fact, the clubs did not always show a profit, but frequently a loss, at the monthly meetings, and had to curtail the racing programme altogether for three or four months during the summer period. For a number of years, racing on the Goldfields, apart from the annual meeting, has been in the doldrums. The clubs have had great difficulty in carrying on, and it was only the surplus they derived from the annual meeting that enabled them to do so. I think everyone will agree that the Kalgoorlie racecourse is a place of beauty. I would point out, however, that racecourses on the Goldfields are not used exclusively for racing purposes as the governing body of the racing clubs has permitted them to be used for picnics and recreational purposes by the whole community.

In the Eastern States, there is a system of a graduated tax. That differs somewhat from the proposal in this Bill but, in effect, it is very much the same. There is a tax of something like 2 per cent. on the smaller amounts. I am not certain of the figure, because it differs from State to State, but the effect is that a club which has only £1,000 passing through the totalisator would probably pay 2 per cent., and that percentage would gradually rise up to a maximum according to the amount invested and passing through the totalisator on the day of the races. The proposal here is more straight-out. Instead of the Government receiving 7½ per cent. of the total investments on the totalisator it will now get 3½ per cent., and the other 4 per cent. will be retained by the clubs.

Mr. Marshall: That means they will have 10 per cent.

Mr. STYANTS: Yes; the racing clubs will now receive 10 per cent. instead of the 6 per cent. they were previously getting. That will enable the Goldfields racing club to provide much-needed entertainment for those who like horse-racing, and entertainment for those who live in the country, and it will be an inducement to those who like this sport to remain in the district concerned. In addition, it will be the means of preserving a course which is a great asset to Goldfields people. I intend to support the measure.

HON. E. NULSEN (Eyre) [5.15]: I thank the Premier for bringing down the Bill because I have had a lot to do with race clubs in the back country, and know that they are usually scratching to carry on. Under the Bill they will get an increase of four per cent., which will be helpful to them. On the 19th August, 1947—vol. 1 Parliamentary Debates, p. 231—I said—

> The trouble has been that the 7½ per cent. has been going to the Government all the time, and not on a graduated scale. I am asking for a graduated scale so that on a totalisator return of £2,000 or less the tax will be on a lower scale. If the Chief Secretary will bring down legislation such as I have suggested, that will be of great help to the Goldfields people.

The Chief Secretary was in charge of racing at the time. The Government has now brought down this legislation. I know the Premier has always been a sport, and in consequence he tolerates these things and has a proper understanding of them. I presume that living at Pinjarra he is connected with racing there and knows the difficulties under which country clubs function.

Mr. Marshall: I think that is where the pressure has come from.

The Premier: No, you are wrong.

Hon. E. NULSEN: Racing in the country is one of the few pleasures that the country people have, and I think they should have whatever pleasures are possible. They like racing as a sport. If something is not done to make a little more money available to country clubs to enable them to carry on, they will have to go out of existence. When I visit Cave House—when I am lucky enough to get a booking there—I go along with the member for Vasse to the races at a place called Quindalup. Although the community there is small, the people have a jolly good time at their race meeting. I am sympathetically disposed to the small race clubs.

Mr. Marshall: How long has this been going on with the member for Vasse?

Hon. E. NULSEN: I do not know, but I hope it continues for many years to come, because I like racing. I think the member for Vasse enjoys a day of that sort, too. The member for Kalgoorlie gave a fine exposition of the position with regard to race clubs on the Goldfields, and there is no use my repeating what he said. I am pleased that the Government has brought down this measure which will be very important to some of the race clubs in the country.

MR. YATES (South Perth) [5.19]: Although I am in agreement with what the two previous speakers have said regarding the financial position of country race clubs, I am entirely against this system being adopted by the Government to assist the clubs in their predicament. For years now the State Government has been collecting a certain percentage of turnover through the totalisator tax. We are asked now, in a difficult year of finance, to give some of the Government's earnings back to the people—the race clubs. We have had the spectacle in this House of a member pointing out to the Premier that the amount of £150, which has been made available to the Surf Life Saving Association in the past, has been reduced to £100.

The Premier: We will fix him up.

Mr. YATES: That is possibly so; I merely quote that as an instance. Here, on the other hand, we are giving something to race clubs which should be quite able to look after their own financial position.

Hon. E. Nulsen: You must have an electorate in the metropolitan area.

Mr. YATES: I will mention the metropolitan area, too. I strongly resent the fact that the Government in these days is to give away some of its income.

Mr. Guthrie: It is not giving it away.

Mr. YATES: Of course it is.

Mr. Guthrie: These amenities would cease.

Mr. YATES: Would that be any great hardship? I do not think so. I am not suggesting that would happen at all either in the country or anywhere else, but I do say that the Government should have analysed the position more fully to find out whether the country clubs are so badly situated regarding finance as has been stated.

Hon. E. Nulsen: They have been investigated since 1947.

Mr. YATES: The Bunbury race club gave away £1,000 in stakes in a week, so it must be pretty well off. I suggest that a different approach should be made, instead of giving back part of a tax that has been deducted for a number of years. I do not think the time is opportune for this to be done, and I certainly would not give my support to any Bill that proposes to give back a tax to one section of the community. The money derived from race clubs goes into the general revenue account and is used for the benefit of the public as a whole. Any reduction of that revenue naturally affects a certain section of the community, namely, the one which in the past has been paying it. The race clubs will receive the full benefit. I say they would have a greater incentive to continue if they tackled the problem from a different angle—to see whether they can increase their revenue in some other way instead of asking the Government to reduce taxation to ease the position for them. I will not support the Bill.

MR. CORNELL (Mt. Marshall) [5.22]: Unlike the member for South Perth, I propose to support the measure. There are numbers of trotting clubs in my district which have had considerable difficulty in the past in making ends meet. Admittedly, these clubs have come into being only in the last few years, but they have had a hard row to hoe, and the assistance which the Government contemplates providing by forgoing a portion of the totalisator revenue will

help them considerably in meeting their financial obligations. Recently the W.A. Trotting Association saw fit to enter into certain negotiations with a firm to provide a mobile totalisator to operate at country meetings.

The amount which the Government will forgo under the Bill—about four per cent. will be absorbed in the commission paid to the totalisator company for running the mobile machine. It is contended that the increased turnover, as a result of putting into effect an automatic totalisator, will more than offset the amount of four per cent. on turnover that it costs to run—but, of course, only time can prove that argument. If it will, then the country clubs will, in effect, have the use of the totalisator free of charge as compared with the old rate of totalisator duty.

The member for South Perth has entered some sort of protest in regard to what he terms handing back to a certain section of the community something by way of a rebate in taxation. I doubt whether the Treasury will be out of pocket in the matter at all because, with the increased prosperity which prevails at the moment in the country districts, the totalisator turnover will be considerably greater than in 1947, when the negotiations first commenced. The amount of the totalisator turnover has increased many times during the intervening four years, so that the amount that will be lost on this turn of the wheel will not be very great. I venture to say that the amount of totalisator tax that the Government will receive from the country clubs on this reduced scale will be more than it contemplated even in its wildest dreams.

Regarding taxation generally, it is to be hoped that the Federal octopus will withdraw some of its tentacles by making a reduction in entertainment tax, which weighs heavily on all forms of entertainment in the country as well as the metropolitan area. I have no desire to lock horns with the member for South Perth in his contention, but I think he is a little unfair to the country clubs. At the moment country people are precluded from having as many amenities as those in the metropolitan area where the citizen has them at his back door. It is obvious that a State Government which preaches decentralisation should endeavour to put something like this into practice.

MR. BOVELL (Vasse) [5.26]: I join with the member for Mt. Marshall when he says that the Bill is designed to assist in the provision of amenities for country people. I am surprised that the member for South Perth should throw his wig on to the green, and draw his sword from his scabbard and brandish it against the country people. Trotting in the country has grown in popularity during recent years. In the South-West it has grown considerably, as it has in other country districts of the State.

Hon. E. Nulsen: We enjoy our little outings at Quindalup.

Mr. BOVELL: That is so. The hon. member and I have visited a small country race meeting which was established some 60 or 70 years ago, and it is still in operation. It probably would not compare with the great race that has taken place in Australia today, but still it does, in the eyes of the country people there, provide entertainment. They can see the race meeting there whereas they might not have the opportunity of seeing bigger races such as the Melbourne Cup, or the Perth Cup. This small country meeting, to which I am referring, happens to be held on Perth Cup day. Although the people do not see the Perth Cup they hear it broadcast, but they do see what is known as the Quindalup Cup.

MR. MARSHALL (Murchison) [5.29]: I propose to support the measure. Until the member for South Perth spoke, I had not intended to make any contribution to the debate. I think the hon. member has got an irregular picture of the situation. One would think the Bill sought to take something from the city and give it to the race clubs in the more isolated portions of the State. That is distinctly not correct. What the Government is doing—I suppose due to the fact that its conscience is pricking it—is refusing to confiscate as much as it has done over the years.

Mr. Yates: A sudden change of heart.

Mr. MARSHALL: That is exactly what has happened here. It is not going to take as much in the way of tax from the people outback as it did formerly. The member for South Perth suggested that these people should be able to finance themselves. I ask him why did not the city people look after their own interests in the honourable performance by the lifesaving clubs? Why are they not up and doing something to finance themselves.

Mr. Yates: They are in certain directions.

Mr. MARSHALL: But unfortunately they are not doing it to the extent necessary to provide sufficient funds for these very worthy organisations. If they did they would not have to look to the Treasurer for an increase.

Mr. Graham: A lousy £100.

Mr. MARSHALL: It does not matter whether it is a lousy £100 or a nice £100 without any lice attached to it; the whole thing is that it is £100, and a sum which any of the racing clubs up my way would think a windfall if they had it.

Mr. Graham: It is £100 spread over them all.

Mr. MARSHALL: Yes, but if it was spread over the three or four racing clubs in my electorate it would be very acceptable, little and all as it is. I remind the member for South Perth that we have not enormous communities in these centres such as there are in the city. We have not 220,000 souls in every country town outside the metropolitan area.

Hon. E. Nulsen: There is over half the population of the State in the metropolitan area.

Mr. MARSHALL: Where can we receive the patronage necessary to provide revenue to the extent suggested by the member for South Perth?

Mr. Yates: I am against the principle, that is all.

Mr. Styants: He has altered his ideas since he used to patronise the Trots in Kalgoorlie.

Mr. MARSHALL: I have no personal interest in racing in any of its forms, galloping or trotting. I could never see very much in either of them and, as a matter of fact, I cannot understand how other people can see anything in them.

Hon. E. Nulsen: I can.

Mr. MARSHALL: I have been two or three times in 30 years. I have had a look at the Cup and, from what I can see of it, all that happens is that someone yells "They're off" and, as they swish past the post another one says, "There! I came out to back that horse and you put me off it." That is the sum total of what I can see in horseracing, but in these isolated centres a race day is a sort of a gala day. Usually these communities have only one meeting a year. The people at Yalgoo, Mt. Magnet, Cue, Meekatharra and other isolated places cannot afford to have more than one meeting a year.

Mr. Yates: But they would still have those meetings if this Bill had not been introduced.

Mr. MARSHALL: I cannot hear the interjection of the hon. member.

Hon. A. H. Panton: You did not miss very much.

Mr. MARSHALL: The member for South Perth should remember that this particular form of recreation, in these isolated centres, is about the only local form of amusement. The people in the city can go to the beach, to picture theatres, cricket matches, football matches and many other forms of entertainment.

Mr. Yates: You get all those in the country.

Mr. MARSHALL: In the country we are lucky to get a picture show once a week and we would certainly like to have a beach. The communities are too small to have picture shows more than once a week. If the member for South Perth could persuade the Premier to cut a canal from Carnarvon through to the Murchison, we would be able to have a beach as well and could go in for boating, bathing and other forms of amusement. We are denied those things because these isolated centres are all inland. Therefore, I do not think the member for South Perth was fair in the way he put up his case.

I agree with the hon. member that life saving is a national responsibility. It is a very noble work and many lives are saved because of lifesavers taking part in rescue work at our beaches. But I cannot agree with the hon. member when he gets annoyed because the Premier introduces a Bill of this sort, which does not take from the people of the city and give to those in the country but merely leaves in the country money that rightfully belongs to those people. That is a different picture altogether from that painted by the hon. member. However, I agree with him that lifesaving is very noble work, and is a national responsibility in the same way as are the Red Cross and the St. John Ambulance organisations. I have been trying to point out for years that the only reason these institutions have not received the money to which they are entitled is because we are trying to fit all our requirements into the limited amount of money being made available to us.

When I speak of these outback centres I do not include Pinjarra which we consider a suburb of Perth. Many of the old Goldfields stalwarts could pitch stones, if they had their slings, from Perth to Pinjarra. When talking of the outback areas I mean places like Mt. Magnet, Yalgoo and others which are hundreds of miles away from the metropolitan area. People in these centres cannot afford to run race meetings at frequent intervals because there is not sufficient money in circulation. When a race meeting is held at one of these centres the people come from near and far, but usually, at the end of the day, the committee finds that the club is showing a loss on the meeting. That is hardly fair. I appreciate the generous gesture of the Government because it will enable the clubs to retain 4 per cent. more of the revenue derived from the totalisator. I support the Bill.

MR. OLDFIELD (Maylands) [5.38]: I am opposed to this Bill and support the remarks of the member for South Perth. However, I appreciate the point raised by the member for Murchison, but after all, this extra money is required only for extra stakes, and to try to make racing more popular and induce more horses to be taken from the metropolitan area to race in the country districts.

Hon. E. Nulsen: You are definitely wrong there.

Mr. OLDFIELD: The extra money derived will be used for extra stake money. This money will not be taken from the city and given to the country, but will be used to provide extra stake money at

country race meetings and, eventually, it will come back to the city because the greatest percentage of the horses raced at country meetings come from the metropolitan area.

The Minister for Works: That is not right.

Hon. E. Nulsen: How ridiculous! What about Norseman and Wiluna?

Mr. OLDFIELD: I will come to that point. The Bill does not provide for places 150 miles or more from Perth, but those which are 25 miles or more from Perth.

Mr. Bovell: Where do you think all these horses come from that race on the metropolitan courses? What about the studs at Capel and Busselton, Mrs. Bunbury's horses and so on?

Mr. OLDFIELD: They are all trained in the metropolitan area.

Mr. Bovell: All good horses come from the country.

Mr. OLDFIELD: This will encourage more horses to race at country meetings, and will induce more people to engage in a non-productive industry at a time when we are wanting people to go in for productive work. For those reasons I cannot support the Bill.

THE PREMIER (Hon. D. R. McLarty—Murray—in reply) [5.39]: This concession to country racing clubs was not given without considerable thought. Several members in this House urged that the concession should be made, and I think they will admit that the Bill was not introduced without a good deal of thought.

Mr. Styants: It took 2½ years.

The PREMIER: The hon. member may be right. However, the Government did not agree to the proposal until after a good deal of thought had been given to it.

Mr. Graham: What does the Grants Commission think of this proposal?

The PREMIER: We would be all right with the Grants Commission because, as I explained during the second reading, some concessions are given to country clubs in the Eastern States.

Mr. Rodoreda: When are they going to give concessions to punters out in the country?

The PREMIER: Racing, like other industries today, is facing greatly increased costs and is being heavily taxed—there is the amusement tax, totalisator tax, tax on betting tickets and income tax as well. Before agreeing to give this concession to country clubs, Treasury officials had a look at some of the balance sheets and it was found that a number of country clubs were sailing pretty close to the wind. As pointed out by a number of members who represent outback areas, racing is one sporting activity enjoyed by all communities. These centres have their totalisators from which they derive some revenue, and the amendment contained in the Bill will mean only a few thousand pounds extra.

I was told, and I think there is some truth in the statement, that if we do not give some of these clubs further concessions it is very doubtful whether they will be able to continue. If we do help them to continue, we will not lose revenue—that is what the member for Canning is afraid of—but we will continue to receive revenue from those clubs. After all, not a great sum of money is involved and, if it will help keep some of the country clubs going and improve the conditions of others, I think the Government is justified in asking that members agree to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st November.

MR. MARSHALL (Murchison) [5.43]: This Bill has for its purpose the amendment of the Inspection of Machinery Act in two directions. Each amendment proposed is particularly insignificant in character and therefore I intend to support the measure. One of the proposed amendments in the Bill is to Section 34 of the parent Act. Section 34 deals with the inspection of boilers. There are three subsections to Section 34 of the parent Act. The first provides that where the owner of the boiler proposes to make any structural alterations, or where he proposes to add or take from the boiler any of its appliances or fittings, he should give notice to the Inspector of Machinery in the district in which the boiler is in operation. The second subsection provides that where an owner of a boiler has performed the duty of altering the structural nature of his boiler, or taken away from or added to any of the fittings attached to the boiler, he should also notify the inspector of the district immediately he has completed that work.

For some reason or other, which I cannot understand, the third subsection of Section 34 provides that these notices shall not be given where under another section of the Inspection of Machinery Act the inspector himself, when visiting these particular mines or factories in which boilers are used, gives notice that certain repairs must be effected—that is after he has examined these boilers and has found them deficient in any way. No notice shall be given to the inspector when the work is completed. The first provision of the Bill is to make it obligatory on the individual

owner of the boiler that, even though the inspector has given him instructions to make certain repairs to the boiler, on completion of the work he shall as in Subsections (1) and (2) of Section 34 give notice to the inspector that he has complied with the notice given by the inspector to carry out certain repairs.

I do not know why Subsection (3) of Section 34 of the parent Act was so worded, nor do I think it should be in this particular section of the Act. But the effect the Bill would have in that regard would justify members in voting for its provisions. Where an inspector has given notice that certain repairs must be effected the Bill would save him the expense, trouble and worry of going back over the same ground he has already covered; it would save him a second trip to see that the owner of the boiler had complied with his instructions. Therefore I can support that provision of the Bill.

The second provision in the Bill is to exclude from the definitions of cranes or hoists, fork lifts with detachable extensions. I can only speak from what I have seen on the Goldfields. The mines have this apparatus running around doing lifting work here and there and it performs certain light work very efficiently. But they have only got a jib that is detachable. As a matter of fact with some of them on the goldmines—at Hill 50 in particular—the vehicle which is used with this detachable jib is very often used for other purposes with the jib attached or detached as may be required.

As the Bill is worded it is quite possible that these machines will have to come under Section 54 of the Act. This provides for the creation of a board of examiners and, before any individual can take charge of certain classes of machinery or boilers, he must pass an examination and obtain a certificate. There are such things as winding drivers' certificates, first-class certificates, second and third-class certificates, cranes and hoists certificates and boiler certificates issued by this board, and from what I can see of this provision in the Bill it is quite possible that these little machines which are used could come within the definition of cranes, which would then mean that one would require to have a certificate before being authorised to drive such machines.

From the experience I have had I would not say it is necessary for a driver to be certificated in order to drive one of these machines I have seen working around the mines. It is possible that there are many larger machines than the ones I have seen working, which may raise some doubt whether they ought to be handled by a certificated man or not. But the machines I have seen operating—and there are only a few of them on the Murchison side; I do not think there are any on the eastern side of my electorate—would not require a certificated man to drive them with any degree of safety. So I cannot bring myself to offer any drastic opposition to the Bill. Unless an argument could be advanced that there is some danger, particularly with those fork lifts and that a certificated man would be necessary; unless I can get evidence that it would be dangerous for anybody but a certificated man to handle them, I would not oppose the Bill.

MR. LAWRENCE (South Fremantle) [5.54]: I could agree with both of these amendments in principle, especially the first one. However, when I look into the matter I find that nowhere in the Act are the words "fork lift" used. As the member for Murchison has said, there are some of these machines working around the mines, but the very big majority in this State are located round the waterfront. At present, to the best of my knowledge, I think there are approximately 80 machines in operation, and there is a possibility that in the very near future there will be 130 working—that is the ultimate objective of the general manager of the Fremantle Harbour Trust.

The job of these fork lifts is to lift cases and other cargo so that they can be stacked to some height on pallets, and then unstacked on to transport to be taken from the wharf. They can be used for other purposes such as lifting cases from behind others without moving the cases in front. To operate along these lines these fork lifts have a detachable jib attached to the machine itself.

We find that Section 54, paragraph (f), relates to certificates of crane and hoist drivers. As I pointed out before fork lifts are not nominated at all in the Act and it is logical for me to assume, therefore, that the hoist driver referred to means the fork lift driver, because both machines are used for the purpose of elevation—that is to lift cases or to transport goods from a lower level to a higher level. With that as it is we would find that the second part of this amending Bill would seriously interfere with the Act unless it is further amended, for the simple reason that a crane driver—that is of an electric crane—has under the Act to put in 300 hours in training before he is certificated. Those 300 hours some time ago were spread over a period of six months.

Due to a matter of expediency, however, the period of training was cut down to 50 hours consecutive training by the driver; that is after training for 50 hours consecutively the driver would get his certificate. As the Act stands at the moment without amendment it would mean, as the member for Murchison pointed out, that a fork lift driver would have to put in the same period of training. I would like to impress upon you, Mr. Speaker, and upon the House that there is a great difference between the two machines—especially between what we call the Luffer electric crane and the fork lift itself. If this Bill

is allowed to go through I fear there will be many complications, especially when we realise that if a man gained a certificate to drive a B.A. hoist—the driver whom I declare to be in the same category as the fork lift driver—it would give him the power to take over the duties of a crane driver, and in these days a crane would be worth from £80,000 to £100,000. However, we find in the Bill itself that no reference is made to amendments to Section 54 which, as I pointed out, would allow a fork lift driver to take over the duties of a crane driver. I think this would be a serious matter.

Mr. Marshall: An objectionable matter, would it not be?

The Minister for Education: It could not work that way.

Mr. LAWRENCE: The Government in introducing a Bill of this nature should have gone into the matter more fully and seen that the sections of the Act were properly amended. It seems to me that this is more or less a slipshod manner of getting over what appeared to the Government and the Minister introducing the Bill a matter of minor importance. If the Bill is passed through the second reading stage I trust the Government will take note of what I have said about these amendments, and that it will have them prepared for discussion in Committee.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [6.0]: I do not think that the member for South Fremantle has cause to worry regarding the point he has raised. I am prepared to consult the Crown Law Department to prove that his fears are groundless but, should any amendment be required, arrangements will be made to have the amendment moved in another place. The effect of the Bill is to provide that the driver of a fork lift shall not have to hold a certificate. Subsection (1) of Section 53 provides—

> Every person employed or acting as a driver in charge of any steam engine or engines, or of any engine or engines driven by compressed air, or of any crane or hoist, or of any internal combustion engine or engines to which this Act applies shall hold the required certificate under this Act.

When the original legislation was passed, such instruments as fork lifts were not known and, as pointed out by the member for South Fremantle, they are not machinery of the sort requiring the training provided for in the Act. This measure will merely delete from the Act the necessity for the driver of a fork lift to hold a certificate.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Attorney General (for the Minister for Housing) in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Amendment of Section 53:

Mr. GRAHAM: I was impressed with the arguments advanced by the member for South Fremantle and appreciate the undertaking given by the Attorney General to have the point investigated.

The Attorney General: I now realise that I was wrong in my suggestion.

Mr. GRAHAM: That is so. The Bill was initiated in another place and, if we pass the clause, any amendment desired would have to be made on recommittal in this Chamber.

The Attorney General: That is so.

Mr. GRAHAM: The Attorney General should agree to report progress pending an investigation.

The ATTORNEY GENERAL: When I proposed to consult the Crown Law Department, I did not appreciate for the moment that the Bill had been passed by another place, so that procedure will not be open to us. If members study the provision, they will appreciate that all we suggest is to remove from the scope of the Act a certain class of machinery. No other section of the Act is affected. The section dealt with by the member for South Fremantle relates to examinations and to the classification of machinery, but we propose merely to remove fork lifts from the Act as regards the provision relating to certified drivers. Then there will be no necessity for drivers of fork lifts to pass examinations or hold certificates. Subsection (3) of Section 53 defines the engines to which the section shall not apply, and to this we desire to add another type of machine, namely, the fork lift. The department considers it unnecessary that such a machine should be in the hands of a certified driver. As we are merely adding to the list of exceptions, I suggest that no amendment is necessary.

Mr. LAWRENCE: The Attorney General appears to have misconstrued my remarks. I do not know what the difference is between a hoist and a fork lift. A fork lift is a machine to elevate, just as is a hoist. The Bill cannot remove the fork lift from the Act because it is not mentioned in the Act. Under Section 54, however, a crane or hoist driver is required to hold a certificate.

The Attorney General: That is not quite correct. Section 54 deals with the examiners.

Mr. LAWRENCE: It also deals with the classification of certificates. Section 56 (6) provides that a crane and hoist-driver's certificate shall entitle the holder to have charge of any stationary or travelling crane, hoist, or other appliance of

a like kind operated by power and used for the purpose of raising material, and I am not satisfied that any distinction would be drawn between the driver of a fork lift and the driver of a hoist or crane. Therefore, if the clause be passed in its present form, trouble may result. I know the intention is not to require a fork lift driver to be trained to the extent a hoist driver is trained. I ask the Attorney General to report progress until the Crown Law Department has been consulted.

Mr. MARSHALL: If, as the Attorney General says, the intention is to exclude fork lift drivers from the Act, I should like to know where reference is made in the Act to these drivers. The fork lifts I have seen on the mines are small machines mounted on a diesel-driven motor truck, and evidently they are used in larger numbers on the waterfront. I should like to know whether the machines on the wharves lift weights to such heights and in such circumstances as would warrant us in requiring training on the part of the drivers. If we find later that these men should be certificated, we shall have to amend the Act and set down the requisite qualifications. Although the present drivers may be competent, we may find it necessary in future to provide for examination and certification, and then we shall have to start afresh to reach the objective for which provision should be made in this Bill.

The ATTORNEY GENERAL: Fork lifts are used in many places.

Mr. Marshall: They are used on railway platforms in the Eastern States.

The ATTORNEY GENERAL: That is so; they are simple devices.

Mr. Marshall: The ones in use at Fremantle may be larger.

The ATTORNEY GENERAL: They cannot be very large because they are moved about on wheels.

Sitting suspended from 6.15 to 7.30 p.m.

The ATTORNEY GENERAL: Before tea I was discussing the point raised by the member for Murchison. After careful consideration, the Inspection of Machinery Department advised the Minister that it was not necessary for the drivers of fork lift cranes to be certificated. To reassure the member for South Fremantle, I will consult the Crown Law Department tomorrow and, if necessary, will have the Bill recommitted.

Mr. RODOREDA: This measure seeks merely to amend Section 53 of the Act in such a way as to exempt these machines from the provisions of the Act. Subsection (3) states that the section shall not apply "to the following items of machinery," and lists those machines already exempted. This measure merely adds to that list the driver of a fork lift truck. I think the member for South Fremantle can rest assured that the Bill will not apply to anyone other than the driver of a fork lift truck.

Mr. LAWRENCE: The member for Pilbara does not understand what I am getting at. I agree with the amendment contained in the measure but contend that it does not go far enough. It merely exempts these machines and there is nothing in the Act to say what a hoist, a fork lift or even a crane is. There are two types of crane on the Fremantle waterfront. The first is the quay crane, having two sections, one with a set jib and one with the luffer jib, and the second is the mobile crane, which is petrol-driven and is used to go to various places on the wharf or into corners of sheds to transport cases and so on to waiting trucks. Even though the mobile crane is not far removed from a fork-lift, it requires a certificate.

I do not think the Attorney General has had much experience of the fork lift machines used on the waterfront, because they are not so simple. They are machines larger than those ordinarily used in factories or mines. Some of them lift up to three tons and cost approximately £3,000. Anyone with an ordinary motor vehicle license can learn to control one of these machines in one or two days, but it requires further practice safely to pick up or deposit a load. Mixed cargo is often stacked very high and the stacks become insecure. A fork lift might hit such a stack and topple it over, with serious consequences to the men. I think the Bill should be recommitted in order to clear up the position. The fork lift truck drivers should be included in the Act because I think they should have some form of certificate.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st November.

MR. GRAHAM (East Perth) [7.40]: This Bill is of primary concern to members and it seeks to do four things: Firstly to increase the contributions of members from the present rate of £48 to £52 per annum, making a total of £4,160 per year. It seeks, secondly, to provide that the Government should also contribute £4,160 to the fund. The third provision is for the purpose of clarifying one section of the Act in order to overcome an anomaly that has become obvious to the trustees. The fourth provision is for voluntary retirement of members after 20 years of service and will allow them to receive pensions under certain conditions. Up to the present, our parliamentary superannuation scheme has

had the doubtful distinction of being, I believe, the only such scheme in the world under which the employer makes no contribution. I say, without a shadow of doubt, that that would be so at all events in regard to superannuation schemes established by statute.

I pay tribute to the Government for having at this stage—though perhaps a little belatedly—realised that in order to do justice, the Treasury should make some contribution to the funds of the scheme. This will mean that in future, with the addition of interest, a sum of approximately £9,000 per annum will find its way into the fund, and there will be, according to my calculations, more than sufficient in it to meet the benefits payable under the scheme. I believe the Government Actuary from Victoria, Mr. Gawler, exceeded himself in his conservatism when estimating the probable state of the fund in years to come.

Mr. May: He has done that not only in this one, either.

Mr. GRAHAM: No, in my experience with superannuation schemes, endowment schemes and with friendly societies I have found that they all tend to err on the conservative side and the actuaries concerned seem to become super-pessimistic. I have heard the same with regard to insurance companies, although some of the larger companies employ their own actuaries. When the legislation was first introduced some three years ago I indicated to members of this Chamber then that I had taken out a trial of the experience of this scheme had it been established in 1921, immediately following a war period such as we have just passed through. In working out in detail precisely what each member would have paid and would have drawn, that experience showed that, without takinto account any amount received for interest or payment by the Government, there would have been sufficient to have met all the obligations and allowed a considerable surplus.

That 27-year period proved what one may term a complete cycle, because in that time a total of 81 persons ceased to be members of Parliament through death, resignation and defeat at the polls, and as 80 members comprise the total of both Houses of Parliament there was therefore a complete turnover of members. That would indicate, particularly now that the Government has decided to make a contribution to the fund, that it would be possible substantially to increase the benefits without in any way endangering the stability of the fund. I believe that consideration will shortly have to be given to increasing the benefits to be paid, not necessarily or entirely from the fund itself but by way of additional Government assistance.

I do not think I am unfair in making that submission, because only three years ago the pensions of Government employees up to a certain figure—I think, from memory, £312—were increased by 25 per cent., and there is a Bill on the notice paper now to provide for a further increase in the benefits payable to those employees without any extra contribution by the employees themselves. I might remind members, too, that many members of the Public Service who are beneficiaries, and who will receive this extra grant from the Treasury are far better circumstanced and receiving higher remuneration than do members of Parliament. So if it is fair on the one hand it is equally fair on the other.

I point out that the small committee, of which I was a member, that drafted the conception of what is now the Parliamentary Superannuation Act, worked on a basic wage at that time of £5 17s. 5d., but by the time the legislation was passed it had risen to £6 1s. 7d. and, accordingly, it can be seen that the maximum benefit under the Act was approximately equivalent to the basic wage. Today, however, as the basic wage has risen to £10 5s. 8d., with every indication of increasing still further, the House can appreciate the position of members of Parliament. After paying £1 a week into the fund for perhaps a period of 40 years a member of Parliament will receive £6 a week, which is the equivalent of the old-age pension, paid to a man and his wife at present without any contribution whatsoever except that paid in ordinary taxation, which members pay equally with every other citizen of this country. Because of that fact many members will become impatient and restive, and doubt the wisdom of the scheme in operation if there be no upward revision of the amount of benefit payable.

At this stage might I point out that if a member is pre-deceased by his wife and he then dies while still a member of Parliament and has no children succeeding him under the age of 16 years, then, notwithstanding that he has contributed for 30 or 40 years, not one penny piece will be paid out of this fund to the beneficiaries of the deceased member. So it is possible that a member might contribute for 40 years at the rate of £52 a year—in other words, something in excess of £2,000—without drawing anything whatsoever from the fund. In the case of many other members, it is realised that if their period of membership be less than seven years all that they receive is a refund of their contributions. I am mentioning these things because they indicate that although a person becomes a member of Parliament it does not automatically follow that he will be a liability upon the fund.

It is my intention to move two minor amendments to the Bill as introduced. One will be to correct an obvious error and the other proposes to make our Act conform, in a minor degree, to similar schemes in other parts of the Common-

wealth. Members will recall that when the Premier introduced the Bill he told us that it was the intention, in the amendment, that in future members could, after 20 years of service, retire from parliamentary life of their own volition and be entitled to superannuation benefits provided they were not less than 55 years of age. I have studied the corresponding legislation in other parts of the Commonwealth and elsewhere and they have indicated to me that we should reduce the age as set down in the Bill. As a matter of fact, I think it should be reduced to a far greater degree than I intend to reduce it by the amendment, but perhaps it will be best to hasten slowly. My investigations have shown that a member of Parliament can cease to be a member in the Commonwealth Parliament at the age of 45 years and draw his benefit which, incidentally, is £8 a week for life. In New South Wales a member of Parliament can retire of his own volition at the age of 36 years and draw a pension of £6 a week for life.

Mr. Griffith: After how many years of service?

Mr. GRAHAM: After 15 years of service, and in the Commonwealth Parliament, after 8 years of service. In Victoria all that is required is to be a member for three consecutive Parliaments, something which, incidentally, could occur in a span of a couple of years, particularly when one bears in mind the uncertain state of politics in the State of Victoria.

Mr. Marshall: I'll say!

Mr. GRAHAM: Then, on the payment of £1 per week, he could, in the circumstances I have indicated, cease to be a member in his early twenties and he would be entitled to a pension for life equal to the basic wage, which in Victoria is at present £9 19s. 0d. In Queensland, the qualifying period is 15 years and a member may retire at 50 years of age and receive £7 a week, again for life. In South Australia, in order to receive the maximum benefit, a member has to be in Parliament for 18 years, at the expiration of which time he qualifies for a pension of £370 per annum, or a sum of just over £7 a week, and he can be a beneficiary under their scheme when he has attained the age of 50 years. In New Zealand, after 15 years, a member can be paid £400 per annum, again for life, and he is eligible to draw it after he has attained the age of 50 years.

Mr. Griffith: What are the comparative amounts of subscriptions by members in other States?

Mr. GRAHAM: In the Commonwealth Parliament they pay £3 a week; New South Wales, £1 10s. 0d. a week; Victoria, £1 a week; Queensland, £2 a week; South Australia, £1 2s. 6d. a week and in New Zealand, £50 per annum. It will be seen, therefore, that in the case of three of the parliamentary funds a member can retire at the age of 50 years and be entitled to draw a pension for life. In the case of the Commonwealth, the age is 45 years in New South Wales 36 years and, in Victoria, I should say, it could be down as low as 22 years. Accordingly, as the Bill sets out that a member, before he can retire of his own volition, shall have attained the age of 55 years, I think that our fund is not as generous as are those in other parts of the Commonwealth. In that respect, I consider that we should follow their example in this amending legislation. Those are my observations.

As I said at the outset, this is a Bill that affects directly and intimately members of Parliament. It is of primary concern to us and I would like some members, from both sides of the House, to express themselves on the vanishing benefit, which in the case of a member who has not been able to accumulate anything during his lifetime as a member of Parliament —let me say here, Sir, that at the rate I am going I am likely to be in that category —it will mean that all that will happen is that he will pay £1 a week from his hard-earned salary solely to receive a benefit which is the equivalent, at present, of the old-age pension and, by the time some of us have qualified for benefit under this scheme, it will probably be considerably less than the old-age pension. In other words, we will be confronted with the position of paying monies to exclude ourselves from the receipt of social service benefits and, in the final analysis, all we will have done will be to save the Commonwealth Treasury an expense. I will leave the matter in the hands of members.

MR. RODOREDA (Pilbara) [8.0]: I find myself in accord with the views of the member for East Perth. In common with quite a number of other members, I am not au fait with the details of this complicated scheme. I have not been able to work out when, if ever, I shall be able to benefit from it. In conversation with other members, I gathered that they are in the same position.

Mr. Marshall: I am waiting for the trustees to refund the money and repeal the Act.

Mr. RODOREDA: From the inception of this fund I considered it was not worth while. Those who attended the original meeting of members of Parliament will recall that I opposed the inauguration of the first fund, and I was alone in my attitude at that time. I opposed it tooth and nail and now we find that, after paying our contributions for a number of years, we have the prospect of receiving no greater amount than the old-age pension, which we could have obtained without having paid in one shilling. I am thoroughly disgusted at the benefits members of Parlia-

ment can receive, and I think the Act should certainly be amended to deal with that phase.

After the first fund had been in operation for a few years, the Government engaged a firm of actuaries to examine it. Fancy calling in a firm of actuaries when merely a simple mathematical calculation was involved! Unlike other schemes in connection with which a finger cannot be pointed to the limit, in this one the limit is clearly stated. When we dealt with the original scheme we went over the parliamentary experience of the preceding 25 years, and were able to prove beyond any shadow of doubt that we could have nearly doubled the benefits provided by the legislation, without the actuaries every coming into the matter at all.

As soon as the actuaries took a hand, we found that the scheme was considered unsound; and so the second fund was inaugurated. I am still as dissatisfied as ever with the scheme. It is no credit to ourselves that we could allow a scheme to be evolved from which we, as members of Parliament, will derive practically no benefit. Under the present scheme one has to be a member for 20 years before he can receive the full benefit, which is the payment of a pension of £6 per week for 10 years.

Mr. Marshall: He has to be a contributor for 20 years.

The Premier: No.

Mr. RODOREDA: He has to be a member for 20 years and a contributor for 14 years.

Mr. Graham: He has to be a contributor for 14 years.

Mr. RODOREDA: Yes, before he can become eligible for the full benefit. With the rare exceptions of one or two who paid their contributions for seven years under the old Act, no one in Parliament will be entitled to the full pension for another five or six years at best. The limited benefit of £5 per week for 10 years is payable to a member who has contributed for seven years. Is that the position?

Mr. Graham: No. He must have been a member for 14 years and paid his contributions for not less than seven years.

Mr. RODOREDA: Then he gets a whole £5 a week for 10 years. Is that it?

Mr. Marshall: That is it.

Mr. RODOREDA: And he gets less than he could obtain from the old-age pension! This matter should receive further consideration. We are foolish to go on paying our contributions. I could do far better by going to an insurance company.

Mr. Marshall: I'll say you could.

Mr. RODOREDA: We should review the matter of contributions and benefits.

Hon. J. B. Sleeman: At your age?

Mr. RODOREDA: Yes, there is plenty of life left in me yet. When we compare the contributions and benefits under our scheme with those operating in the other States and the Commonwealth, I consider we will be foolish if we go on with ours. The member for East Perth is to be commended for having delved into this question and made a search to ascertain the details of the schemes in the other States. I am not opposed to the amending legislation, which will make the position a little easier; but it is high time that we, as members of Parliament, got together and decided either to finalise the fund altogether or to derive something worth while from it.

MR. GRAYDEN (Nedlands) [8.6]: The member for East Perth rendered good service in bringing forward various aspects of this matter. One that particularly concerns me, because of my age, is the provision that a member is not entitled to any pension until he reaches the age of 55 years. I entered Parliament when I was 25 years old, and it means that I will have to pay in for 30 years before becoming entitled to the same benefit as is payable to one who contributed for 14 years.

Hon. J. T. Tonkin: You do not think that Nedlands will allow you to stay here for all that time!

Mr. GRAYDEN: The Bill provides for an amendment of Section 12 setting out—

> Notwithstanding any other provision of this Act, a member—
>
> who has served as a member for an aggregate period of not less than twenty years; and
>
> who has attained the age of fifty-five years
>
> shall,
>
> if he ceases to be a member,
>
> be entitled to a pension under this Act.

I presume that is when he retires voluntarily.

Mr. Graham: That is so.

Mr. GRAYDEN: It means that I perhaps might feel I should withdraw from Parliament after having served as a member for 29 years—quite a lengthy period—yet I will not be entitled to the full benefit of a pension. On the other hand, a member who has paid in for 14 years and has attained 55 years of age, can voluntarily retire from Parliament and receive the pension. I am not keen on this fund at all, and I would be quite as pleased not to have anything to do with it.

Mr. Marshall: I would be glad to be out of it, if we could get the Act repealed.

Mr. GRAYDEN: I should certainly not be a member of the scheme, if it were a voluntary one, and if there were no compulsion about it at all. To force me to pay in for 30 years before I can become entitled to the full benefit of the scheme, appears to me as rather hard. I think the present conditions are quite unreasonable.

MR. OLDFIELD (Maylands) [8.8]: I support the views that have been expressed by others who have spoken in opposition to the scheme. If it were a voluntary fund, I would not be a member of it. The benefits derivable are not to be compared with what I could obtain from an insurance company. The provision requiring a member of Parliament to have attained the age 55 years before he can become entitled to the full benefit of a pension of £6 a week for 10 years is not satisfactory. After that he can receive, when he is no longer considered of further use to industry, a pension of £3 a week for another 10 years. That is a very poor return to a man who has paid in for all those years. I certainly support those who have spoken in opposition to the scheme.

THE PREMIER (Hon. D. R. McLarty—Murray—in reply) [8.9]: I think it would be very unwise if members were to repeal the Act. Two of those who have spoken this evening expressed the view that they would be better off without the measure at all. I do not subscribe to that view, because members are at least ensuring for themselves some benefits that they will enjoy when they end their parliamentary life. Some of the younger members have expressed doubts about the Act. They should appreciate that they are at any rate contributing to a compulsory savings scheme and that they are receiving interest at the rate of 2½ per cent. per annum.

Mr. Grayden: I could do better than that.

The PREMIER: That is a bit better than Savings Bank interest.

Hon. A. R. G. Hawke: Better than the member for Nedlands could do.

Hon. J. B. Sleeman: It will be good for some of these young fellows.

The PREMIER: I think this is what one could term a fairly generous scheme. With what the member for East Perth has said I can to an extent agree. Members, however, should recognise the fact that while they are asked to contribute £1 a week, the Treasury also contributes £1 a week. When we have regard to other contributory schemes, we must admit that a contribution on a pound for pound basis is fairly generous. The member for Pilbara raised one or two points dealing with matters that I explained when I introduced the Bill. If a member has served in Parliament for more than 14 years in the aggregate and has been a contributor to the fund—that includes both the first one and the later one—he would receive a pension of £6 per week for 10 years, after which the amount would be reduced to £3 per week for a further 10 years. Provision is also made for his widow to receive payments from the fund should the member die.

Mr. Griffith: How do you account for the difference in the pensions payable in the Eastern States when the contributions are similar?

The PREMIER: The only difference is in the greater contributions from the Treasuries in New South Wales and the other States.

Mr. May: Yes, our Treasury is not so hot!

The PREMIER: In the course of my second reading speech, I also explained that if the service rendered was more than 14 years but the period of contribution was less than 14 years though more than seven years, the pension payable would be at the rate of £5 per week for 10 years, reducing to £2 10s. for a further 10 years. Then again, if the period in Parliament was more than seven years but less than 14 years though the contributing period was more than seven years, the pension payable is £3 per week for 10 years. If the period in Parliament was more than seven years but the contributing period less than seven years, a pension of £2 10s. per week is payable for 10 years. Where both periods were less than seven years, a member is entitled to receive a refund of his contributions, plus interest at the rate of 2½ per cent. Take the position of the member for Murchison who said he would like the Act itself to be repealed! I think he would be very unwise to support the move if such a proposal were submitted to Parliament.

Mr. Marshall: When we deal with the Bill in Committee, I will tell you why the Act should be repealed.

The PREMIER: The hon. member would deprive himself of a pension.

Mr. Marshall: Yes, but can you tell me how I could live on £5 a week?

The PREMIER: I do not know that we should make provision, in an Act like the one under consideration, to enable a member to live. However, the provisions of this legislation will be a considerable help to members.

Mr. Marshall: I could get a better return from an insurance company for £54 a year.

The Minister for Education: Not at your age.

The PREMIER: No. I do not know the hon. member's age.

Hon. J. B. Sleeman: You have a good idea.

The PREMIER: The hon. member has been here a long time, and if he went to an insurance office they would demand from him a very heavy premium indeed.

The Minister for Lands: He is a bad risk.

The PREMIER: In this case the Government provides for a subsidy on a pound for pound basis.

Mr. Griffith: His premium would be for the total risk for the sum assured at the date of taking out the policy, which is a valuable consideration.

The PREMIER: Yes; but when one reaches a certain age, even if it is for a certain period, the payments are very heavily loaded. Again, one has to pass a medical examination, and life assurance companies are very hesitant about taking assurance when one gets on in life. So while I know the terms of the Act could not be considered over-generous, the measure does give to members some protection; and because of that, I think they should not talk about supporting its repeal.

The first amendment suggested by the member for East Perth I have no objection to. It clarifies the position. He suggests that the age be reduced from 55 to 50. The proposal in the Bill is that after a member has been in Parliament for 20 years and has made the necessary contributions, should he decide to retire he will receive his pension. I think that is a fair thing. Under the Act as it is at present, if a member retires who has been here 20 to 25 years and who is under 70 or cannot obtain a medical certificate, it is at the discretion of the committee whether he shall receive a pension or not.

Mr. Graham: As a matter of fact the age of 70 is not in the Act. That was a decision of the trustees.

The PREMIER: That is so. It was the decision of the trustees that after a member turned 70 he would automatically pick up his pension.

Mr. Rodoreda: How can the trustees decide that, if it is not in the Act?

The PREMIER: The trustees have certain discretionary powers, and that was their decision. The member for East Perth proposes to reduce the age from 55 to 50. I thought 55 was a fair thing and I still think so, but if members are of the opinion that the age should be 50, I will leave it to them.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Section 10 amended:

Mr. RODOREDA: This clause deals with the contribution that shall be made to the fund by the Treasury. I am sorry that there is not another clause to provide for increased benefits for members. The fund has been in operation for just over seven years without any contribution whatever from the Treasury. So far as is known by members, the fund is still solvent. Naturally one would presume, in spite of the opinions of actuaries, that the fund could still be solvent with the members' contributions only. If the Government is going to make a contribution equal to that of members, I would like the Premier to explain why no increased benefits for members are provided for in the measure.

Mr. MARSHALL: I suppose because of the length of service I have rendered, I am one of those members who would be more favoured than others who are obliged by law to contribute to this fund. Even in those circumstances, I still suggest that this provision which will, in effect, increase the contribution from £48 to £52, only aggravates the position. In the first place what inducement is there for me ever to retire under such a proposal as this? If I were to retire tomorrow, and this fund were not in operation, I would collect even more for my wife and myself under the Commonwealth Social Services, and justifiably so in view of the taxation that I have paid for a period of 30 or 40 years. I would get the old-age pension.

Mr. Styants: Not while you are living in Mount-st.!

Hon. J. B. Sleeman: No!

Mr. MARSHALL: The know-alls on my left can tell me all about myself! They are like men who wait on the kerbstone when one comes from a meeting and tell one what should have been done! I say that I can qualify for the pension.

Hon. J. B. Sleeman: No!

Mr. MARSHALL: But the member for Fremantle never will, because, apart altogether from the Hebrew instincts within him and the desire of the grab-all for a few pounds, I think he has managed to embrace wealth of recent date. What is provided in this Bill is that I have to pay £52 a year instead of £48 for which, in my judgment—and I do not think I will be far out—I will get nothing in return, because I will not be able to retire until I am so circumstanced that I will have one foot on a banana peel and the other in Karrakatta. I will not qualify. I cannot afford economically to consider retirement on this sort of pension.

The Premier: Why will you not qualify?

Mr. MARSHALL: How many members who may retain their seats in this Chamber and pay £52 a year will live for 10 years after they retire? It is not economically possible for a member, though I do not know about certain members, such as the Premier himself. He could retire at any given moment and there are others in those circumstances.

Hon. A. R. G. Hawke: He is looking nicer than ever tonight, too!

Mr. MARSHALL: He has been brushing shoulders with the Governor. That is all right for the Premier; but I am thinking of those who have graduated like myself from the rank and file and who have reared families. They have had nothing to save and no cash with which to speculate, as the Premier has had through life. Everything he touches turns

into gold because he is well advised before he invests. But that is not our position. How many of us will live for 10 years after we retire? I fancy it will be a mighty small percentage of members who do so. It is ridiculous to agree to an increase in the contributions under the false impression that ultimately we will get the full benefit of £5 or £6 a week for 10 years, and half benefits for another five years or so. I would gladly agree to the repeal of this Act and have my money refunded.

Hon. A. R. G. Hawke: The best form of retirement is to get elected to the Upper House.

Mr. MARSHALL: There is something in that, too! I never favoured this measure; and if it had not been forced on me by law, I would never have contributed a shilling to it. The younger members can please themselves. There is this virtue in it for them: That the accumulation of funds over the years will justify an increase in the benefits and will make the pensions worthwhile.

Hon. J. B. SLEEMAN: The member for Murchison had a little fun at the expense of the member for Fremantle; but I might tell members that when I knew the member for Murchison first he did not have a seat in his trousers.

The CHAIRMAN: Order!

Hon. J. B. SLEEMAN: Now he has a seat in Harvest Terrace, and a seat amongst the mighty in Mount-st. Does he mean to tell me that anyone living there can draw the pension he talks about?

The Premier: No.

Hon. J. B. SLEEMAN: It is absolute nonsense! He could not live in a place like that, with a £20,000 property and a limousine to drive around in, and still draw a pension.

The CHAIRMAN: Order! I hope the member for Fremantle will connect his remarks with the clause.

Hon. J. B. SLEEMAN: I will connect it all up. I have lost a lot of faith in the member for Murchison. He was my financial genius, whom I followed for years, but he cannot do a simple sum of arithmetic like this. While this scheme is not all that we would like it to be, I do not know of any business proposition in this State that would give us anything better. It is possible to pay £52 a year for seven years which would amount to £364. It is then possible to draw from the fund for 10 years at the rate of £250.

The Premier: The figure is £260.

Hon. J. B. SLEEMAN: All right; £260. Then one can draw £125 for another 10 years. That amounts to £3,850 for a payment of £364. I do not know of any other proposition like that. I know of people who back race-horses to try to get money, but this is the best way I know to get it. One need pay in for only seven years.

Mr. Oldfield: Or 14 years.

Hon. J. B. SLEEMAN: The reason for the 14 years is that it was considered fair for members who had been here for that number of years to pay in for seven years. I take a lot of credit for this legislation. From the time I came into Parliament there was talk of superannuation and pensions for members but it was only talk, so I convened a meeting of members with the result that a Bill was brought down which provided that a member, after paying in for seven years, could draw £600 in hard cash. The position has improved since then, and it can continue to be improved. It is of no use young members saying they will pay in for 14 years and 25 years, and so on. A lot of young members have not lasted so long, and some of those who are present now will not remain for life. What is provided here will at least be something for them when they go out. It is nonsense to talk about doing away with the fund. There is a similar one in each of the other States, as well as New Zealand. The youngsters, because they fear being here for 25 to 40 years, and having to pay into the fund all the time, say we should repeal the legislation.

Mr. Griffith: To which youngsters are you referring?

The PREMIER: The member for Pilbara said that the fund could have remained solvent with the ordinary contributions from members. But we had an actuarial investigation into the fund, and we were advised that it could not remain solvent. As a result it was decided to make a contribution from the Treasury. It is true that the fund has been going for seven years, and that only now has a contribution been made from the Treasury, but members must remember that there have been substantial calls on the fund. It was because of those calls that the actuarial investigation was made; hence the contribution from the Treasury. I want to tell members who say they should not contribute to the scheme because it would prevent them from drawing the old-age pension—that is if they were eligible to receive it—that payments from the fund would not prevent a retired member from obtaining assistance from the old-age pension. The pension is £6 a week for a man and wife.

Hon. J. B. Sleeman: You are allowed to earn something on top of that.

The PREMIER: Yes, £3 a week in the case of married people. This scheme will help members.

Mr. Marshall: It will disqualify them for the other pension.

The PREMIER: Not all of it. A man is allowed to earn a certain amount, and this would not disqualify him from obtaining portion of the old-age pension as well. I know of a number of members who have retired from this Parliament, and who

have been glad indeed to pick up from this fund the amount of money to which they were entitled. I feel quite sure that any member who retired and was entitled to benefit under this superannuation scheme would have at least something to assist him for 20 years, if he lived that long. Provision is also made for his widow. With the generous contribution made from the Treasury, I do not think the scheme is one which members can say is not generous.

Mr. RODOREDA: The Treasurer seems very impressed with the actuarial summarisation of the scheme. I remember that a firm of actuaries—possibly the same firm—investigated the civil servants' superannuation scheme and its report caused the Labour Government of the day to increase the contributions by a considerable amount because the fund was not solvent, yet within three or four years another actuarial investigation was made, and this Government increased the benefits by 25 per cent. What guarantee have we that any actuarial calculation is of any use at all?

The Premier: The 25 per cent. is all from the Government.

Mr. Graham: It is not from the fund.

Mr. RODOREDA: Well, why did not the Government do the same with us?

The Premier: We are giving you 50 per cent.

Mr. RODOREDA: We have had seven years without any contributions from the Government. I opposed the scheme from the start because there were to be no Government contributions.

The Minister for Education: That is the reason we supported it.

Mr. RODOREDA: The Minister did not support it all. I am talking of the original scheme which was a far better one than this because every member who qualified got the same benefit from it. Some members will not draw anything at all from this scheme. When the Premier says that a man and his wife can still get £3 a week from the old-age pension, even though they are receiving the full benefits of this scheme, it means that we are making our contributions for a matter of £3 a week.

Mr. Graham: Some have property as the member for Murchison has.

Mr. RODOREDA: Even if he lived in a house worth £10,000, he could still draw the old age pension. Most of us here will have to pay contributions for seven years before we can qualify for the maximum. I want to know why the maximum cannot be increased. The Premier will not answer that except to say that the actuaries state that the scheme is insolvent. The actuaries said the same thing about the original scheme, but that was not so. As a matter of fact after we received the report on the original scheme we found that we could have increased the benefits and have paid £1,200 instead of £600. Even then the scheme would have been solvent. I want a better explanation than the Premier has given.

The Premier: If at some future time the Government is of the opinion that the fund is in such a condition that added benefits can be given, that can be done then.

Mr. Marshall: This scheme should have been a voluntary one. Then there would have been no arguments.

Mr. RODOREDA: The younger members of this Parliament could get a better deal from any insurance company.

The Premier: They are not getting a bad deal as it is.

Mr. RODOREDA: I did not say "a bad deal;" I said they would get a better deal. If a member paid £52 a year into an insurance company, he would get something out of it.

The Premier: What about the age limit?

Mr. RODOREDA: I am referring to the younger members and there will be younger members coming into this Chamber from now on. None of the younger members who have come into this last Parliament will be eligible for the full benefits for another 10 or 11 years. How many of them are going to stay in that long? The average is about five years, and as the member for East Perth pointed out, 50 per cent. of members of Parliament will never draw on this fund, and all they will get is 2½ per cent. on their contributions, and their money back. We should take a bit of a risk. It is our own fund and we should not have these limited benefits. If we find later on that the fund becomes insolvent let the Treasury put in something, and let the people after us increase their contributions.

Mr. GRIFFITH: I left the Chamber to get some information which I thought would be useful, and on my return I heard the member for Fremantle criticising the younger members on this side of the Chamber for their attitude to the Bill.

Mr. Graham: He was criticising the members for Nedlands and Maylands.

Mr. GRIFFITH: I know who he was criticising because the members for Nedlands and Maylands were the only two younger members on this side who spoke to the Bill. I tried, by interjection, to get the member for Fremantle to admit that not one of those members made any mention of repealing this Act. But the member for Fremantle tried to drown my voice and carry on with his own argument. Any member of this Chamber is entitled to get up and express his

views on any matter before us and, although the member for Fremantle is much more expert than I am in these matters, I counsel him to be a little more tolerant to the ideas of younger members.

For the information of members I intend to give some figures. The member for Nedlands said that when he entered Parliament he was 25 years of age. If he had invested a sum of £60 a year in an endowment life assurance policy to draw at 55 years of age, he would be entitled to £2,000 plus accrued bonuses. I am told, authoritatively—although we cannot say what interest rates will be in another 30 years' time—that the bonuses would be approximately £900 or, about £15 per cent. per annum.

The Premier: No one can say what they will be in 30 years' time. I know what I was told prior to World War 1.

Mr. GRIFFITH: I agree with the Premier on that point. The risk under a policy taken out by the Premier would be the total amount of the sum assured which means that if the Premier, at 25 years of age, were to invest £60 in a life assurance policy then he would be covered immediately for, say, £2,000. However, my reason for speaking was to counsel the member for Fremantle to be a little more tolerant towards the views of younger members on this side of the Chamber.

Hon. J. B. SLEEMAN: The member for Canning should explain the whole position. He has obtained some information from insurance companies, but he has not informed us what the insurance companies would do in similar circumstances. If he were to pay in for only 15 years, instead of 30, he would not be able to collect anything because the insurance companies would say, "You can go and look for work." In order to obtain benefits from an insurance company one must pay for the full term. When the member for Canning obtains figures he should be prepared to tell us the full story and explain everything.

Mr. J. HEGNEY: I propose to support this amendment.

The Premier: No amendment has been moved.

Mr. J. HEGNEY: The original idea of the scheme was that something should be done to help a member if he was defeated at the polls. We are now discussing the question of increasing the benefits. There are some young members here who think that they may have to pay in for a long time. However, I have been here for 20 years and I would tell those young members that of those who came into this Parliament when I did, and have since retired, very few of them did so of their own volition. The young members will eventually get the benefit of this fund.

If they retire for private reasons, they get what they pay into the fund, plus 2½ per cent. interest, and therefore they will not lose. If after 20 years a member is defeated and is still young enough to take up other employment, the benefits he will receive from this fund will help him to re-establish himself. Under the present fund, I would receive £6 a week if I were defeated at the polls, and if I came under the social service scheme I would receive another £3 a week, making a total of £9, and I suppose, when I am 80, £9 a week will be quite sufficient for me to live on.

Mr. Marshall: And then you could go for another 20 years.

Mr. J. HEGNEY: It would be of no matter then. None of us knows what the future holds in store. We are indebted to the member for East Perth for explaining to us the funds which operate in other States. The Premier has indicated that in a short time it might be possible to pay like benefits to members of this Parliament. I support the clause because I think each and all of us will gain something from it.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Section 12 amended:

Mr. GRAHAM: I move an amendment—

That in line 2 of the proposed new Subsection (4) after the word "this" the word "Act" be struck out, and the word "section" inserted in lieu.

Section 12 of the Act provides that a member who does not submit himself for re-election must satisfy the trustee that he has a good and sufficient reason. Under the proposed subsection, this will have no effect. Irrespective of a man's reason, it will be sufficient that he has served for 20 years, and accordingly the whole of the Act will apply to him with the exception of that portion of Section 12 which I have just outlined. I believe the word "Act" was hurriedly inserted by the Parliamentary Draftsman in mistake for the word "section." It would be possible for a member to serve for 19 years in the aggregate and to receive a complete refund of his contributions, be re-elected to Parliament, serve for a further 12 months and then, for the payment of only £52, be entitled to receive £6 a week for 10 years, or £3 a week for 20 years, or alternatively, a member, particularly a young man, who had received a pension for 10 years, to be re-elected to Parliament for only a week, resign and, without any reason, start off on a pension of £6 a week. That is ridiculous and it is for that reason I move the amendment.

Amendment put and passed.

Mr. GRAHAM: It is my intention to move to delete the word "five" in line 6 of the proposed new subsection for the reason that when a member has reached

the age of 50 years, provided he has been a contributor, he can then retire and be entitled to a pension. It can be seen that those who would not benefit would be those who were under the age of 30.

Mr. Grayden: Is this discrimination against the member for Nedlands?

Mr. GRAHAM: A member entering Parliament at 25 years of age and who, on reaching the age of 45, sought to leave public life, would not be entitled to a pension under this scheme and, accordingly, if he had any regard for his own interests he would defer his resignation for a further five years. I understand that the member for Warren feels that, after a member has served for 20 years, he should not be discriminated against because he had entered Parliament at an early age, and he considers that there should be no reference to any age. I mention this because, if I move to delete the word "five," certain words will remain if my amendment is passed, and if it is intended to delete the words "and who has attained the age of 55 years," and that amendment is passed, there will be no need for my amendment.

Mr. HOAR: I do not know whether this is the orthodox way of handling the debate I was impressed by the arguments put forward by the younger members during the course of their speeches, and I do not see any reason at all why they, or anybody else, of any age whatever should be discriminated against by these proposed amendments to the Act. It means that a man coming into Parliament at the age of 21 would have to subscribe until he is 50 years of age—or as the amendment provides 55 years of age—before he would be entitled to the privileges enjoyed by members who have been subscribing for 14 years. I should imagine that the fund would be sufficiently strong to make a pension payment after 14 years' subscription to everybody regardless of his age.

I should like to see the following provision made in the Bill:—"Notwithstanding any other provision of this section a member who has served an aggregate period of not less than 50 years, and if he has ceased to be a member, shall be entitled to a pension under this Act." I think that is fair. It would mean that if a member had attained the age of 21 years then he would be entitled to the full payment of pension under this Act, the same as everybody else. To do it this way would make fish of one and flesh of another, to which I object. If the Premier has any objection I would refer him to the remarks of the member for East Perth that the Treasuries in other States have been much more generous than we are, and if there is any loss—and I do not see that there can be—I believe the fund would be financially sound to meet it. It is the principle of the matter with which I am concerned. I move an amendment—

That in proposed new Subsection (4) the words "and who has attained the age of fifty" be struck out.

The PREMIER: The trustees of this fund have given considerable thought to this matter, and after a good deal of discussion they decided that 55 years was a fair age at which a member should have the right to obtain this pension. I hope the Committee will not agree to the amendment of the member for Warren. The hon. member refers to what other States are doing, but I think the Treasury is already making a substantial contribution to this fund. Any contribution that is made on a 50-50 basis cannot be regarded as other than generous. If this amendment is carried it may mean a further imposition on the Treasury and I do not think it is justified at this stage. As suggested by the member for Pilbara if this fund improves in the future and builds up then some future Parliament can decide whether there should not be increased benefits; it might also take into consideration whether the age of 55 could be further reduced.

As I have said, this amendment has been made because the trustees of the fund did not consider that justice was being done to some members. I do not like the idea myself of a member who has served a long period in Parliament having to go to the trustees, and convince them that it was because of ill-health that he was forced to retire from the parliamentary life of this State. We tried to agree on what would be a fair compromise and decided that 55 years would be quite fair.

Mr. GRIFFITH: I am going to ask the Premier to give more thought to this matter along the following lines: If the Bill is allowed to remain as it is does he not think that, although it is not offering a bar to any man from entering Parliament, it is putting the young man in the position that he must attain the age of 35 years and then carry on for 20 years before he is entitled to the concessions under this Act? If he comes into Parliament before he is 35 years of age then it must be with the full realisation that if he is going to derive the benefits he must stay there until he is 55. As members know, today there is a greater tendency for younger men to enter politics.

The Premier: He is being given protection.

Mr. GRIFFITH: But it says he cannot realise the benefits until he is 55.

The Minister for Education: If he is defeated he can.

Mr. GRIFFITH: I cannot see that there is going to be any greater strain on the Treasury. I support the amendment.

Mr. GRAHAM: I think there is a slight misconception. When I say that, I am speaking of my experiences with one member. There must be a feeling because of the confusion of this new clause that a

person will not be entitled to a benefit until he has either been there for 20 years or until he has attained the age of 55, as appears at the present moment. A person can become a member of this Parliament at the age of 21; if he is defeated when he is 35 he is entitled to the full pension because he has been a subscriber for 14 years. Members should look at this proposition not so much from the point of view of an investment as from the point of view of safeguard. For instance, most of us pay premiums to insure our houses, but because we have been paying those premiums we do not hope that our houses will be burnt down so that we may get the return. By way of illustration, I would mention the former member for Brown Hill-Ivanhoe. Under this Act he contributed £48, and he has received £400 and could draw a total of £3,900. Circumstances such as those are not likely to be repeated and members who qualify for a pension will have been contributors over the whole period. I have mixed feelings about the amendment. I am inclined to support it, but I am in an invidious position.

The Premier: As you were as a member of the House Committee.

Mr. GRAHAM: I am one of the trustees of the fund and owe a certain loyalty to what is contained in the clause, but, as a private member, I have a certain point of view. I find it difficult to go as far as the member for Warren suggests, but a small compromise by way of reducing the age of 55 would salve my conscience.

The Premier: How many members retire at the age of 50?

Mr. GRAHAM: There might be more in future than there have been in the past, but how many persons become members at a lower age than 30 and retire voluntarily at the comparatively early age of 50? The number would be very few, and our discussion is inclined to be academic rather than practical.

Mr. GRAYDEN: I support the amendment, not that I am personally worried, but because I consider it wrong to debar one section while giving a benefit to another section. If the amendment is accepted, the call on the Treasury will be meagre. Quite likely there will be no call upon it at all. It is wrong in principle to allow one group to obtain concessions for a certain payment and not another group. Suppose 5 per cent. of the members entered Parliament at an age below 30 and served for 20 years, they must have held safe seats, otherwise they would not have lasted so long, and, if in safe seats, they would be unlikely to retire to receive a pension of £6 per week.

Mr. Marshall: And for only 10 years.

Mr. GRAYDEN: Yes. I believe that, under the amendment, there would be almost no call upon the Treasury.

Mr. RORORĖDA: I am inclined to support the amendment, firstly, on principle, and, secondly, for the reason given by the member for Nedlands that so few would take advantage of it as to make it not worthy of consideration. My main objection to the scheme is on the score of the different benefits members will receive for identical contributions. There might be all sorts of reasons other than ill-health for a member wishing to retire. If he had qualifications and decided to enter some other sphere, why should not he be entitled to the same benefits as a man who had been defeated? A scheme should be devised whereby all members will pay the same contribution and receive the same benefit. That is not the position now, and younger men entering Parliament are being penalised in comparison with older members.

The Premier: Age has an effect in all superannuation funds. Take the Civil Service!

Mr. RODOREDA: That is not to say that the principle is right. Besides, there is no time limit under the Civil Service superannuation fund.

The Minister for Education: Older members are given greater benefits for longer contributions.

Mr. RODOREDA: That is not the point. This fund differs from other superannuation funds in that the number of contributors here is always constant and the revenue is the same. That does not apply to other superannuation funds. Some civil servants who have retired have drawn pensions for 25 years.

The Minister for Education: Not under the superannuation scheme.

Mr. RODOREDA: What limit is there under the superannuation Act?

The Minister for Lands: Civil servants subscribe for so many units and that is all they get.

Mr. RODOREDA: But they get it for the term of their natural lives. That does not apply to this fund. A member who retires of his own volition should receive the same as a member who is defeated. What has age to do with it?

The Premier: A man joining the Civil Service at 25 has to pay until he is 60 before he is entitled to a benefit.

Mr. RODOREDA: But there is no limit to the benefit in that case. The member for East Perth pointed out that the former member for Brownhill-Ivanhoe had paid in £48 to the fund. He did not say that that member had paid into the old fund for seven years plus his contribution to this fund. The member for East Perth gave the Committee the impression that that member had paid £48 and had already drawn £400. That member paid for seven years into the old fund.

The Premier: It was £168, I think.

Mr. RODOREDA: He paid £168 into the old fund, plus his contributions to this fund. But he is only one individual, and I am dealing with people who have come to this Parliament recently and whom this Bill will affect from now on. I do not see why the Premier should be adamant about this, because there would not be one-half of one per cent. of members who would take advantage of it.

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

Ayes	22
Noes	17
Majority for	5

Ayes.

Mr. Bovell	Mr. May
Mr. Brady	Mr. Moir
Mr. Graham	Mr. Nulsen
Mr. Grayden	Mr. Oldfield
Mr. Griffith	Mr. Read
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. Marshall	Mr. Cornell
	(Teller.)

Noes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. Owen
Mr. Doney	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Yates
Mr. Mann	Mr. Thorn
Mr. Manning	*(Teller.)*

Amendment thus passed.

Mr. HOAR: I move an amendment—

That in line 6 of proposed new Subsection (4) the words "five years" be struck out.

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

Title—agreed to.

Bill reported with amendments.

BILL—AGRICULTURE PROTECTION BOARD ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 25th October of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th October.

MR. SEWELL (Geraldton) [9.28]: I would draw attention to the fact that the Bill proposes to alter the system that now operates in the granting of citizenship rights to members of our native population. With that proposal I do not agree. To my knowledge our magistrates have done a good job in this respect, and the appointment of a board will not be of any assistance. I believe that natives should be assisted and uplifted wherever possible but I do not think that generally this Bill will do that. There are other clauses which will doubtless be dealt with in Committee; but I intend to oppose the second reading and, in support of my attitude, I would like to read from a statement in "The West Australian" of the 1st November, headed "Native Bill Considered 'Outmoded,'" and emanating from a gentleman who, I consider, would be au fait with the position of our native population. The report is as follows:—

> It had not been expected that the Bill for establishing native citizenship rights boards would be proceeded with after the State Government had been represented at the Native Welfare Conference in Canberra recently.
>
> The secretary of the Methodist Overseas Missions (The Rev. A. Crooks Hull) said this yesterday.
>
> He said that it was thought that the Bill would not be proceeded with as its provisions, being restrictive legislation, were outmoded by the conference decisions.
>
> He thought it desirable that the decisions of the conference should be considered before the existing legislation was amended.

I am in agreement with the remarks of the Rev. Crooks Hull. The Government should have taken some notice of its representative at the recent conference at Canberra. I oppose the second reading of the Bill.

MR. RODOREDA (Pilbara) [9.31]: If we pass the Bill we might as well do away with the Act to confer citizenship rights on natives because, in effect, it gives complete control, in connection with citizenship rights, to the Native Affairs Department; and that is the object of the Bill as I see it. I am opposed to that part of the measure and also to the formation of a board—particularly as it consists of two members. The effect would be that the member of the board, other than the magistrate, would have the whole say, because in the event of a disagreement the application must be dismissed. It is proposed that the chairmen of road boards or the mayors of municipalities, or their nominees, shall be appointed to the board. It could occur—and to my knowledge this could happen in many instances—that a man hostile to natives could be put on the board, and in fact, would be.

The Minister for Native Affairs: Why would he be?

Mr. RODOREDA: Because being chairman of the road board he would take the position when it was offered to him.

The Minister for Native Affairs: Why would he be hostile?

Mr. RODOREDA: Because in the bulk of cases it is so. In the metropolitan area we know that some road boards and councils are the greatest stumbling blocks with respect to doing anything for the amelioration of the natives—and this does not apply only in the metropolitan area. How we can contemplate forming a board of two, I do not know. The decisions of the board will have to be unanimous otherwise the applications will be dismissed.

The Minister for Native Affairs: How would you expect it to be otherwise?

Mr. RODOREDA: We must have three men to get a decision. It is just like having two Houses of Parliament, where we have conferences of managers, and where, if there is a disagreement, everything is lost. That is practically what the Bill provides. No one can uphold that point of view, least of all the Minister. Do not we make it our job to see that there is always an odd member on a board or committee so that we can get a majority decision? From that point of view alone, I would oppose the Bill. The provision in the Act that makes it necessary for a native to be exempt from the Native Administration Act before he can apply for citizenship rights, gives the whole control over citizenship rights to the department.

If the Native Affairs Department will not grant exemption to a native he cannot apply for citizenship rights, so we might as well dice the Act. What is the use of it? It means that only natives approved by the Commissioner of Native Affairs can apply for citizenship rights. Why do we want an Act? Why do we not give him full control and say, "Every man you approve of shall automatically be granted citizenship rights"? Under the Act at present the magistrate makes a decision on the evidence submitted to him by the native or anyone else who may be interested, and the Native Affairs Department can have an official at the hearing to give evidence, to object, or to agree as the case may be. What could be fairer than that? Who asked for this amendment? Did the magistrates? Will the Minister give me that information? What is the reason for it? Did the magistrates themselves think it was too much of a strain on them, or does the Native Affairs Department object to the magistrates' decisions? Surely there must be an answer.

The Minister for Native Affairs: Since the hon. member asks, the magistrates did not put up these requests.

Mr. RODOREDA: Then it must have come from the Native Affairs Department.

The Minister for Native Affairs: That does not follow.

Mr. RODOREDA: Well, from the Minister.

The Minister for Native Affairs: That does not follow either.

Mr. RODOREDA: Well, it did not come from me or anyone on this side. We will say it came from the Government. The Government, apparently, is not satisfied with the administration under the Act, and wants to hand the whole thing over to the Native Affairs Department. Well, I am not prepared to do that. The Native Affairs Department, like all others, is inclined to go to hearings and object all the time, in the same way as the police seem automatically to object to any applications for hotel licenses.

What position will we get into with respect to natives if the amending Bill is passed? In effect, as I said before, it will give control over all natives who wish to apply for citizenship rights, to the Commissioner of Native Affairs. If a native does not hold, for a period of two years prior to the hearing of the application, a certificate issued pursuant to Section 72 of the Native Administration Act, he cannot apply for citizenship rights. So, what use is there in having a magistrate, board, court or anyone else to decide the matter? I am utterly opposed to the whole Bill and shall vote against the second reading.

HON. A. R. G. HAWKE (Northam) [9.38]: The Bill is a very bad one in my opinion—one of the worst I have ever seen introduced into Parliament. The proposal to set up a board of two persons to consider applications for citizenship rights is one of the most impracticable that I have ever known. If the Government is not satisfied with the existing system, under which a magistrate decides these applications, then surely it could have put forward a proposal under which there would be at least three persons constituting a board in each area. It is easy to imagine how a board consisting of two persons only could often disagree, each of them taking a point of view opposite to the other. With such a board, a condition of affairs might easily arise under which there would never be a unanimous decision. The Bill seeks to provide that where the two members of the board disagree, the application shall be automatically dismissed. In that case, a favourable decision would not be possible, even though the magistrate member of the board might favour the granting of the application.

The Minister for Native Affairs: It might be that the magistrate would be against the granting of the application and that the other member of the board would be favourable to it.

Hon. A. R. G. HAWKE: In either case, we would be giving the lay member of the proposed board the right to over-rule the magistrate.

Hon. J. B. Sleeman: Surely we have more than enough boards already.

Hon. A. R. G. HAWKE: If we agreed to this proposal we would place the magistrate in a humiliating position and, if I were a magistrate, I would refuse to act on a board constituted in that way.

Mr. Marshall: So would I.

Hon. A. R. G. HAWKE: I tell the Government, straight and plain, that the proposal in the Bill to constitute the board in this way is completely absurd and would, if put into practice, prove to be largely unworkable. Surely members of the Government are as anxious as is anyone else to see that any board that is set up can operate successfully. Unless the Minister is prepared to give an undertaking that the progress of the Bill will be delayed until the Government has devised some better type of board, I will certainly vote against the measure and hope that that the majority of members will do likewise.

Let us imagine what would be the position in the Geraldton district, for instance, where the board would be comprised of the local magistrate and perhaps the chairman of a road board, or a road board nominee. They might often disagree as to whether an application for citizenship rights should be granted. The magistrate would probably look at the application from a broad point of view, while the other member of the board might view it from some local or special angle, and might be under various kinds of pressure which would be inescapable in his position as chairman or nominee of the road board. In such circumstances, we might easily find the magistrate in favour of granting the application and the other member opposed to it or to any action at all, and we would then have an impossible situation. The magistrate would be humiliated, to some extent—

The Minister for Native Affairs: He is not humiliated now when another justice of the peace sits with him.

Hon. A. R. G. HAWKE: No, because the magistrate over-rules the justice of the peace.

The Attorney General: Not in every case, because there may be two justices on the bench with him.

Hon. A. R. G. HAWKE: If this Bill provided for a board of three, it would have something in its favour because its decision would always be based on a majority verdict. I do not see how the Attorney General can possibly be in favour of the proposal contained in the Bill. I know of no Act of Parliament under which there is set up a board or committee of only two members with equal voting rights. The thing is absurd and Parliament should never be asked to pass into law a proposal of that kind. Such a board could easily be completely stultified in operation.

I ask the Minister to look at this proposal from the point of view of the natives who would apply to the boards. Such a native might in some way find out that the board was evenly divided and that, because it was not unanimous, his application would have to be rejected. That would not be a fair proposition and would, in operation, create a great deal of discontent in the minds of natives who, having applied for citizenship rights certificates, were denied them for that reason. If the Minister is prepared to delay further consideration of the Bill and perhaps come back with a proposal for a board of three members, I will be prepared, in turn, to give any such amended provision my further consideration, but as long as the Bill remains worded as it is at present I must oppose it at every stage, and will vote against it on the second reading.

HON. E. NULSEN (Eyre) [9.48]: I protest against this Bill. We already have boards for almost every purpose, and now we are asked to increase the cost of administration by setting up another. I think the proposal contained in this Bill is a reflection on our magistrates who, up to date, have done a good job and have been just and impartial in their decisions. They have taken into consideration all aspects of the cases that have come before them but, if we set up a board constituted of a magistrate and another person who may be the local mayor or someone nominated by a local authority, that member of the board may, through local knowledge, have some biassed viewpoint in regard to natives. He might have some idea of continued exploitation, and there is no doubt that our natives have already suffered sufficiently long in that regard.

As the Act now stands, it is quite difficult for a native to obtain citizenship rights and yet the Minister is going to make it harder still by having this board, and in each case the vote must be unanimous. I will not agree to anything that will make it more difficult for these people to get a fair deal. A number of our natives, full-bloods and half-castes, went to the war and fought for this country and while they were away they were treated as white men and were granted the same privileges.

Hon. A. R. G. Hawke: And the dangers.

Mr. Marshall: And I suppose in certain circumstances they were white, or damned near it.

Hon. E. NULSEN: These native soldiers had their drinks and were permitted to attend the canteens, but as soon as they came home they became aborigines again and were frowned upon. That sort of thing happened when they came back, but while they were away fighting for this country they had the same privileges as white men. Even under the Act as it stands a native must be almost an angel before he becomes entitled to the rights

of a normal citizen. Under the Act there is provision that the magistrate must be satisfied that—

(a) for the two years immediately prior the applicant has adopted the manner and habits of civilised life;

(b) the full rights of citizenship are desirable for and likely to be conducive to the welfare of the applicant;

(c) the applicant is able to speak and understand the English language;

(d) the applicant is not suffering from active leprosy, syphilis, granuloma or yaws;

Before the white men came to this country the natives did not have those diseases.

The Attorney General: Are you sure?

Hon. E. NULSEN: Yet these people have to prove that they are absolutely pure, as it were, from a health point of view before they can obtain citizenship rights. Now the Minister proposes to add some further restrictions. Like all other people there are good and bad natives. I do not think we have given them the fair deal to which they are entitled. It seems to be traditional that we should look down upon natives merely because they are black. Mentally they are just as alert as we are, and if they had been given the same opportunities they would be just as good as we are today. Yet these natives have to comply with all sorts of restrictions before they can prove that they are entitled to any of the priviliges of a normal citizen of the country in which they were born.

It is now proposed, under this Bill, that a native must be the holder of an exemption certificate for a period of two years, and that he must be of good character and must not have offended in any way during the period for which he has held that certificate. Also, a native applying for citizenship rights must sign a statutory declaration to the effect that for the two years prior to the date of the application he has dissolved tribal and native associations. Although they are aborigines they are not permitted to associate with persons with whom they were associating prior to the time when they made application for citizenship rights. Again, if a native served in the naval, military or air forces of the Commonwealth he must have received an honourable discharge. Even if a white man receives a dishonourable discharge his citizenship rights are not taken away from him; he still has the right to a vote at election time.

I have always fostered the natives and tried to see that they received their just rights. I am perfectly satisfied that if they had been treated as they should have been treated from the start, we would have had many more good citizens in this country. But we have never allowed them to retain their dignity, and it is a wonder to me that they are not more vicious and a greater burden than they are at the moment. We say that when a native has a drink he goes mad, but he is not any worse than a white man.

Many natives went to the war and they received all of the privileges accorded to a white soldier. They did not abuse those privileges to any great extent, and yet we say that they cannot get the rights to which they are entitled. These people are forced to live up to a higher standard than a white man before they can become citizens of their own country. The restrictions are too severe and by this Bill they will become even worse. I have a cutting from the newspaper, the heading of which is "Aboriginal Battalion advocated." This appeared in a Melbourne paper and reads as follows:—

> The formation of an Australian aboriginal battalion is urged in "Mufti", the journal of the Returned Servicemen's League in Victoria.
>
> This would lift the prestige of the aborigines and give them more self-respect, the journal claims.
>
> Capt. R. Saunders, the only commissioned aboriginal serviceman, should organise and lead the battalion. He is now on his way home from Korea.
>
> Pastor D. Nicholls, an aboriginal clergyman, tonight opposed the idea. "We would want to enjoy some of our privileges as Australians first," he said.
>
> Thousands of aborigines fought in the last war with white men, but today they have none of the privileges of white returned servicemen.
>
> In the services the aboriginal is treated as a white man, but afterwards he is an aboriginal again.

And so it does not matter what aspect we take, including the housing question, the same thing applies. I am not going to read the other statement that I have, but merely want to tell the Minister that I do not think this Bill is fair; it will make the Commissioner "the big white boss" and take away from the magistrates of this State a duty which they have carried out justly and impartially. I feel that this measure is restrictive and any similar measure will receive my opposition. I oppose the Bill.

MR. HOAR (Warren) [9.58]: A short while ago I was trying to make up my mind as to what induced the Minister to introduce this Bill. However, I fancy I have found it in a remark he passed when introducing the measure last week. He stated—

> The Commissioner of Native Affairs, or any person nominated by him, is entitled to appear to support, or, if he wishes for any sound reason, to oppose the application. In quite a number of instances, objection to the

granting of a certificate has been lodged by the department and, in the presence of the native applicant and other natives who might be in the court, the court has over-ruled the Commissioner of Native Affairs. That, as members will appreciate, creates a most embarrassing position for the head of the department or his nominee.

I am inclined to think that that was the reason for the introduction of this Bill. It might be a matter of sour grapes that the Commissioner of Native Affairs should have his judgment or his desires over-ruled by a magistrate. That might have had a lot to do with the introduction of the Bill, whereas in actual fact the Act gives plenty of power to guard jealously the privileges of citizenship in this country.

The Act already lays down most clearly what steps must be taken before a certificate of citizenship shall be granted to any native applicant. In the first place, the applicant himself must sign a prescribed form, supported by a statutory declaration, to the effect that he wishes to become a citizen and, if such application is accompanied by two references from reputable citizens certifying to the good character and industrious habits of the applicant, such application must go to the Commissioner of Native Affairs so that he in his wisdom shall decide what action shall be taken, if necessary; and there is power when an adverse report is made as to the conduct of the native for the certificate to be taken away from him.

So there is no doubt that the Act as it now stands gives all the power that is required for the granting of the privilege of citizenship to a native. Assuming for the moment that I am right and the Commissioner of Native Affairs was somewhat angry over a number of decisions that have been made against his expressed wishes, how would he seek to overcome that difficulty? I should imagine that it would be done by creating a board of two, which is proposed by the Bill, and ensuring that one of the members of the board should be a person nominated by his Minister or, in other words, on the recommendation of the Commissioner of Native Affairs.

The Minister for Native Affairs: You are assuming that the decision has already been made for the Minister. I do not intend to put any nominee up for election to the board. The nomination will be made from either a road board or a municipality.

Mr. HOAR: And passed, through the Commissioner of Native Affairs, on to the Minister.

The Minister for Native Affairs: No.

Mr. HOAR: It does not say so in the Bill, but that would be the normal procedure.

The Minister for Native Affairs: It would not be.

Mr. HOAR: There is no doubt in my mind that the Commissioner of Native Affairs desires that a board of two shall be created so that one of the members shall be subject to dismissal at any time by the department, or the Minister, if his actions are not in accordance with the ideas of the department or the Minister.

The Minister for Native Affairs: It would not operate like that.

Mr. HOAR: It is of no use the Minister backing out because that is what it means.

The Attorney General: It must be the chairman of the local road board or the mayor of a municipality.

Mr. HOAR: It can be anybody appointed.

The Minister for Native Affairs: The nomination comes from the local authority.

Mr. HOAR: The Minister had better correct the Attorney General.

The Minister for Native Affairs: I merely give concurrence to the choice of the nominee by the road board or the municipality.

Mr. HOAR: That may be so, but the point is that previously a board has been created in the district if the decision made by the local authority is not suitable to the Commissioner of Native Affairs or his Minister. It is obvious, then, that it can be as a result of the action taken by that particular nominee.

The Minister for Native Affairs: It is possible it can be that way, but it has not been designedly arranged that way.

Mr. HOAR: I suggest it lays the way open for all sorts of abuses.

The Minister for Native Affairs: I do not think so.

Mr. HOAR: I hope so, too, but I think that if any action on the part of a member of the board is not suitable to the department or the Minister it will not be approved.

The Attorney General: It has to be the chairman.

Mr. HOAR: The magistrate is in charge of the inquiry.

The Attorney General: And that must be the chairman of the local board.

Mr. HOAR: Not necessarily. I think it is wrong to have a board of that description. It is not fair to the nominee on the one hand or to the magistrate on the other. As the Leader of the Opposition has stated, I should imagine that most magistrates would decline to have anything to do with a situation such as that, knowing full well that the Commissioner of Native Affairs and the Minister are behind it.

The Minister for Native Affairs: I insist that you are wrong in that idea.

Mr. HOAR: It says so in the Bill.

The Minister for Native Affairs: I give concurrence to the nominee of the local authority.

Mr. HOAR: The Bill states—

> A Board shall consist of a police, resident or stipendiary magistrate, and a person nominated by the Minister as a district representative.

The Minister for Native Affairs: Carry on from there.

Mr. HOAR: Very well. It further states—

> The person nominated by the Minister as district representative shall be the mayor of the municipality or the chairman of the road board, as the case may be, of the district in which the native concerned ordinarily resides, or a person who is a member of and is nominated by that municipality or road board . . .

A panel of names can come from the local authority and the Minister is responsible for the appointment.

The Minister for Native Affairs: No.

The Minister for Education: It must be the chairman, or the mayor, or the person they nominate.

Mr. HOAR: It is very wrong in practice to have a situation of that description arising.

Hon. A. R. G. Hawke: Anyway, a board of two is silly.

Mr. HOAR: I do not like the Bill or any part of it. The only thing that would have my approval is the alteration of the board in a manner that would give justice. This board could not possibly give justice. The Minister, when introducing the Bill, referred to the mistakes that had been made in handing out certificates too freely. Mistakes by whom? By the Commissioner of Native Affairs?

The Minister for Native Affairs: No, he does not come into it at all. The court does that work.

Mr. HOAR: The Minister referred to the making of mistakes himself.

The Minister for Native Affairs: I know I did, but that does not support what you said just now.

Mr. HOAR: The Minister stated—

> In particular, the Bill aims at lessening the number of mistakes made by the allotment of citizenship rights certificates to natives by increasing the numerical strength of the bench and the sum total of reliable knowledge and evidence.

The Minister for Native Affairs: Carry on from there.

Mr. HOAR: That is the Minister's own statement.

The Minister for Native Affairs: "And increases the number."

Mr. HOAR: I said that. That is the clear statement of the Minister. It is quite clear that the Minister felt that mistakes had been made previously and the Bill seeks to remedy them by setting up a board of two, which must agree with complete unanimity or no decision will be made. Is that justice? Of course it is not! I am going to vote against the Bill in any case, but if it reaches the Committee stage I hope every member of the Committee will give considerable thought to increasing the number on the district board in a manner which will give justice to everyone.

MR. MANN (Avon Valley) [10.8]: I support the Bill. I suppose there are more half-castes in the Avon Valley district than in any other part of the State. I have seen the result of granting permits to natives almost holus bolus. The ambition of half-castes is to obtain drink and nothing else. If the granting of the permit would raise the standard of half-castes I would certainly agree to it. Some magistrates have been granting permits on the basis of very extraordinary ideas. I therefore think that the local governing body or some person resident in the district should have some say in the granting of the permit. It is of no use saying otherwise. The half-caste will remain as he is for many years and the idea of assimilating him with the whites is sheer rot.

I consider that the granting of permits has caused more tragedy and misery amongst the natives than anything else. Those acquiring permits are able to buy drink, take it to their camps and sell it to others. We have had two cases in Beverley, one where a native was knifed by a woman in a very drunken state and another where a man was knocked on the head by a woman in a similar condition. If I had my way there would be no permits granted to any half-castes at all.

Mr. Styants: What would you do?

Mr. MANN: I would try to raise the standard of living by providing better accommodation. Does the hon. member mean to tell me that the granting of a permit is going to raise that standard and alter his way of living? We should educate them and house them decently and try to increase their standard of living. There are many whites who should not be allowed to go to the pubs to drink. I have associated with this unfortunate race for a long time; I went to school with some of them and I have heard their complaints. Many of the wives have told me that their husbands go to the hotel and bring drink home which results in the wives being knocked about. Apart from this, the drink is brought for sale on the camp generally.

Mr. Rodoreda: What about the police?

Mr. MANN: The police have no power; it is impossible for one man to handle the situation.

Mr. Rodoreda: He can object to their citizenship rights.

Mr. MANN: The police have objected. I think some magistrates have taken an extraordinary view of the matter. I agree with this Bill and I hope it will be carried.

The standard of intelligence of these people is very low and there is no denying it.

Member: You said you went to school with them.

Mr. MANN: When I refer to the standard of intelligence of the half-caste I mean that there are some who show considerable promise. When speaking on the Estimates I will also have something to say about the house at Mt. Lawley, whether I am criticised for doing so or not. If I thought these permits would help these unfortunate people I would agree, but I have had many wives coming to me and saying that drink is the curse and sorrow of their camp life. There is nobody in this House who would consider granting these people the right to vote; their votes, too, would be bought by drink. These people are a people on their own. They have lived as they have been doing for thousands of years and we now want to mould them to our way of life. If there is a change we will find that it will be a change for the worse and that vice will prevail. I hope the Minister will stick to his Bill and not accept any amendments. The Bill will fill a long-felt want. I am referring to the people down my way who are definite half-castes—

Hon. E. Nulsen: What about the Maoris?

Mr. MANN: When the hon. member was in New Zealand he saw many Maoris drunk, too. The type of native in New Zealand is much superior to that which we have here. This decision would rest on the question of the colour of these people. We would grant the half-caste a permit, but there are many who are much darker and resemble full-bloods and who are dependent on these half-castes. We will say to this fellow who is almost white, "We will grant you a permit," but he may be an absolute rotter. On the other hand, we may have another man who has thrown back and is very dark; he is denied child endowment and considers himself much superior to the half-caste.

Mr. Marshall: He has as much right to make application for citizenship.

Mr. MANN: The hon. member will find that the decision will rest solely on the question of colour. The only solution is that this Government, or some Government, must accept responsibility. We allow them to go to school and be taught hygiene, and we then send them back to nothing short of hovels. The Premier knows that very well. I have seen these squalid camps. The reason that they are squalid is that these people are inveterate gamblers, and once drink is brought into the camp there is bloodshed. I feel sure that the time will come when in our Avon Valley murders will be committed. It is not so long ago that there were two attempts at knifing, and it was only because of our own people that a brawl was prevented between the black and the white man, due entirely to drink.

There are some people who cannot take drink, and there are people who are very fond of wine—plonk, as it is called. I have spent most of my life in Beverley and these people bring their troubles to me. For their own benefit I say let us pass this Bill; let us pass it for the salvation of these unfortunate people. Let us go further and house them and try to mould them to the right way of life. There are many fine ones among them. The unfortunate part is that the womenfolk try to raise themselves to a higher status, but the men will not do this; they are still a slovenly type, although there are one or two exceptionally good men among them. As one who knows these people so very well, I do feel that we should pass this legislation. I think the biggest sorrow of our own country is in ever granting these permits; it has brought no good to these people at all; it has brought nothing but misery. It is our job to legislate to lessen the sorrow and misery which they experience at present.

MR. MARSHALL (Murchison) [10.18]: I readily agree that this matter presents a problem and that very conflicting ideas prevail as to the best procedure to adopt in order that justice may be done to these people. I thought that we were aiming at emancipating these people or raising them from a standard we considered deplorable to a higher status by offering them citizenship rights. We passed a law to that effect a few years ago and this Bill proposes to amend that statute. The Minister made quite clear the intention of the Bill; he wishes to restrict the number of citizenship rights certificates. In other words, he implied that there had been successful applicants for certificates, some of whom he considered should not have received them, but he did not quote any cases where citizenship rights had been granted and the successful applicants had failed to live up to the requisite standard.

The Minister for Native Affairs: Do you know of any instances?

Mr. MARSHALL: I could not hear the Minister's interjection. The Minister simply generalised without quoting specific cases. If that is the intention of the Bill, no measure could have been drafted to give more spontaneous or effective results. No citizenship rights will be granted in any circumstances by such a board unless the Commissioner of Native Affairs consents.

The Minister for Native Affairs: I think you know that that is wrong.

Mr. MARSHALL: I do not. The trouble is that the Minister does not understand the Bill. It contains a provision that will deny the native an opportunity to submit evidence of good behaviour for two years preceding his application. Instead of that,

he must obtain an exemption certificate under the Native Administration Act. Section 72 of that Act provides that a certificate of exemption shall be granted on application to a person worthy of it.

The Minister for Native Affairs: I admit that.

Mr. MARSHALL: Such a certificate must be granted by the Commissioner of Native Affairs, but under this measure every one of these people will be disqualified for two years unless he holds a certificate of exemption under Section 72. Then it will rest with the Commissioner of Native Affairs to decide. I cannot go so far as my Leader in suggesting that a board of three or more would be acceptable.

I do not think that any person is better qualified than a judge or magistrate to decide the question after taking evidence for and against an application, and I fancy I have heard the Minister argue along those lines. A magistrate is trained in the art of sifting evidence and reaching a decision. We have had magistrates doing that work for some two or three years since we granted citizenship rights, and the Minister now says in effect, "We are not satisfied with your capacity or ability to adjudicate on this question. You have been issuing certificates under the Natives (Citizenship Rights) Act to individuals who should never have received them."

The Minister for Native Affairs: I am not blaming the magistrate.

Mr. MARSHALL: Then who the devil is the Minister blaming?

The Minister for Native Affairs: I shall tell you later.

Mr. MARSHALL: Up to the present, only the magistrate could have granted these rights.

The Minister for Native Affairs: Quite so.

Mr. MARSHALL: Therefore, the magistrate must accept all responsibility for having granted these rights to individuals not justified in receiving them. If I were a magistrate, I would not in any circumstances accept the responsibility conferred upon me by this Act. It is an astounding state of affairs that, in almost every town, the policeman is a protector appointed by the Commissioner.

Mr. Mann: Not now.

Mr. MARSHALL: It applies in my district, though not to the extent of 100 per cent. I believe that the department is now appointing inspectors and excluding policemen as protectors.

The Minister for Native Affairs: Not excluding them, but their numbers are being reduced.

Mr. MARSHALL: There was an endeavour to appoint an inspector at Meekatharra, but accommodation was not available for him. In the main, the police are the protectors. Even if they were not, applications for citizenship rights are heard in open court—not in camera outside the gaze of the public. The police and any individuals are entitled to enter the court and give evidence for or against any applicant; it is quite an open hearing

I do not think that the police would hesitate to go into court and give evidence if they considered that the applicant was not entitled to receive favourable treatment. When an application is made for a gun license or a hotel license or anything of that sort, the police are invariably present, and usually they object to the application. These cases are heard under similar conditions. It is of no use the Minister's saying that applicants in the past not deserving of certificates have obtained them. It would be impossible to suggest a more just way of deciding these applications.

Let me now refer to the remarks of the member for Beverley regarding misdemeanours committed in the Beverley district by individuals to whom he referred as half-castes. I do not know why we want two statutes to control the half-caste and the aboriginal and only one to control the whites. The fact of our having a Native Administration Act does not imply that a half-caste is not subject to the ordinary laws that affect me. He still has to stand up to any misdemeanour against the laws that affect whites, apart altogether from the provisions of the Native Administration Act. If a half-caste gets drunk or takes liquor into a native camp and supplies it to a prohibited person, he is liable to prosecution, just as I should be.

The fact of the matter is that this law, like many other of our laws, is not carefully policed. We can find those mistakes in the administration of the liquor laws so far as we are concerned; I refer to those not covered by the Native Administration Act. There are the provisions relating to serving people under 21 years of age and those under the influence of liquor. Neither of those provisions is strictly enforced by the police. Men are served with liquor until they are afraid to leave the bar in case they collapse. Men can be seen who have long since come under the influence of liquor, and scores of them are under 21. These natives are subject to the same laws as we are, and I do not know that we have the right to impose another law upon them. We have taken their country away from them, and whether that has been to their advantage or otherwise is hard to say. It is little use referring to half-castes derogatorily because, after all, white men played their part in that.

Hon. E. Nulsen: We created them.

Mr. MARSHALL: Yes. We are not immune from disgrace so far as the half-castes are concerned, and I do not know that we should judge, lest we be judged. The half-caste is here because of the white man's activities which we might refer to

as being below standard. I do not suppose that has encouraged the native to look up to the white man and aspire to his standard.

I have often said here, and I repeat, that I do not think any individual of mixed blood, or any full-blood aboriginal, who can speak the English language intelligently and thoroughly understand it, should be controlled by any law other than that which controls me. I said that years ago in this House. We have no right to declare a person, particularly a person with white blood, to be a native. We may extol ourselves and exalt ourselves because we are pure whites; but, after all, it is a mere accident that we find ourselves in that position, and we could easily have been half-castes running around Beverley. It is not a matter of good judgment on our part. I am sorry the member for Beverley has seemingly been placed in the invidious position of having the worst types of natives in his district.

Mr. Mann: I would not say the worst types.

Mr. MARSHALL: I can tell the hon. member that, whatever may be the position there, in the Murchison there are scores of natives who have been wonderful citizens. They have been the salvation of the pastoral industry.

Mr. Mann: We have had a few of that type our way, and we regard them as being much superior to our own people.

Mr. MARSHALL: There are many of them up my way who have a reasonably high standard of living. They are very capable horsemen and stockmen and windmill hands. We have had them driving transport and working on the railways and they have proved good workers. They labour in the goldmines and are splendid workers there. I admit they have a desire to "go bush" occasionally, but we have not given them very much encouragement to forsake that practice. We do not welcome them with open arms. We are all the time frustrating any attempt they may make, as this Bill does, to rise. It is no good arguing that when they get hold of liquor they go mad. We do not need to look at half-castes to find evidence of that.

Mr. Manning: Two wrongs do not make a right.

Mr. MARSHALL: No; but the same law should apply to all of us. There should not be two laws for one section of the community and only one for the other. The same laws should be for both. We have no right to take a man's country from him, and push him down, and tell him he must live under a special Act of Parliament because we assume he is inferior to us. We should not exalt ourselves at the expense of these unfortunate individuals, whose existence on this planet is attributable, in the main, to colleagues of ours. I am referring now to half-castes. It is not fair or just to take up that attitude. This Bill will distinctly retard the possibility of the gradual emancipation of these people, because it will deny to them to a very large degree the right even to citizenship.

Mr. Manning: This will not prevent them from getting citizenship rights if they are worthy of them.

Mr. MARSHALL: It is little use arguing along those lines. What encouragement have we given to these people? We refer to them as natives and aborigines, and look upon them, and they know it, as being inferior. The only time we regard them as being our equals is when we want them as employees or soldiers. Immediately they are no longer required in those capacities, they are natives again, and we do not give them the encouragement to which they are entitled. We should not frustrate them. We should not discriminate against them by having special laws for them and calling them natives and aborigines. Those who understand the law and can read and write intelligently should have one law to obey, and that law should be the same as ours.

I would not subscribe to a Bill like this. It is a positive reflection on the magistrates who have dealt with these applications in the past. If they were at all dignified, and had any consideration for their high and honourable position, they would refuse point-blank to work under this legislation. I know that I would. I would say, "No, sir!" Because, after all, if I wished to grant a certificate under this Bill and the appointee said, "No, I do not agree with it," the appointee would have his way. Unless the decision is unanimous, the application fails.

The other provisions in the Bill make it absolutely unpalatable. It is wrong to say, that unless a native has had a certificate of exemption under Section 72 of the Native Administration Act for a period of two years, he is not to be even eligible to apply for citizenship rights. I would not go so far as my Leader. I do not care what board is created; if there were three members on it I would not agree to it. I think there is no person more qualified than a magistrate to do this work; and if the Minister wants to prevent what he calls unworthy applicants from being successful in their application for certificates giving them citizenship rights, he should ask his department to police those applications more thoroughly. Why should the Commissioner of Native Affairs be offended because an applicant gets a certificate under the Act? Do the police officers get offended when they go into court on a traffic case?

The Minister for Native Affairs: What makes you think the Commissioner is offended? It is pure supposition.

Mr. MARSHALL: The Minister, when introducing the Bill, said he wanted to reduce the number of certificates issued because certain applicants have succeeded in getting them. He indicated they were not warranted in receiving them.

The Minister for Native Affairs: Has the Commissioner told you that?

Mr. MARSHALL: No, the Minister did when introducing the Bill. Does the Commissioner think, because he goes into court and says he objects to an applicant being successful—

The Minister for Native Affairs: He does not go into court.

Mr. MARSHALL: Well, his deputy does.

The Minister for Native Affairs: No, they do not go into the court to give evidence They may have done in the past, but not now.

Mr. MARSHALL: Then they should! There is provision in the Act whereby every applicant for a certificate must apply to the Commissioner first in order that the Commissioner may go into court and give evidence either for or against the granting of the application. Why does he not do it?

The real trouble is that we do not police these Acts and, when something happens that we do not agree with, we want to amend them. Why does not the Commissioner or his deputy give evidence? If the Commissioner knows the man who is making the aplication. why does he not say to the magistrate that there is someone in the court to give the court a fair idea of the character and reputation of the applicant? It is the Commissioner's job to do that. I do not agree with any of the Bill at all. These people, half-castes and full-bloods, are more natives of the country than we are, and I take strong exception to having several laws controlling them whilst only one law controls us. In the circumstances I cannot agree to the Bill. I think it is wrong in principle. Its purpose—to restrict the number of certificates—is most objectionable to me.

THE MINISTER FOR NATIVE AFFAIRS (Hon. V. Doney—Narrogin—in reply) [10.43]: If I stick rigidly to the Bill, as requested by my friend the member for Avon Valley, it will not be because of the appeal he made; I think that would rather incline me to the contrary. I have noticed that members have dealt with practically every phase of native life—their troubles and so forth—but have forgotten that the Bill deals only with one problem, really, and that is the problem which was specifically mentioned by the Leader of the Opposition and the member for Warren.

I have been made to appear as a man who has not the interests of the natives at heart. That certainly is not so. I have never knowingly done anything to hinder the uplift of the natives in this State or elsewhere. Some members will probably know that I have had a considerable experience with a number of black races in various parts of the world. I was on such intimate terms with them that I have had only them for company on occasions for months at a stretch, I know the type of treatment to which they respond. If they are given kindly and considerate treatment they give genuine loyalty in return. No-one is going to pillory me, as a member opposite tried to do, as being an enemy of the black people in this State.

The member for Warren was very insistent—I am coming now to the principal requirement of the Bill, namely, the creation of a board in lieu of a magistrate sitting in sole jurisdiction on questions affecting citizenship rights—upon not accepting my assurance that I shall have practically nothing whatever to do with the nomination of the second man on the board. The Bill gives the hon. member no grounds whatever for lodging a complaint of that kind because it states as plainly as can be done with words, that the nomination is to be made by the local authority and that it is to be passed on to me and I shall accept it.

Mr. Hoar: I got that from your speech; not from the Bill.

The MINISTER FOR NATIVE AFFAIRS: The hon. member would have done far better to have listened a little more closely, or else to have looked up the Bill. The reason why the Government has decided to increase the number on the bench from a magistrate, to a magistrate and a helper is because the helper would be a man well known in the district. This second man would be either the mayor, the chairman of the road board or some well known member of the local authority. It must be remembered, too, that the native who is submitting the application must be living in the area in which the court is sitting. It has been regarded as entirely unfair to the magistrate, sitting solo, to have to determine whether a native who applies for citizenship rights should have his application granted. It is hard upon the magistrate because he has no means of finding out anything at all about the native except from the native himself.

Mr. Read: He is listening to evidence.

Mr. Marshall: It is in a secret court.

The MINISTER FOR NATIVE AFFAIRS: No, it is not.

Mr. Marshall: Why does not the Commissioner of Native Affairs take some part in the proceedings?

The MINISTER FOR NATIVE AFFAIRS: Considerable objection has been taken by one hon. member to the appearance in court of the Commissioner on the score—and a stupid score it is, indeed—that he

is at enmity with the native who is applying. The position is quite to the contrary. The Commissioner shares my view and desires as I do, to assist as many decent natives as possible to make application for citizenship rights.

The Commissioner who, in my judgment, is an excellent officer, follows that line precisely; he, too, wishes to increase the number of good natives and make of them ordinary citizens of the State to whatever extent that can be done. I see no grounds for agreeing that there should be three members on the board. I am afraid it must be taken for granted that if two members, a nominee of the Minister and the magistrate, having seen the evidence and having had before them a precis of the native's background, cannot agree, it will simply mean that the native concerned has not shown up in as good a light as he might have.

Mr. Marshall: Why does not the magistrate get the evidence from the department to guide him?

The MINISTER FOR NATIVE AFFAIRS: He can, but it is considered to be an improvement that a man who will have a knowledge of the natives, since he lives in the same district, should sit on the bench with the magistrate and share the responsibility of passing judgment on applicants.

Mr. Marshall: First you say that the magistrate knows nothing about the native and now you say he can get the information from the department.

The MINISTER FOR NATIVE AFFAIRS: The magistrate could get it from the department but, by and large, he would be relying on the evidence of the native himself. I do not say that the native would be lying; I will let members judge of that for themselves.

Hon. E. Nulsen: The native must have two references, as well.

The MINISTER FOR NATIVE AFFAIRS: It is probable that the magistrate would have no personal knowledge of the natives of the district, such as would the local man. It is no use pretending that the Bill makes much appeal to members opposite who have spoken, but I am sticking to the requirements of the measure and hope that when we are dealing with it in Committee members opposite will be more amenable to reason than some of them have been so far.

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

Ayes	20
Noes	17
Majority for	3

Ayes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Manning	Mr. Bovell
	(Teller.)

Noes.

Mr. Brady	Mr. Nulsen
Mr. Graham	Mr. Read
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. Marshall	Mr. May
Mr. Moir	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Wild	Mr. Kelly
Mr. Hearman	Mr. Needham
Mr. Butcher	Mr. Coverley
Mr. Mann	Mr. W. Hegney
Mr. Hutchinson	Mr. Panton

Question thus passed.
Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Native Affairs in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Sections 3A and 3B added:

Hon. A. R. G. HAWKE: I am surprised that a majority of members could vote for the second reading of the measure, unless it was in the hope that it would be sensibly amended when in Committee. The proposition contained in this clause to establish boards consisting of two members is, in my opinion, mad. The fact that the Minister is so strongly insistent upon this provision moves me to believe that it has been introduced—not necessarily by him—for the purpose of putting the hooks round the magistrates and making them nonentities in the matter of granting citizenship rights certificates in the future. Had that not been so this provision would not have been contained in the Bill. Could there be anything more absurd than a board of two members where every decision must, in effect, be resolved in the negative unless there is unanimous agreement? That principle could do nothing but stultify the work of such a board.

I can imagine what magistrates will think of this measure if it becomes law in its present form because it is, in effect, a vote of no confidence in the administration of the magistrates since the time when they started to deal with applications for citizenship rights certificates. However, if the Bill had laid it down that each board was to have three members then magistrates might have felt that majority decisions would prevail, and that their decisions could not be over-ruled except by two other persons on each board being in agreement against the

magistrate in each instance. But it is not proposed under this Bill that there shall be three members on each board. It is proposed that there shall be two members on each board, one of whom shall be a magistrate and one shall be somebody else.

If those responsible for the drafting of this Bill in its present form wanted to ensure that no more citizenship rights certificates should be granted in the future, it seems to me that they have gone a long way towards achieving their objective. We know from the outlook of the member for Avon Valley, in the speech he made this evening on the subject, that he possesses no end of prejudices in regard to full-blooded natives, half-castes and those of the native population of varying colours. I think if the member for Avon Valley were asked straight out whether he was against granting any certificates to any of these people in the future, he would say, in effect, that he was. I am prepared to trust the magistrates. As the member for Murchison said, they are trained in the taking of evidence; they are men of the world—they have knocked about a good deal.

Mr. Marshall: And they know their districts well.

Hon. A. R. G. HAWKE: Yes, and Parliament, in various statutes, entrusts to their judgment and decisions issues much more important and far-reaching than the issues which have been entrusted to them up to date in the granting of certificates for citizenship rights. Yet the Government has allowed itself to be persuaded to introduce this Bill which takes away from the magistrates the legal right which they previously exercised. That of itself might not have been so bad but this Bill goes so much further than that, because it will subject magistrates in the future to the probability of being over-ruled, frequently, by one other person.

The Minister for Native Affairs: How would that come about?

Hon. A. R. G. HAWKE: The Minister should not need to be told how it would come about, but it would occur when the second person on the board decided against the magistrate's judgment in connection with each and every application that would come before the board in that particular area.

The Minister for Native Affairs: "Each and every!" You cannot look forward and see that result. You do not know.

Hon. A. R. G. HAWKE: If we passed the Bill in its present form the magistrate could be over-ruled on each and every occasion by the other person on the board with him in each particular area. I would not suggest that in actual practice the second person on the board would destroy the magistrate's judgment in regard to every application, but I would hazard a guess that he would destroy it on 50 per cent. of the occasions.

Mr. Marshall: And the Minister admitted when he introduced the Bill that he wanted to restrict the number.

Hon. A. R. G. HAWKE: Of course the Minister must be dissatisfied with the way magistrates have handled the matter in the past, because if he were satisfied this Bill would not be before us—there would be no need for it. So it is no use the Minister saying that he is not dissatisfied with the way magistrates have administered the Act in the past, otherwise why should the hooks be put round them in an endeavour to stultify them?

We have this mad proposal for a board of two. This is not going to be a majority rule. It is not even minority rule. It is no rule at all. The quite insane position it would set up, if an attempt were made to operate this proposal, would be that the second member on the board could, whenever he pleased, negative the decision and judgment of the magistrate. No magistrate worth his salt would put up with that situation for long. I want to know from the Attorney General, if he is taking any interest in this matter, what would be the position of a magistrate who refused to act on boards of this kind.

The Minister for Native Affairs: You know that this would become the law of the land and operative everywhere.

Hon. A. R. G. HAWKE: I know it would if Parliament were stupid enough to pass this Bill.

The Minister for Native Affairs: That is not an answer.

Hon. A. R. G. HAWKE: If we can take the voice of the Minister for Native Affairs as being authoritative, then any magistrate who refused to act if this Bill were to become law would be subject to dismissal.

The Minister for Native Affairs: That is putting words into my mouth and I certainly did not say that. You know what I said.

Hon. A. R. G. HAWKE: I understood the Minister to mean that.

The Minister for Native Affairs: Then the Minister did not mean that.

Hon. A. R. G. HAWKE: Then what did the Minister mean?

The Minister for Native Affairs: His meaning went as far as he spoke and that was to this effect, that this would be the law of the land and that all those who were connected with it, or words to that effect, would be bound by it.

Hon. A. R. G. HAWKE: That is not an answer.

The Minister for Native Affairs: That is what I said before.

Hon. A. R. G. HAWKE: I ask the Minister straight out: What would be the position of a magistrate who, after having had some experience with this proposed new law, if it did become law, refused to act any further on one of these proposed boards?

The Minister for Native Affairs: I am not going to hazard an opinion except to say that you should not take it for granted. I do not know whether you are intending to do so in a deliberate way or not, but you are putting those ideas into the heads of magistrates.

Hon. A. R. G. HAWKE: I am asking the Minister to tell the Committee what would be the position of a magistrate who, justifiably in my opinion—

The Minister for Native Affairs: This is one—

The CHAIRMAN: Order! The Minister can do that after the Leader of the Opposition has finished.

Hon. A. R. G. HAWKE: Any magistrate, in my opinion, would be justified in refusing to act on these boards, especially if, after a certain period of experience, he found that the boards were working in the way I think they will work if Parliament is foolish enough to set them up. Surely it was within the ability of those who advised the Minister in connection with this Bill, and within the ability of the Minister and other members of the Government, to have devised a board of three, with suitable personnel acceptable to Parliament. On that basis I think there would have been far less objection to this part of the Bill because, where a magistrate was over-ruled if he were a member of a board of three, at least he would have the comfort of knowing that it had taken two other persons to overrule his view and judgment. That would at least establish majority rule in the operation of these two boards. However, those advising the Minister did not want a board where majority rule could prevail. Evidently the Minister and the Government did not want that sort of board; they want a board consisting of two members; a magistrate and one other person, where the decision of that person can over-rule that of the magistrate. It would be a bad look-out for our magistrates if such a board ever does operate and it would be a bad look-out for the natives.

The MINISTER FOR NATIVE AFFAIRS: In those cases where the second member of the board over-rules the magistrate, it could surely be for no other reason than that of the superior strength of the second man's argument. The magistrate, if he has any stuff in him at all, is certainly not going to be over-ruled for the fun of it. The Leader of the Opposition said that every decision would be resolved in the negative. That is a most amazing statement to make. How can he foresee what is to happen in these cases and say that every decision will be resolved in the negative?

Hon. A. R. G. Hawke: That is only half of what I said.

The MINISTER FOR NATIVE AFFAIRS: Even that half is damning enough. That half struck me as being just as foolish as some of the things that the hon. member has alleged against the Government. I think that a board of two, one a magistrate, could do very good work. Have there not been hundreds of cases decided by two magistrates? Quite a number of cases have been decided by the local court magistrate and the local justice of the peace, and I do not think there has been any great outcry against that practice. This will not be an isolated case of two men sitting on a bench. If they disagree it will have the unfortunate effect of the application being turned down, but it has to be allowed that surely some little thought must have been given to the cause of the applicant. I do not think there is much value in further debating this point.

Mr. Hoar: What made you choose two men instead of three?

The MINISTER FOR NATIVE AFFAIRS: I suppose we may have had in mind the example of the magistrate and the justice of the peace that I have just mentioned, and realised that that method has escaped criticism through the years.

Hon. J. T. Tonkin: It is not the same method.

The MINISTER FOR NATIVE AFFAIRS: There is sufficient similarity between the two to justify my saying that it is the same method.

Hon. E. NULSEN: I cannot understand why the Minister brought the Bill before the House.

The Minister for Native Affairs: Where does the hon. member think I would have taken it to?

Hon. A. R. G. Hawke: To a certain type of tree.

Hon. E. NULSEN: The Minister has told us that he is perfectly satisfied with the magistrates of our State and I think they are comparable with any in Australia, and he does not doubt their integrity. In open court they can obtain all the evidence necessary. Furthermore, they have no axe to grind. Where appointments are made from local governing bodies, there is always prejudice and, further, there is a chance of appointing somebody who has an indirect relationship with a full-blood or half-caste. This is either a restrictive measure or it seeks to glorify the Commissioner of Native Affairs by making him "a big white boss" so that nobody can supersede him.

The Minister for Native Affairs: That is a childish statement.

Hon. E. NULSEN: I say it is not. There is no reflection at all on the Commissioner of Native Affairs.

The Minister for Native Affairs: It is a reflection.

Hon. E. NULSEN: No, it is not, but the Minister is reflecting on our magistrates. What is the point of having two members on the board? There is no comparison between this board and a magistrate and a justice of the peace. It seems that the Minister has made up his mind that we will not have so many natives being granted their citizenship rights. Why? I heard the Minister say himself that he is sympathetic with the problems of the coloured people; that he had associated with them and that if justly treated they are good people to work with, and yet he brings down a measure to restrict them from getting the rights to which they are entitled.

The Minister for Native Affairs: Oh, no!

Hon. E. NULSEN: It cannot be for anything else. I am not in favour of any board whether it be of two or three members. If the Minister is sympathetic and wants to help the natives I ask him to withdraw the Bill. The Act itself is restrictive. The natives have to be angels and much better than a white man in order to gain citizenship rights. They can go to war and fight for the country, but yet, on their return, they are frowned upon and are not entitled to enjoy the rights that they did enjoy whilst away fighting for their country. Who has a greater right to be granted an opportunity of being equal to his father than the half-caste? It was not his choice that a white man should be his father and yet, through being a half-caste, he does not belong to the aborigines, and now the white man says he does not want him, either. Where can he go?

Mr. Hoar: He cannot go to the Minister now.

Mr. Manning: There is no mention of that in the Bill.

Hon. E. NULSEN: There might not be any mention of it, but it has the effect. So far as this Opposition is concerned, we know that these unfortunate people have no rights or votes in the country, but if they had the right to vote, more consideration would be given to them than they are receiving now. I have been associated with natives from the time I was a small boy in Wiluna. I found that if they were treated fairly they would respond fairly. In one year, eight persons were killed but it was their own fault as they were unscrupulous and took advantage of little girls. I was never afraid to meet these people, even as a little boy, but now we say that before they can get citizenship rights they must be superior in character even to the white man.

Hon. A. R. G. Hawke: The Act says that.

The Minister for Native Affairs: A lot of foolish exaggeration!

Hon. E. NULSEN: It is suggested that we should lift them to the necessary standard, but how can that be done if they are not given the opportunity? There is a man for whom I have not much time who has done more for the natives in the North-West than anyone else since the white people have taken control of the natives.

Mr. Totterdell: Is that McLeod?

Hon. E. NULSEN: Yes. I do not say I agree with his methods; I do not know the man, but I feel that if I did know him I might not like him. But there is no doubt of what he has done for the natives. I will not agree to any board, whether it consists of three or four members because if we had three the position would revert to one of having one magistrate. I have read all there is to be read about this, and I am satisfied that the magistrates have done a good job.

Mr. GRIFFITH: It has been suggested by the Leader of the Opposition that where a magistrate sits on the bench with a justice of the peace, he over-rules the latter. I am sure the hon. member has not forgotten the case of two justices of the peace sitting on the bench in a court of petty session.

Hon. J. B. Sleeman: That is not one justice.

Mr. GRIFFITH: The decision of those two justices is surely a precedent for the establishment of this board.

Hon. A. R. G. Hawke: It is nothing of the kind.

Mr. RODOREDA: I find amazing the analogy that the member for Canning has attempted to draw. If one justice disagrees with the other, the case is not lost or dismissed, as it is with this board. The Minister must congratulate himself once more in his political career that he has the numbers, because it saves him from putting up any reasons; he proposes to stick to the Bill and give no reasons for his attitude.

The Minister for Native Affairs: The hon. member is wrong there. I have made explanations on the points in dispute.

Mr. RODOREDA: What did the Minister call it—explanations? I do not think the Minister understands the meaning of the word "explanation."

The Minister for Native Affairs: You can think what you like.

Mr. RODOREDA: There has been no explanation given but there has been a statement made.

Mr. Manning: We are giving the magistrate an assistant who has knowledge of native affairs.

Mr. RODOREDA: I can get more explanations from the member for Harvey than I can from the Minister; apparently the hon. member knows what it is all about! I have been trying to find out

what is the influence behind the introduction of this Bill and the formation of this board. During the second reading speech, the Minister assured me that magistrates had made no complaint about it; I think he also assured me that the native affairs administration had made no complaints, and that he had no complaints to make, either. In that case, where is the nigger in the woodpile? What is the influence behind it? What has impelled the Minister to bring a Bill of this sort before Parliament? What is the matter with the present Act?

The Minister for Native Affairs: Go on; it is your speech.

Hon. A. R. G. Hawke: Evidently the Minister wants the road boards to run the business of native affairs.

Mr. RODOREDA: Unquestionably, this Bill has been brought before Parliament because the Government did not have the courage to repeal the Natives (Citizenship Rights) Act. The Government is going about it in an underhand way. This is an endeavour to restrict natives except those approved by the Commissioner of Native Affairs early in the peace.

Mr. Manning: Why?

Mr. RODOREDA: Because no native can bring an application to the board unless he first has certain exemption granted by the Commissioner of Native Affairs.

Mr. Manning: The Commissioner will give him that.

Mr. RODOREDA: Therefore we hand over full power to the Commissioner of Native Affairs; not to the board at all. That being so, why do we want the board? All it will do is to confirm what the Commissioner of Native Affairs has done. What would happen if people like the member for Avon Valley were chairman of the board? Would they consider the evidence? Of course they would not. I know the prejudice that exists against the native right through the North-West; it is an intense and undying prejudice. We would not get any people on these boards to give an unbiased opinion.

The Minister for Native Affairs: Would not you say that the position is substantially improving in the North-West with regard to the attitude of pastoralists and others towards the natives?

Mr. RODOREDA: It certainly is not. The Minister should know what a trimming up the Commissioner of Native Affairs got in Port Hedland. He never had a more uncomfortable time in his life because he somehow approved of what was being done; he tried to force the natives back to the stations. He told me that he had never been more insulted in his life. The Minister is divesting himself of all responsibility. Who is going to be appointed? The Minister does not know.

The Minister for Native Affairs: You can see what is in the Bill.

Mr. RODOREDA: The clause provides that anyone who is resident in the district may be appointed and he will be appointed by the Minister, not by the road board.

The Minister for Native Affairs: The road board will put up a recommendation.

Mr. RODOREDA: That is not so.

The Minister for Native Affairs: What you are saying is merely a repetition of what has been said many times.

Mr. RODOREDA: I cannot help that. The Minister does not seem to know the implications of the Bill. Any person at all could be appointed by the Minister, not by the road board, and the Minister has denied that that is so. If he does not know who is to be appointed, how can we know that the board will function. I have not heard of a more ridiculous proposal. If provision were made for an arbitrator, I could understand the proposal.

What harm have the magistrates done? The Minister cannot tell us. He says he is satisfied, but he cannot be satisfied; otherwise he would not have introduced the Bill. This is a deliberate attempt to defeat the granting of citizenship rights. Had the department submitted evidence against applicants, citizenship rights would not have been granted to unworthy people. There must be a percentage of error, because nobody can visualise what some human being will do in future. However, the whips have been cracked and the Government has the numbers.

Hon. J. T. TONKIN: Obviously the proposal is definitely loaded in one direction, and that makes me very suspicious of the reason. The proposal is to have a board of two, and no provision is made as to who will be chairman. If an argument developed between the magistrate and the other member, who would take charge?

The Minister for Native Affairs: I do not know that a chairman will be required.

Hon. J. T. TONKIN: Someone must take charge of the meeting.

The Minister for Native Affairs: It would be an exchange of views and the one with the stronger views would prevail.

Hon. J. T. TONKIN: It would be an exchange of views to the extent that the magistrate's view would not prevail unless he wanted to refuse the application.

The Minister for Native Affairs: That is not so.

Hon. J. T. TONKIN: I shall show that it is. If the magistrate wishes to grant an application and the other person does not, the magistrate's view would not prevail.

The Minister for Native Affairs: You are taking it for granted that the second man must necessarily be unfriendly towards the application.

Hon. J. T. TONKIN: Not so. In every case where there was a disagreement, the application must be refused. Thus an application would be refused, firstly, where

the magistrate wished to refuse it and the other member did not; secondly, when the magistrate wished to grant it and the other member did not; and thirdly, where they both wanted to refuse it. Thus in three instances there would be a refusal, and in only one instance could the application be granted.

The Minister for Native Affairs: Put the second man in the magistrate's place and argue the same way.

Hon. J. T. TONKIN: The application would still be refused. Only in one instance could it be granted and that is where both agreed to grant it. So the odds are heavily against the granting of the application. There is nothing democratic or fair in that. We expect for everybody a fair crack of of the whip. The member for Canning mentioned an instance of a magistrate and a justice being on the bench. If they disagree, the view of the magistrate prevails. That is a totally different proposition. Under the Bill, the magistrate can only be certain that his view will prevail if he wants to refuse the application.

Mr. Griffith: The example I gave was of two justices on the bench and no magistrate, or, if you will, two judges on the bench of the Full Court.

Hon. J. T. TONKIN: That is not analogous at all. I have never before seen a proposal of this kind anywhere. It is so unfair and so heavily loaded in one direction. We expect that if any application is to be made for a decision, there shall shall be an even chance of getting a decision one way or the other. In the proposal the odds are three to one in a certain direction, which makes me believe that the Minister very deliberately wants to make it considerably harder for these people to get citizenship rights; deliberately sets himself out to make it more restrictive. He heavily loads the proposal in one direction.

The Minister for Native Affairs: I have already denied that, so I will not bother to do so again.

Hon. J. T. TONKIN: The Minister's denial does not prove anything.

Hon. A. R. G. Hawke: It is the Bill that counts.

Hon. J. T. TONKIN: The Minister cannot give an example to show where there is an even chance for any application under this proposal. Surely it must be clear that there are three chances of the application being turned down to only one of its being upheld! The only time it can be upheld is where both agree to uphold it. Is that not so?

The Minister for Native Affairs: Yes.

Hon. J. T. TONKIN: But there are three instances where it can be turned down. If the Minister wants to stick to a proposition like that, he cannot make any claim to just and fair administration, because that is biased administration, heavily loaded in one direction to secure a certain result. The Minister might as well come out in the open and declare that that is the intention of the Bill.

Mr. J. HEGNEY: I move—

That progress be reported.

Motion put and negatived.

Mr. J. HEGNEY: I do not claim to have a special knowledge of the native problem in Western Australia.

The Minister for Lands: You should have. There are plenty of natives in your electorate.

Mr. J. HEGNEY: I said I did not claim to have a special knowledge of or to be an authority on the problem, but I have had a close association with it in the metropolitan area. From my reading on this question, there has been a great effort to try to uplift natives and give them citizenship rights. We passed an amendment to the Native Administration Act with that object; and not long ago there was a conference in Canberra on the subject and our Commissioner was present, as also was Mr. Hasluck, the Federal Minister, who deals with the natives of Australia and those of New Guinea. Anthropologists were associated with the conference and the general trend of the discussions was that an effort should be made to uplift the natives and bring them on to the same plane as white men. It was contended that the final solution to the problem lay in their absorption into the white community.

There is no question that this is restrictive legislation. From now on fewer natives will be elevated to citizenship than in the past. We know that drink has a deleterious effect on natives, but it is also the curse of Australia so far as whites are concerned. If white people cannot set an example in that respect, I do not think we should reflect on the natives and ask them to live up to our standards. Undoubtedly natives have been exploited unnecessarily in Australia, and particularly in our own State.

Mention has been made of what Mr. McLeod, who lives in the Port Hedland district, has done to improve the conditions of natives. I know, as does the Minister for Lands, that natives are subject to a great deal of communistic influence. As a matter of fact, for quite a number of years the communists, particularly around Bayswater, worked amongst the natives; so much so that at one stage no fewer than 300 natives held a protest meeting to demand their rights.

The Minister for Native Affairs: Has this much to do with the Bill?

Mr. J. HEGNEY: Yes; I am referring to the need for uplifting the natives, and the Bill does not seek to do that. The Commissioner advocated recently the same

thing as the communists suggested in Bayswater years ago—that decent houses should be constructed for these people between Geraldton and Perth. It was contended that if 1,500 houses were constructed for them, that would be a great contribution to the solution of this problem. This legislation will throw the natives back to where they were. The Minister should report progress and study the matter further, and possibly he would then not proceed with the Bill.

Mr. BRADY: I wish to make some reference to the Bill because once or twice members on the other side have mentioned the Bassendean natives. Apart from that, I have a special interest in the natives, and my sympathies are with them. The game of politics will upset them more than is the case at present. Everything is loaded against their obtaining citizenship rights. I have in mind the case of a native who, with his wife and three children, lives on an acre of ground. He would like to have his own home but he lives among a number of other natives, and because he has citizenship rights they come to his camp and threaten to hurt him or his family, or pull down his shanty if he does not get them liquor.

The Minister for Lands: That is the point.

Mr. BRADY: But that man cannot get a home from the Government. He has to live on the reserve and, if there are rows because of the other people living there, the police are called out. The Government should give the natives who have citizenship rights, decent homes to live in.

The CHAIRMAN: Order! This has nothing to do with the clause.

Mr. BRADY: I think it has because I believe the clause will worsen the position of a native applying for citizenship rights. We should improve the position by giving these people a chance to get their own homes.

The CHAIRMAN: Order! The hon. member cannot continue on that line.

Mr. BRADY: I am surprised that the Government supporters who are supposed to be sympathetic with the natives, are not opposing the legislation. The member for Moore always holds himself up as one who tries to help the natives, but he is sitting pat and doing nothing. He should be supporting some amendments to enable the natives to have a fair go. I am satisfied there is an ulterior motive behind the Bill. The Minister claims to be sympathetic but, despite an unanswerable case from this side, he insists on the Bill going through in its present form. The Commissioner of Native Affairs, or someone else, is behind this move.

I was at a function last Saturday, and there were five natives sitting down with a football team and they conducted themselves as well as anyone else at the social. Some were over the age of 21 and some just under. Those chaps, in my opinion, are just as entitled to full citizenship rights as is anyone else. Here is the irony of the situation: Thousands of Europeans are coming into the country, but they do not have to go before a magistrate and a justice of the peace. They simply go before one magistrate. Why should the Australian native have to go before two people with a three to one chance against getting citizenship rights? I hope members on the other side will do the right thing and vote with the Opposition against the Bill.

Hon. A. R. G. HAWKE: The Bill ought to have been put on the bonfires last night.

The Minister for Lands: That is just a matter of opinion.

Hon. A. R. G. HAWKE: I do not think it is.

The Minister for Native Affairs: That is a bit smart, but I do not think it is much else.

Hon. A. R. G. HAWKE: When the Minister was asked to give some parallel system of board control to the one proposed in the Bill, he found himself in difficulties. The only one he could think of was where a magistrate and a justice of the peace sit together upon the bench.

Mr. Manning: Why is it so necessary to give a parallel?

Hon. A. R. G. HAWKE: That is not a parallel at all because, if the justice of the peace and the magistrate disagree, the decision of the magistrate prevails.

The Minister for Native Affairs: Take the position of two justices of the peace sitting without a magistrate. Go to work on that one.

Hon. A. R. G. HAWKE: I will certainly show that it is not a parallel. Two justices of the peace are equal in status. When they disagree there is no humiliation for either of them.

The Minister for Native Affairs: There is not in the other case.

Hon. A. R. G. HAWKE: There is in the board proposed to be set up under the Bill, for the magistrate.

The Minister for Native Affairs: No.

Hon. A. R. G. HAWKE: Up till now the magistrates have had sole jurisdiction, but suddenly the Government comes along with a Bill and proposes to make the jurisdiction of the magistrate subsidiary—

The Minister for Native Affairs: Not subsidiary at all.

Hon. A. R. G. HAWKE: —to a road board, wherever the representative of the road board disagrees with the magistrate.

The Minister for Native Affairs: No.

Hon. A. R. G. HAWKE: If the Government wants road board control on this issue, why does it not do the proper thing and set up boards on which there shall be only road board representatives?

The Minister for Native Affairs: That is not what is proposed.

Hon. A. R. G. HAWKE: It is what will happen under the Bill if it becomes law.

The Minister for Native Affairs: No, it will not.

Hon. A. R. G. HAWKE: It is of no use the Minister shaking his head and muttering, because that will be the effect of the Bill.

The Minister for Native Affairs: I say it will not be, and cannot be.

Hon. A. R. G. HAWKE: I will prove it to the members of the Committee other than the Minister. The Bill proposes to establish boards upon which there shall be only two members, one of whom is to be the district magistrate and the other a person appointed by the local authority. Except where the two persons are unanimous, the decision is to be in the negative. How can any decision of the magistrate prevail when the road board representative is against him.

The Minister for Native Affairs: It cannot; that is the answer.

Hon. A. R. G. HAWKE: Of course it is, and the Minister's answer proves beyond any shadow of doubt that the issue in the future, if the Bill becomes law, will be controlled completely by the road boards.

The Minister for Native Affairs: No, it will not be.

Hon. A. R. G. HAWKE: There is no doubt about it at all because, except when it pleases the representative of the road board to agree with the magistrate, the decision of the road board will prevail. I appeal to the Government, if it is going to stick to the proposal in the Bill, to do the decent thing by the magistrates and release them from the responsibility of serving on these boards, by handing the job over completely to the road boards. Be straight out and "dinkum" about it; state expressly in the Bill that the boards shall consist of two representatives, if the Government likes, of the local authority concerned. Do not humiliate the magistrate by putting him on the board and, at the same time, handcuffing him by providing that his decision can never take effect unless he decides in the negative, or the road board representative agrees with him and so makes the decision unanimous.

The Minister for Native Affairs: Cannot you foresee their agreeing on occasions?

Hon. A. R. G. HAWKE: Of course I can.

The Minister for Native Affairs: You are entirely ignoring that point.

Hon. A. R. G. HAWKE: I am not ignoring it at all.

The Minister for Native Affairs: You made no mention of it.

Hon. A. R. G. HAWKE: I am saying that by the Bill we are handing over completely to the road boards the decisions which are to be made in the future in regard to the granting of certificates for citizenship rights, and that unless the road board representative agrees that the application should be granted, it will be refused, irrespective of the view of the magistrate. In each instance the road board representative will decide finally whether the application is to be granted and in my view that is a most indecent legislative proposal. Surely members will not allow magistrates' noses to be rubbed twice in the same dirt. I strongly oppose the clause and hope that, even at this late hour, rank and file supporters of the Government will do the right thing and vote this clause out.

The MINISTER FOR NATIVE AFFAIRS: The Leader of the Opposition has misrepresented the position. He insists on assuming that the representative of the local authority must be against the natives, but that is not so.

Hon. J. B. Sleeman: It is, nine times out of ten.

The MINISTER FOR NATIVE AFFAIRS: The member for Melville went to some trouble to explain that in two cases out of three—

Hon. J. T. Tonkin: In three cases out of four.

The MINISTER FOR NATIVE AFFAIRS: He said that the odds against the native would be three to one, and he managed to establish that by referring first to the magistrate and not the representative of the local authority.

Hon. J. T. Tonkin: Then you start with him.

The MINISTER FOR NATIVE AFFAIRS: Let us say he desires to grant the certificate but the magistrate does not—

Hon. J. T. Tonkin: Then it is refused.

The MINISTER FOR NATIVE AFFAIRS: It would be granted on occasions when both members were in favour of it and that destroys the average of three to one. That is achieved by starting with the magistrate.

Hon. J. T. Tonkin: No.

The MINISTER FOR NATIVE AFFAIRS: It is so.

Hon. J. T. Tonkin: There are three chances of refusal and only one of its being granted.

The MINISTER FOR NATIVE AFFAIRS: Seven-eighths or possibly more of the arguments put forward by members opposite in the last half hour have been a repetition of those put forward in the previous half hour.

Hon. J. T. TONKIN: Obviously the Minister did not follow the illustrations I gave. There are three chances that

any application will be refused and only one that it will be granted, irrespective of the attitude of either member of the board.

The Minister for Native Affairs: Start with the magistrate.

Hon. J. T. TONKIN: No matter with which member one starts, it is heavily loaded towards the refusal of the application because there are three chances to one that it will be refused. Only the opinion of the road board member matters because, if he decides to go against the magistrate, the application is refused. The only time it can be granted is when they are both of the same opinion.

The Minister for Native Affairs: It depends equally on both of them.

Hon. J. T. TONKIN: No.

The Minister for Native Affairs: That is absurd.

Hon. J. T. TONKIN: If the magistrate wishes to grant the application and the road board member does not, it is the view of the latter which prevails. If they are both against it, the application fails and, again, it is the view of the road board representative that counts because if he took the opposite view and upheld the application it would still be declined.

The Minister for Native Affairs: The hon. member is more concerned with winning an argument than establishing facts.

Hon. J. T. TONKIN: There are three chances to one against it.

The Minister for Lands: If we had a blackboard we could work it out.

Hon. J. T. TONKIN: I will listen to any member who can show that there are not three chances to one that every application will be refused.

Mr. Manning: Three slim chances to one.

Hon. J. T. TONKIN: They are not slim chances. They are very strong chances. If a man makes an application to the board, he expects to get an equal chance that the application will be granted or refused. Under this Bill he has not an equal chance. He has only one chance that it will be upheld, and that is where they both agree to uphold it. But there are three instances where he must fail: Firstly, where they both agree to refuse, and secondly where one or other agrees to refuse. Whichever way we look at it, it is a case of three chances to one for refusal. The Minister will still not agree that that is so.

The Minister for Native Affairs: That is quite right. I have known the hon. member on many occasions to prove something to the hilt and yet it has been wrong. There was a classical example of that, although I will not remind the hon. member about it.

Hon. J. T. TONKIN: We will deal with this one now. If an application is made to the board, in how many different instances is it possible for the applicant to succeed? One only! He can succeed only where they both agree to grant it. Against that, there are three chances where he must miss.

The Minister for Education: You cannot distinguish between the magistrate and the road board chairman; where the magistrate disagrees with the road board chairman or the road board chairman disagrees with the magistrate. They simply disagree and that is all there is to it.

Hon. J. T. TONKIN: I will give the Minister the three instances. If the road board chairman says, "We will refuse this application," it is refused. That is one instance. If the magistrate says, "We will refuse this application," it is refused also. That is the second instance.

The Minister for Education: But they still disagree.

Hon. J. T. TONKIN: If they both say they will refuse, then that is the third instance. So there are three chances to one.

Hon. A. R. G. Hawke: The Minister is still trying to work it out on his fingers.

Hon. J. T. TONKIN: So any proposition for adjudication which is heavily loaded in that direction will not have any support from me, because a man is entitled to an even go and an even crack of the whip. The only way that it could be fair would be where he had two chances one way and two the other. The Minister deliberately makes a board of two members so that the proposition is loaded, but if there were a board of three, the native would have an equal chance either way—where they were unanimous would be one instance and where two went one way or two the other and that would mean an even break. But in this instance the road board member will be most important, because the magistrate's decision will prevail only when they agree or when the magistrate wants to refuse an application, or in the unlikely event of the road board member wanting to uphold the application. It seems an unfair proposition to decide that in only one instance has a man a chance of succeeding.

Mr. CORNELL: I want to know from the Minister why he objects to having two local representatives on the proposed board. I feel a little bit with the Opposition in this regard—that the local knowledge of two men may be preferable to the scanty local knowledge of one man. It could conceivably be that a man who was appointed could have a very limited local knowledge. He could be a man who did not get around very much and, in any case, from my observations the local knowledge that these men possess is, in the main, gleaned from the

police. I want the Minister's reasons for his rooted objection to the appointment of two men acting in conjunction with a magistrate.

Hon. J. B. SLEEMAN: I have here a report from Mr. Paul Hasluck, Commonwealth Minister for Territories. According to this, the Minister agreed to certain proposals at a conference that was convened on this subject. The report states—

> The success of nation-wide administration measures for native advancement will be limited unless accompanied by nation-wide sympathy and tolerance for those under-privileged members of our community who are fighting their way upwards.

I do not know whether the Minister agrees that there is any tolerance in this Bill. The report goes on to state—

> The Ministers resolved to form a native welfare council which will meet at least once yearly and they drew up a series of statements setting out the objectives of native policy and the agreed methods by which policy should be applied. Thus, the various administrations translated their experience over recent years into a practical programme of action and created machinery for continuous co-operation in a nation-wide effort for the advancement of native welfare.

I do not know whether the Minister gave any assurance that this was the sort of machinery he was going to set up for the benefit of natives. The report goes on—

> One major consequence of the policy of assimilation is citizenship for the natives. At present, persons classed as aborigines are controlled under various Acts relating to aborigines, but, on application, they can obtain exemption from those Acts. Exemption usually means that the exempted native exercises all or most of the rights of citizenship.
>
> Throughout Australia there are, however, various anomalies in practice because of the varying definitions of the term "native" and "aboriginal" in such special legislation. Furthermore, such a system of exemption is open to objection because it suggests to some people that all persons who are defined as aborigines or natives are regarded as constituting a different class of citizen by their very nature.
>
> The more correct statement is that those persons to whom the special legislation applies are wards of the State who, for the time being, stand in need of guardianship and that they should automatically cease to be wards when they are fit to assume the full citizenship to which they are entitled. This view could be clearly expressed by amendments to existing legislation so that, in place of attempts to define a native or an aboriginal, the special legislation would be made to apply only to those persons deemed to stand in need of guardianship and tutelage.

It would be interesting to know whether the Minister remembers discussing this at that conference and if the Bill is the result of his attending such a gathering. I shall be glad to have from the Minister an assurance—

The CHAIRMAN: Order! The member for Fremantle cannot discuss that report because it has no relation to this clause.

Hon. J. B. SLEEMAN: I want to know, regarding this clause, whether the Minister intimated at the conference in Canberra that he intended bringing down a clause such as this and, if he did, he had a right to inform it what he was doing to provide for the appointment of two people on a board which will not be in the best interests of the nigger.

The Minister for Lands: The nigger!

Hon. J. B. SLEEMAN: That is what the Minister is doing, because with a clause such as this I believe the natives will not have a chance. The Minister wants to have the clause put through before something is done in the East. He has just returned from the conference in Canberra and as a result we have this Bill before us tonight.

Mr. READ: I strongly appeal to the Minister to report progress in order that we may give further consideration to this clause. A board of at least three would prove to be more effective in dealing with the matter. A board of one member appointed by a local authority, together with a magistrate, would preclude most natives from receiving a certificate of citizenship rights because we know that most of the local road boards, in those parts of the country where natives congregate, have a great prejudice against them. The reason for that is that if there is a misdemeanour committed by one native the whole of his community is blamed for it. The member for Avon Valley put forward emphatically the attitude of most road boards in this State. We would not expect a member such as he ever to grant a native who came before him a certificate for citizenship rights. The Minister would be doing justice to members if he reported progress.

The MINISTER FOR NATIVE AFFAIRS: In reply to the member for Mt. Marshall, I would point out that a great deal of consideration was given to the question of appointing one or two aids to the magistrate and it was decided that one was sufficient. It was considered that by the method laid down in the Bill we would be securing a very practical and certainly the best aid we could from a district to assist the magistrate.

Mr. Hoar: Did you consider any of the objections that have been raised tonight?

The MINISTER FOR NATIVE AFFAIRS: In reply to the member for Fremantle, I might mention that I did attend the conference referred to by him, but I said nothing whatever about the Bill now before the Committee. What has been referred to in the newspaper cutting must not be taken to mean that several Government representatives were in favour of the idea.

The CHAIRMAN: The Minister cannot discuss that report.

Hon. J. B. Sleeman: It is written by Paul Hasluck.

The MINISTER FOR NATIVE AFFAIRS: I am aware of that, but as the Chairman has ruled against me I cannot make the explanation that I intended to make.

Hon. A. R. G. HAWKE: The Minister will still try to lead members of the Committee to believe that this clause proposes to set up boards and that the second member to be appointed to each board is to be an aid to the magistrate. That is the word the Minister chose. Is it not a remarkable situation that when someone is appointed to aid someone else the first person is given power to over-ride the other one?

The Minister for Native Affairs: Well, call him a collaborator.

Hon. A. R. G. HAWKE: I will not call him a collaborator. It is not a question of that at all, but a question of appointing the second person with a magistrate and giving that second person complete legal power to over-ride the magistrate whenever it pleases him to do so.

Hon. E. Nulsen: The Bill really repeals the Natives (Citizenship Rights) Act.

Hon. A. R. G. HAWKE: There is no mistake about that. As I said earlier, the Bill hands over to local authorities complete power over every decision to be made in the future covering each and every application received for a certificate of citizenship rights. The Committee is not justified in doing that in this way. If the majority of the members of the Committee want to hand final and complete control over to the road boards let them do it straight out. Let us eliminate the magistrates from the proposed boards altogether. Let us say to the road boards, "In future, this is your responsibility," but for goodness sake do not let us tie the magistrates to these boards and give the second member of each one of them the power to decide the issue in respect of every application. Do not let us reduce the status of our magistrates to that extent.

Mr. ACKLAND: For some hours we have been listening to endless repetition and the Opposition has been putting up all sorts of hypothetical cases, but did they ever give consideration to this viewpoint—that the magistrates may have approached the Minister for Native Affairs for some assistance in the decisions they are called to make?

Hon. A. R. G. Hawke: That even makes the Minister smile and he does not smile easily.

Mr. ACKLAND: It is well known that the magistrates have made many mistakes. I have no doubt that they would willingly admit it themselves. In my own electorate in the Miling district natives have been given citizen rights but the magistrates must realise, when these fellows come before them time and time again, that they have abused those rights and that the tribunal did not have all the information when the decision was made. I can see the probability of a magistrate calling for assistance from somebody with local knowledge of the people living in that part of the State before he made a decision. The decision would be made after the two had consulted in the matter —the magistrate giving the benefit of his legal training whilst his partner on the bench gave his knowledge according to the local character of the man who was applying for citizenship rights. I think a committee of two, working along these lines, cannot but be an advantage as against a magistrate with no knowledge other than that presented to him in the court and being called upon to make a decision. I hope the Minister will not be persuaded to alter his decision—to use the arguments of the Opposition—and put two up against the magistrate where one man with knowledge of the local conditions could be of greater assistance to him.

Mr. RODOREDA: The member for Moore told us he had listened to the debate for a couple of hours, but of course he had not listened at all. He said the magistrate may have asked for this. The Minister twice admitted that the magistrate did not ask for it all, so what is the use of the member for Moore giving us that sort of rubbish?

Mr. Manning: He has made the best speech of the night.

Mr. RODOREDA: It might have been the shortest speech but he tried to mislead the Committee. I am endeavouring, to find out who did ask for this, but I cannot get any admission from the Minister or the Government. In his second reading speech the Minister told us mistakes were made, but he did not tell us where or why or how many of them. Of course mistakes will be made. Who on earth can determine what any human being will do two or three years hence? Surely the chairman of the road board or anybody else in the district who is appointed can give evidence! Cannot the Department of Native Affairs get the evidence as to the unsuitability of any applicant from its files? Why cannot that

evidence be put up to the magistrate, whose job it is to decide on evidence submitted? He is not there to be overruled by some amateur on the bench who has a prejudice because of local knowledge which the magistrate at least has not got. The magistrate finds on the evidence submitted. What could be fairer than that?

Why do not we appoint the chairman of the road board to help the magistrate when he is deciding a case of theft? Why do not we go the whole way in the matter? The stubbornness of the Minister and the Government convinces me that it is a deliberate attempt under the lap to repeal the Natives (Citizenship Rights) Act. There has not been one argument advanced to uphold the necessity for this board, except that there is some influence at work which indicates that there are too many natives getting citizenship rights.

The Minister for Native Affairs: That is not a fair way to put it.

Mr. RODOREDA: That is the only conclusion we can arrive at, because the Minister will not give us any information. Why does not the Minister get up and tell us why it is not fair?

The Minister for Native Affairs: I am tired of answering the same argument over and over again.

Mr. RODOREDA: We have not had any answer. We had an attempt by the member for Moore, but that merely clouded the issue. I want to know why the magistrates are not satisfactory, and the Minister has not told us.

The Minister for Native Affairs: I made a full explanation on that point.

Mr. RODOREDA: In that case, I had better give it away; with a Minister like that there is little else I could do.

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

Ayes	18
Noes	18
	0

Ayes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Manning	Mr. Bovell

(Teller.)

Noes.

Mr. Brady	Mr. Moir
Mr. Cornell	Mr. Nulsen
Mr. Graham	Mr. Read
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. Marshall	Mr. May

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Wild	Mr. Kelly
Mr. Hearman	Mr. Needham
Mr. Butcher	Mr. Coverley
Mr. Mann	Mr. W. Hegney
Mr. Hutchinson	Mr. Panton
Mr. Yates	Mr. McCulloch

The CHAIRMAN: The voting being equal I give my casting vote with the ayes.

Clause thus passed.

Clause 6—agreed to.

Clause 7—Section 5 amended:

Mr. MARSHALL: The clause clearly indicates the intention of the Government to deny the possibility of an applicant's securing citizenship rights. There are many natives who have received certificates of exemption under the Native Administration Act and they would be qualified to apply for citizenship rights, but any person not holding an exemption certificate would, under this clause, have to obtain one and hold it for two years before he could apply for citizenship rights. That would set up an inequality and would be grossly unfair. I move an amendment—

That paragraph (b) be struck out.

The Minister for Native Affairs: I shall accept the amendment.

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

Clauses 8 and 9—agreed to.

Clause 10—Sections 7A and 7B added:

Hon. A. R. G. HAWKE: The proposed new Section 7B reads—

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

I intend to move an amendment to alter the proposed new section 7B so that, where there is disagreement, the decision of the magistrate shall prevail.

The Minister for Lands: That would cut out the other member entirely.

Hon. A. R. G. HAWKE: Not at all, but it would ensure that the decision of the magistrate would prevail.

Mr. Marshall: The member for Moore should vote for this.

Hon. A. R. G. HAWKE: Mine is a fair proposition.

The Minister for Lands: There is nothing fair about it.

Hon. A. R. G. HAWKE: The magistrate should have some superiority on the board, just as he has on the bench when one justice is sitting with him.

The Minister for Lands: If there is disagreement, you will be putting the decision in the hands of one man.

Hon. A. R. G. HAWKE: Yes, in the hands of the person who should make the decision.

The Minister for Lands: That is what you have been fighting for all the evening, and you are now trying to get it this way.

Hon. A. R. G. HAWKE: The Bill would vest supreme power in the representative of the local authority and, by so doing, would be insulting our magistrates. Had the Minister proved by quoting specific instances and details that the magistrates had failed in handling the situation, there might be some justification for the proposal to make the representative of the local authority supreme in the event of a disagreement. I hope the Attorney General will stand up for the magistrates by supporting my amendment on this specific proposal. He was sworn into office to protect his magistrates; to protect their standing and status and not allow them to be overruled by the representative of a local authority as Clause 5 proposed. If we alter this part of Clause 10 as I suggest, the status of the magistrates will be restored so far as this Bill is concerned. I will have to move several amendments to achieve my objective and the first will be to proposed new Section 7B. I move an amendment—

> That in line 1 of proposed new Section 7B the word "Every" be struck out and the words "Where any" inserted in lieu.

If all my amendments are accepted, the proposed new section will read—

> Where any decision of a board on any matter is not unanimous the decision of the magistrate shall prevail.

The MINISTER FOR NATIVE AFFAIRS: I do not agree to the amendment. This is no more than embarking upon a resuscitation of an argument which has been already decided, and should have been finally decided by a constitutional vote of the Committee.

Hon. A. R. G. Hawke: Nothing of the kind!

The MINISTER FOR NATIVE AFFAIRS: That may be the hon. member's view, but it is not mine. What we are doing in the Bill is to get the most practical advice possible for the assistance of the magistrate. What is proposed is to nullify entirely the usefulness of the second man on the board. He might just as well not be there; he cannot do any good.

Mr. HOAR: I cannot follow the Minister's reasoning. In his previous argument he raised the point that the object of placing a second man on the board was that he should act as a collaborator to help the magistrate come to a decision based on justice.

The Minister for Native Affairs: A collaborator on equal terms.

Mr. HOAR: There is provision in the Bill for this collaborator that the Minister wishes to place on the board to receive expenses in regard to the work involved in travelling around a district, if necessary, to find out the whys and wherefores of any particular case. It can easily be understood that at the time the board sat, the man with the most knowledge of the case would be the local man, who would bring that knowledge to the board and place it before the magistrate amongst the other points raised by outside sources, and the magistrate would thereupon be able to come to a decision.

In those circumstances, I imagine that a great many decisions would be unanimous. But there might be cases where the magistrate—for reasons perhaps unknown to the collaborator on the board, and because of special qualifications he possesses and the collaborator may lack—may be in a position to over-rule and still give justice to the case. That opportunity should not be denied him. It is not much use the Minister or anyone else saying that we are defeating the object of this clause. Surely that object is to create a situation which occurred in this Chamber a few minutes ago when the Chairman had the right to say yea or nay. Surely no better person could be found than a magistrate to exercise the authority and training he has, in connection with cases of that description.

Hon. A. R. G. HAWKE: The Minister has changed his ground completely. When we were discussing Clause 5 he was at considerable pains to tell us that the representative on the board or the particular local authority would be a help to the magistrate.

The Minister for Native Affairs: Inadvertently I used the word "aid" instead of "collaborate."

Hon. A. R. G. HAWKE: Now when we want to ensure that the magistrate's decision shall prevail in the case of disagreement, the Minister strongly opposes that move without offering any reason for his opposition. He tries to make out that we on the Opposition benches are trying to achieve here what we failed to achieve in our attempt to defeat Clause 5.

The Minister for Native Affairs: Is that right?

Hon. A. R. G. HAWKE: We cannot possibly achieve here what we failed to achieve in Clause 5. That clause proposes to set up boards and the boards are to consist of two persons—a magistrate and a person suggested by the local authorities and nominated by the Minister.

The Minister for Native Affairs: Did we not debate another suggestion which is the body of this amendmment?

Hon. A. R. G. HAWKE: No.

The Minister for Native Affairs: We certainly did.

Hon. A. R. G. HAWKE: We decided that there shall be such boards and that there shall be only two members on each. Now we are trying to iron out what is to happen when the two members of a board disagree.

The Minister for Native Affairs: Did we not argue that before?

Hon. A. R. G. HAWKE: No, we did not. We could not.

The Minister for Native Affairs: I do not know what we were doing if we did not argue that.

Hon. A. R. G. HAWKE: I agree that the Minister did not know what he was doing, but members on this side knew what they were doing, and I should hope that most members opposite knew what they were doing. We certainly were not arguing in connection with Clause 5, nor could we argue, what would be the actual position when the two members on any particular board disagreed, because the part of the Bill which deals with that particular situation is the part we are now seeking to amend.

The Minister for Native Affairs: You amaze me if you assert we did not deal with that. Do you mean to say we made no mention of it?

Hon. A. R. G. HAWKE: Of course we made some mention of what would happen when there was disagreement, but we could not do anything about that. What we had to do in Clause 5 was to approve or disapprove of the setting up of the proposed boards or amend the number to be appointed to each board. Now, in Clause 10, we deal specifically with what is to happen when the two members of any board disagree. The Minister wants to set up a situation in which the road board representative can over-rule the magistrate whenever it pleases him to do so, and where an application can be refused because 50 per cent. of the board wants it refused. He can have an application refused, dismissed or delayed time and again because one member of the board—the road board representative—does not want it granted. We should not stultify any board we appoint to that extent. Every statutory board in this State can make a decision, either by a majority of the members or, where there is equal voting, by the vote of the chairman. I am sure the Minister cannot tell us of any board set up by statute which contains the principle enunciated in Clause 10.

The Minister for Native Affairs: What is that; one man upsetting a decision?

Hon. A. R. G. HAWKE: No; the principle that when there is a disagreement it arises because 50 per cent. of the board want one thing and 50 per cent. want something else. The whole thing is so absurd that I am astonished the Government could bring itself to approve of the introduction of the Bill. Surely the Premier cannot bring himself to believe, or even to stand up and say, that where there is a disagreement between the two members of these proposed boards the decision of the magistrate shall have no effect. He cannot believe in that sort of thing, and I am positive the Attorney General cannot, either. I would like to know how the Bill got through Cabinet in its present form. I am inclined to think it went through pretty quickly, without an adequate explanation of what was involved.

I refuse to believe that the Ministers of this or any other Government would approve of a Bill containing the rotten principles that we find here, if they had adequate time to consider it and if each Minister studied it as he should. I am not saying it is possible for all the Ministers in any Government carefully to study the whole of every Bill which is brought before them, but they could study the main principles. If the Premier and the Attorney General had carefully looked at the main principles in the Bill, I would be shocked to think they had O.K'd. them for presentation to Parliament as part of a Bill sponsored by the Government. I appeal again to members of the Committee at least to repair as much of the damage as they possibly can by ensuring that, when the two members of the board disagree, the decision of the magistrate shall prevail over that of the lay member.

The PREMIER: I disagree with the Leader of the Opposition that the proposal here is detracting from the prestige of a magistrate. This is not a matter of law in the strict sense of the word, but rather, on the contrary, a matter of judgment because all the Minister is seeking is to get the most practical local advice possible. In such a case as this, it may be that the representative of the local authority would be more competent than a magistrate to express an opinion as to whether an applicant should receive citizenship rights.

Mr. Lawrence: What if he happened to have been in the position of road board chairman for only a week?

The PREMIER: In that case he would hardly be likely to be appointed; but even so, he must have lived in the district for a long period to be a member of the local authority.

Mr. Graham: A resident of South Perth became chairman of the Wanneroo Road Board.

The PREMIER: That is one of those exceptional things that do happen, but it is hardly likely to occur again. I cannot agree that the magistrate's prestige is suffering. I can understand that when he sits with a justice his decision must prevail, because it is then strictly a matter of law.

Mr. Rodoreda: Why not leave the magistrate out altogether?

The PREMIER: I do not think that is desirable. I feel that having the local representative with the magistrate will mean that the Act will work more smoothly in the future than it has in the past. Members will remember that even if there is a disagreement, and citizenship rights are not granted, the applicant is not prevented from making a further application; rather it might spur him to greater efforts to get his citizenship rights.

Hon. E. NULSEN: I seldom disagree with the Premier, but I must on this occasion because I feel that the proposal here will detract from the status of a magistrate. We cannot expect road board members to know the ins and outs of the Natives (Citizenship Rights) Act. As a consequence, the magistrate would have to interpret the Act for that person. I am surprised at the Attorney General sitting there so quietly and not defending the professional men over whom he has jurisdiction.

Hon. A. R. G. Hawke: He is afraid of the Country and Democratic League.

Hon. E. NULSEN: If I were Minister for Justice, even though a layman, I would stick up for my officers, especially when something was being taken from them.

The Minister for Native Affairs: If there were any need to stick up for them, yes.

Hon. E. NULSEN: Some of the magistrates are qualified lawyers and have had legal experience, yet we are going to allow someone walking around the district, or on a station, to be nominated by the road board chairman, and that someone whilst knowing nothing about the Act, will supersede the magistrate. I agree with my Leader in everything he has said, and also with the member for Warren. I cannot understand the attitude of the Government. The man trained to interpret the law should be able to over-rule the layman and the Attorney General should stand by his trained and able officers.

Hon. A. R. G. HAWKE: The Premier tried to justify the insult to magistrates, contained in the clause, by stating that decisions by these boards would be almost entirely a matter of judgment and not of law, but I say a considerable amount of law would be involved. The persons making such decisions should be skilled in sifting evidence and in judging, and no-one is so well qualified in those matters as are our magistrates. In spite of that the Premier told the Committee that he favoured laymen being given power to over-rule magistrates. Unless this clause is amended road board members will be given complete power in that regard.

The Premier made some attempt to justify the provision, but the Attorney General remained silent. If I were a magistrate in this State when the Bill becomes law I would tell the Government what to do with these boards. If the Committee does not agree to my amendment the Bill will do nothing to improve the status of the natives. The Premier said that where an application was refused the native could apply again at some other time. He said that might encourage the native to try to live a better life, but I think it would have the opposite effect. Some of these local representatives might boast, after a case had been decided, that they had voted against so and so being given a certificate.

The Minister for Native Affairs: That is pure imagination.

Hon. A. R. G. HAWKE: The Minister knows what happens in country districts.

Mr. Bovell: Responsible citizens do not talk like that.

Hon. A. R. G. HAWKE: The member for Vasse may have been brought up in a restricted atmosphere, but the Premier knows better than that. Imagine the effect on the mind of a native when he hears that so and so has been instrumental in having his application turned down! Instead of considering the welfare of the natives we are in fact deciding whether local authorities are to be given complete legal power to decide whether natives are to receive certificates of citizenship rights.

The Minister for Native Affairs: The hon. member is exaggerating.

Hon. A. R. G. HAWKE: I am not concerned with the Minister's judgment. Let the Attorney General tell us what the Bill means, legally. He could only tell us that it would place complete power in the hands of the representatives of local authorities. If that were not so the Attorney General would quickly tell us otherwise. He knows what the Bill means legally; so do the Minister for Education and the Premier, who is now reading the Bill very carefully—and I suggest it might be the first time he has done so. So what is the use of the Minister for Native Affairs saying I am wrong when I declare that to be the inevitable effect if this Bill becomes law? How can the Minister for Native Affairs deny that if this Bill becomes law, it will place within the hands of representatives of the local authorities complete power to decide every future application for citizenship rights. Surely the Minister does not still deny that!

The Minister for Native Affairs: I do.

Hon. A. R. G. HAWKE: It is quite hopeless trying to argue against the Minister.

The Minister for Native Affairs: Along those lines, quite hopeless.

Hon. A. R. G. HAWKE: That is why, in the early part of this morning, I concentrated on the Premier and Attorney General because they know what the legal effects of this Bill will be if it becomes operative. I can understand the Minister sticking to the measure because it is a departmental Bill, and he could not possibly let his officers down without con-

sulting them. But I am astonished that the Premier and the Attorney General should support a Bill containing a principle of that kind. As I said earlier, this measure passes a vote of no confidence in our magistrates and rubs their noses in the dirt.

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

Ayes	16
Noes	19
Majority against	3

Ayes.

Mr. Brady	Mr. Moir
Mr. Graham	Mr. Nulsen
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. Marshall	Mr. May
	(Teller.)

Noes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Thorn
Mr. Grayden	Mr. Totterdell
Mr. Griffith	Mr. Watts
Mr. Hill	Mr. Bovell
Mr. Manning	*(Teller.)*

Pairs.

Ayes.	Noes
Mr. Kelly	Mr. Wild
Mr. Needham	Mr. Hearman
Mr. Coverley	Mr. Butcher
Mr. W. Hegney	Mr. Mann
Mr. McCulloch	Mr. Yates

Amendment thus negatived.

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

Ayes	19
Noes	16
Majority for	3

Ayes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Thorn
Mr. Grayden	Mr. Totterdell
Mr. Griffith	Mr. Watts
Mr. Hill	Mr. Bovell
Mr. Manning	*(Teller.)*

Noes.

Mr. Brady	Mr. Moir
Mr. Graham	Mr. Nulsen
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. Marshall	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Wild	Mr. Kelly
Mr. Hearman	Mr. Needham
Mr. Butcher	Mr. Coverley
Mr. Mann	Mr. W. Hegney
Mr. Yates	Mr. McCulloch

Clause thus passed.

Clauses 11 and 12, Title—agreed to.

Bill reported with an amendment.

House adjourned at 1.31 a.m. (Wednesday).

Legislative Council

Wednesday, 7th November, 1951.

CONTENTS.

The PRESIDENT took the Chair at 3.30 p.m., and read prayers.

BILL—OPTOMETRISTS ACT AMENDMENT.

Third Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [3.40] in moving the third reading said: I informed Dr. Hislop during the Committee stage that I would discuss with the Optometrists Registration Board his remarks with regard to reciprocity with the other States. The registrar of the board, Mr. W. Needham, has advised me that considerable action is being taken between all the States to bring about reciprocity. One meeting, at which all States were represented, has been held at Sydney, the Western Australian delegate being Mr. S. H. Frost, of the firm of Frost and Shipham, who was then chairman of the Western Australian board. Subsequent action has been taken by correspondence.

I am given to understand that there is still a good deal of work to be done before reciprocity is achieved, this being mainly due to the fact that at present there is considerable variance between the courses set by the different States. I am informed that after examining the courses of the other States, the Western Australian board is firmly of the opinion that the standard of this State's course is at least equal to that of any of the other States, and in some cases is superior. It is anticipated that it will be some time before reciprocity is finally achieved, and so the board does not desire that there be any delay in its being given statutory authority for the issue of diplomas. I move—

That the Bill be now read a third time.