order other than immediate eviction would destroy the whole object of the clause. The intention is to deal with a person who is no longer working for the employer and, though he has been given a week's grace, will not get out, and short of chucking him out there is little that can be done about it. He only got the accommodation on the understanding that he would work for the employer and, as he is no longer working for him, the employer wants the house.

Mr. McCULLOCH: I oppose this amendment though I have no doubt I shall be on my own.

Mr. May: You will be in very good company.

Mr. McCULLOCH: I am opposed to the principle of an employer being able to tell a man that if he does not get down to his job he will be without a home.

Mr. BRADY: I do not think it is a fair clause at all. The court should investigate the circumstances under which the man has left the job. It may be that there is an argument over something petty and the boss dispenses with the man's services. Can one imagine a man taking his family a distance of 170 miles from the city; having a row with the boss and being given notice. What chance is there of his getting another house at a week's notice? There is already protection under the normal clauses of the measure without having to put in this proviso.

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

Title—agreed to.

Mr. BRADY: I gave notice earlier that I was going to move for the recommittal of this Bill.

The CHAIRMAN: The hon. member will have to do that before the full House.

Bill reported with amendments.

House adjourned at 12.35 a.m. (Thursday).

Legislative Council.

Thursday, 16th November, 1950.

CONTENTS.

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

ASSENT TO BILLS

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

1, Plant Diseases Act Amendment.

2, Railways Classification Board Act Amendment.

3, Western Australian Government Tramways and Ferries Act Amendment.

4, Supply (No. 2) £7,000,000.

5, Public Trustee Act Amendment.

6, Water Supply, Sewerage and Drainage Act Amendment.

7, Public Service Appeal Board Act Amendment.

QUESTION.

HOSPITALS.

As to Staff Accommodation, Dalwallinu.

Hon. A. R. JONES asked the Minister for Transport:

(1) Is the Minister aware of the critical position which exists at Dalwallinu caused by the lack of nursing staff quarters at the hospital?

(2) Is the Minister aware that the hospital board in its attempt to keep its staff has decided to move patients from the maternity ward into the present condemned staff quarters and to transfer the staff to the very excellent maternity ward?

(3) Is the Minister aware that an indignation meeting has been called by the road board to discuss the action taken by the hospital board?

(4) Is it the intention of the Minister for Health to attend the meeting on Saturday next to make observations and to explain to the people the Government's attitude with regard to the hospital?

(5) If not able to attend, will she furnish a report as to what the Government will do to relieve the very serious position which exists at the Dalwallinu hospital?

The MINISTER replied:

I am informed that the hospital board has now abandoned its proposal.

BILL—STATE HOUSING ACT AMENDMENT.

Conference Managers' Report.

The MINISTER FOR TRANSPORT: I beg to report that the conference managers met in conference on the Bill and reached the following agreement:—

Clause 4 of the Bill is deleted and the following clause substituted therefor:—

4. Section twenty-two of the principal Act is deleted and the following section is substituted therefor:—

22. Notwithstanding any provision to the contrary in any Act, the Commission in respect of vacant ratable land acquired within the district of a local authority, shall make annual payment thereon of the current rate out of the Fund to such local authority: Provided that in the case of vacant unsubdivided land no payment shall be made by the Commission until such land has been held vacant by the Commission for a period of at least two years and in the case of subdivided vacant land no payment shall be made by the Commission until such land has been held vacant by the Commission for a period of at least one year.

I move—

That the report be adopted.

Question put and passed, and a message accordingly transmitted to the Assembly.

LEAVE OF ABSENCE.

On motion by Hon. F. R. Welsh, leave of absence for six consecutive sittings granted to Hon. R. M. Forrest (North) on the ground of ill-health.

DISCHARGE OF ORDER.

On motion by the Minster for Agriculture, the Feeding Stuffs Act Amendment Bill was discharged from the notice paper.

BILLS (2)—THIRD READING.

1, Bush Fires Act Amendment.
Returned to the Assembly with amendments.

2, Health Act Amendment.
Passed.

BILL—AGRICULTURE PROTECTION BOARD.

Report of Committee adopted.

BILL—VERMIN ACT AMENDMENT.

In Committee.

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

The CHAIRMAN: Progress was reported after Clause 11 had been agreed to.

Clauses 12 to 29—agreed to.

Clause 30—Amendment of Section 59:

Hon. A. L. LOTON: In paragraph (a) of proposed new Subsection (2), it is provided that the vermin rate shall, in the case of the holdings indicated, be not more than 2d. and not less than ½d. in the £ on the unimproved capital value. I think a vermin rate of 2d. in the £ would be excessive.

The Minister for Agriculture: That is merely the maximum rate that can be imposed.

Hon. A. L. LOTON: I am always afraid of maximum rates as they tend to become the minimum rates. I wanted to get the admission from the Minister that the rate stated is the maximum, and I move an amendment—

That in lines 2 and 3 of paragraph (b) of proposed new Subsection (2) the words "two pence" be struck out and the words "one penny" inserted in lieu.

The MINISTER FOR AGRICULTURE: I oppose the amendment. I am sorry that Mr. Loton did not give notice of his intention to move in such a direction.

Hon. A. L. Loton: It is not possible to do everything.

The MINISTER FOR AGRICULTURE: Quite so; but the amendment is far-reaching. The rate of 2d. is the maximum that can be levied, and there may be occasions when it will be necessary to impose that rate. I do not agree that the maximum becomes the minimum in connection with vermin rates, and it has never happened. I have had a lot to do with vermin boards, and I have never heard of an excessive vermin rate being imposed. The experience of the Agricultural Department has been rather that local authorities do not impose a sufficient rate, than that too heavy a rate has been authorised. I hope the Committee will reject the amendment.

Hon. H. L. ROCHE: I agree with the Minister that the proposed maximum rate is far-reaching. A rate of 2d. in the £ would represent about 50 per cent. of the general rate imposed by a road board. The Minister should be content with providing for a minimum rate of ⅜d. That amount is higher than the majority of the boards have found it necessary to levy, and with a maximum of 1d. in the £ there will be some protection for landowners against boards that may be inclined to spend too much money on administration and ineffective work.

The Minister for Agriculture: Do you know of any board that wastes money derived from the vermin rate? I do not know of any.

Hon. H. L. ROCHE: I do not know what happens at York!

The Minister for Agriculture: Some people are inclined to sponge on the general rate.

Hon. H. L. ROCHE: In my opinion, a rate of 2d. in the £ would be quite excessive.

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

Ayes	9
Noes	12
Majority against	3

Ayes.

Hon. N. E. Baxter	Hon. W. J. Mann
Hon. H. Hearn	Hon. H. L. Roche
Hon. A. R. Jones	Hon. H. C. Strickland
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. A. L. Loton	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. H. S. W. Parker
Hon. R. J. Boylen	Hon. C. H. Simpson
Hon. L. Craig	Hon. H. K. Watson
Hon. J. Cunningham	Hon. F. R. Welsh
Hon. E. M. Davies	Hon. G. B. Wood
Hon. E. H. Gray	Hon. Sir Frank Gibson
	(Teller.)

Amendment thus negatived.

Hon. L. A. LOGAN: I would like to see the minimum rate reduced. Some boards have no vermin fund at all; some have a rating of ½d. and some ¼d.; while others have a surplus of funds. To force all boards to impose a rate of at least ⅜d. would be to put too great a hardship on some of them. I move an amendment—

> That in line 3 of paragraph (b) of proposed new Subsection (2) the figure "⅜" be struck out with a view to inserting the figure "⅛" in lieu.

The Minister for Agriculture: Make it ¼d. and I may be with you.

Hon. L. A. LOGAN: I think ⅛d. will be satisfactory.

Hon. A. R. JONES: I support the amendment. For quite a number of years there has not been a great call for the imposition of ¼d. in the £ and when it has been imposed, in the second year there has been a reduction to 1/16d. because of the accumulation of funds. One thing which a local governing body is not supposed to do is to accumulate funds; but if we provide for a rating of ⅜d., we will be forcing some authorities to do so.

The MINISTER FOR AGRICULTURE: The proposed reduction is too great. I am prepared to compromise in this matter; and if the hon. member had made it ¼d., that might have been a fair thing. In view of his persistence, however, I must ask the Committee to reject the amendment.

Hon. H. L. ROCHE: It is hard to understand why the Minister should object to the discretion which this amendment will give to local authorities. If they have to rate at ⅜d. or ½d., they can do so as the provision is worded. It seems to me that the Minister must be possessed with the same idea as some Government departments, namely, that so long as there is money available they must throw it about. There is no sense in forcing a local authority to accumulate funds which it should not have. I presume that if funds are raised in this way they will have to be spent, whether in a worth-while fashion or not. The amendment will not prevent local authorities who want to do so from levying a rate of ⅜d. in the £.

The MINISTER FOR AGRICULTURE: The hon. member's statement is, unintentionally I do not doubt, misleading. No local authority would necessarily accumulate funds. Any local authority can obtain exemption from rating.

Hon. H. L. Roche: Why should that be necessary?

The MINISTER FOR AGRICULTURE: I think it is the best way. As Minister for Agriculture I often give authority exempting a board from rating altogether. There are occasions when boards do not play the game and have a couple of hundred pounds in their funds and yet ask for exemption from rating. No board should have an accumulation of funds, because it would prove conclusively it was not doing much to eradicate vermin. I must oppose the amendment.

Hon. A. L. LOTON: As Mr. Roche has pointed out, the amendment will limit the minimum only and the local authority will be able to strike its rate at anything between ½d. and 2d. Why should it be necessary for the local authority to go to the Minister for exemption? With the minimum at ¼d., local authorities will know just where they stand.

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

Clauses 31 to 79, Title—agreed to.

Bill reported with amendments.

BILL—STATE HOUSING ACT AMENDMENT.

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

BILL—NOXIOUS WEEDS.

Second Reading.

Debate resumed from the 14th November.

HON. W. J. MANN (South-West) [5.7]: This Bill is on much the same lines as that with which we have just dealt. It is of a comprehensive nature, dealing with the control of noxious weeds in a new way, and it has been long awaited. There is nothing to be gained by lengthy discussion on the second reading as I think it is a Bill that should be dealt with mainly in Committee. I agree with the majority of its provisions. The same position with respect to rating arises under this measure as we discussed a few minutes ago when dealing with the previous Bill. The maximum figure of 2d. in the £ is mentioned here. It is too high. Residents in country areas are subjected to a multiplicity of taxes.

Hon. A. L. Loton: That is the point I raised when we were dealing with the previous measure.

Hon. W. J. MANN: There are the vermin, health and many other rates which, in the aggregate, amount to a considerable sum. I agree with the Minister that road boards should not seek to accumulate large funds from such sources. Rates collected should be expended wisely at the time and should not be allowed to mount up. I know of one instance where a new road board member was allowed to put his ideas into practice and the rate was raised almost to the maximum, but within six months he sold his property, left the district and took no further interest in it. The result was that the ratepayers were left for the time shouldering what was just below the maximum rate. It is not wise to have any rate at a level higher than is necessary. I feel that the "2d." in Clause 52 should be struck out and "1d." inserted in lieu, as that would be quite sufficient. I support the Bill.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central—in reply) [5.12]: I do not think Mr. Logan understands the meaning of the terms "primary weeds" and "secondary weeds." Actually a primary weed is that which is of the greatest importance and not necessarily that which first appears and which may later spread and become a secondary weed. Primary weeds are the worst of the noxious weeds. Mr. Logan thinks that the protection board should be the only authority to deal with all kinds of weeds. I said by way of interjection, the other evening, that the protection board will have enough to do in looking after the primary weeds, without spending its time dealing with Cape weed, turnip or something such as that. I think that the Royal Commission was wise in separating the weeds into two classes. Secondary weeds, of course, can well be dealt with by local authorities who could, perhaps, deal with Patterson's curse, for instance, if that is not considered to be a primary weed.

Hon. L. A. Logan: Why cannot the local authorities deal with primary weeds in conjunction with the secondary weeds?

The MINISTER FOR AGRICULTURE: Power to do that could perhaps be transferred to them, if necessary. One member said he did not like rating for the purpose of dealing with noxious weeds, and that if all the responsibility for dealing with them is thrown on the local authorities they will not have sufficient money. I believe that the more the protection board does in dealing with weeds, the better, provided that we can get sufficient money—probably from Consolidated Revenue—to do the job. The local authorities will be able to fill in the gaps by means of their rating.

I know that the question of rating in connection with noxious weeds is new. Many members expressed pleasure that at last we have a Noxious Weeds Bill and money to do something. I have said very definitely before, and I will say it again when this amendment is brought up in regard to rating, that nothing can be done without money. In my opinion £7,000 is not enough, but it is all I can get. I do not think any reasonable landholder, especially in these times, would object to a small rate—it would not be very much—to deal with noxious weeds. Members have said "This is the time to do something and spend a bit of money." That is all very well, but they do not want to spend their own money.

I think it is only fair that while we are taking money from Consolidated Revenue the local landowners should play their part in subscribing money for this very big job. I do not believe any local authority would want to impose a heavy rate to raise the money necessary. They are all elected men and, if they did impose a high rate, the ratepayers would not stand it very long. The definition of "Government department" was regarded by Mr. Logan as being very embracing but, in a case like this, all Government departments should come into the picture in dealing with primary weeds. Then again, if a local authority is not satisfied with the number of primary weeds scheduled, it could, of course, ask for more to be listed.

Hon. L. A. Logan: What Government department have you got that is non-corporate?

The MINISTER FOR AGRICULTURE: I will have a look into that.

Hon. L. A. Logan: That is in the Bill, and that is what I asked you about.

The MINISTER FOR AGRICULTURE: I thought the hon. member said the definition of "Government department" was too embracing but I will make inquiries into corporate and non-corporate bodies and inform the hon. member. I now come to infested wool. Bathurst burr wool is exported to England and is not allowed to be used in any shape or form in Australia. My advice is that in England they are not worried about this particular weed and are only too willing to accept our wool containing a little Bathurst burr. So far as we are concerned, it is kept quite separately from any other wool before it is sent away from Fremantle. The question was raised as to what the local authorities would do with the noxious weeds rate. Under this Bill the noxious weeds rate can be used for both primary and secondary weeds. I think that is all I have to answer at this stage and I am very gratified at the reception this Bill has received.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 4—agreed to.

Clause 5—Interpretation:

Hon. L. A. LOGAN: This clause deals with definitions and particularly that of "Government department." I have already said that the definition of "Government department" is very wide and goes a little too far.

The Minister for Agriculture: Where would you stop?

Hon. L. A. LOGAN: I do not know, but I do not see how an individual can be a Government department. This seems to be all-embracing.

Hon. H. S. W. PARKER: I would like to refer to the portion which says, " 'Government department' means a Minister of the Crown acting in his official capacity." Can the Minister tell us how a Minister can act except in his official capacity? How can we prove he is acting in his official capacity?

The Minister for Agriculture: He would not act in any other way.

Hon. H. S. W. PARKER: Why put it in and worry about it, if that is the case?

The Minister for Agriculture: Why are you worrying about it?

Hon. H. S. W. PARKER: I take exception to this because this is a House of review and we do not want legislation brought down which is just a mere mass of verbiage. We want something more intelligible. I do not know the meaning of the word "non-corporate" though I have heard the term "unincorporated body." I object to the way this Bill is drawn up and not to the principle of it. I feel that, as a member of this Chamber, it is my duty to bring these matters to the attention of the Minister.

The MINISTER FOR AGRICULTURE: In view of Mr. Parker's remarks when we first dealt with this Bill, I took up some of these matters with the Crown Law Department. The gentleman who drafted this Bill is sick, but I consulted the Solicitor-General and the Crown Solicitor who upheld the drafting of the Bill. Therefore, we have three lawyers against one lawyer. I have no doubt that if Mr. Parker drew up this Bill some other lawyer would see something wrong with it. That is the way of lawyers.

Hon. H. W. S. Parker: Oh, no!

The MINISTER FOR AGRICULTURE: Oh, yes!

Hon. H. S. W. Parker: That is nonsense.

The MINISTER FOR AGRICULTURE: It is not nonsense. We have had arguments here and very seldom have Mr. Parker and Mr. Heenan agreed. As I have said, I took up the matters objected to by Mr. Parker and the information I have received was from the superiors of the man who drafted the Bill.

Hon. L. CRAIG: With all due respect to Mr. Parker, I think the end of this definition explains itself. It states, 'Government department' means a Minister or any other person acting on his behalf—

Hon. H. S. W. Parker: Oh, no! It says, "of an Act." That is the trouble.

Hon. L. CRAIG: —"administers or carries on for the benefit of the State a public social service or utility."

Hon. H. S. W. Parker: A policeman does that, does he not?

Hon. L. CRAIG: Not necessarily—

Hon. H. S. W. Parker: It says, "a public social service."

Hon. L. CRAIG: It is clear to me, anyway.

Clause put and passed.

Clauses 6 to 8—agreed to.

Clause 9—Duty of local authority to keep clean land free from primary noxious weeds:

Hon. A. L. LOTON: I would like to ask the Minister how it would be possible under certain conditions for the local authority to keep land free?

The Minister for Agriculture: What are the certain conditions?

Hon. A. L. LOTON: I think we should provide limits within which the local authority should be responsible.

Hon. L. Craig: How can you fix the limits?

Hon. A. L. LOTON: If the weeds get out of hand or spread beyond the limits of the local authority's area, the advisory board could then come in and take control. I move an amendment—

> That in line 6 after the word "shall" the words "within its limits" be inserted.

The MINISTER FOR AGRICULTURE: I do not know the meaning of the phrase "within its limits", and if it were inserted, it would have to apply to everybody. If partial exemption were granted to a local authority so that it need act only within its financial or labour limits, landowners would claim a similar right. If we are serious in a desire to get rid of noxious weeds, the local authority should set an example. Who could prove that certain actions were within its limits? What would those limits be?

Hon. A. L. Loton: Perhaps financial limits.

The MINISTER FOR AGRICULTURE: If a local authority suffered financial limitations, the sooner it collected more money, the better.

Hon. A. L. Loton: What about the limit of manpower?

The MINISTER FOR AGRICULTURE: That could apply to everyone. The protection board would take all those matters into consideration. I oppose the amendment.

Hon. L. CRAIG: The amendment will destroy the Bill, not that I should have any objection to that happening. I have no faith whatever in the measure, because I believe it will not be operative. The protection board could instruct a local authority to destroy noxious weeds within its boundaries, and the road board could say nothing and do nothing.

The Minister for Agriculture: You are a pessimist.

Hon. L. CRAIG: I know the limitations of road boards where manpower is involved. Down my way, we grow a lot of grass, and the Cape tulip can be noticed only when in flower, and it is a real menace. Ratepayers asked the road board what it was doing about this menace, and an offer was made to take all the men off road-grading work and put them on to eradicating Cape tulip, but the ratepayers objected, as they preferred to have the roads kept in order. Consequently, not one plant was pulled out because we had not the necessary manpower.

The mere fact of giving a road board instructions to destroy weeds will have no effect in the absence of manpower to do the work. I have no faith in the measure, because I believe that the task of controlling the weeds is beyond the powers of local authorities. If farmers would only deal with the weeds when they first appear outside their properties, Bills of this sort would not be necessary.

The CHAIRMAN: I hope the hon. member will link his remarks with the amendment.

Hon. L. CRAIG: I am pointing out that the amendment would destroy the value of the Bill, because local authorities would use it as an excuse for not doing work required by the protection board. I should like a definition of the term "within its limits." Does it refer to boundaries, to financial limits or to physical limits? The Bill represents a gallant attempt to do the right thing, but it must fail because of lack of capacity on the part of local authorities to do what will be required of them. Road boards would have to find many thousands of pounds in order to eradicate some of the weeds. Cape tulip cannot be eradicated by being pulled up because it leaves a bulb that grows down to depths up to one foot. I know a party who actually grubbed a patch for five years, and the weed is still coming up. It is a most expensive weed to eradicate.

Hon. E. H. Gray: You cannot afford to let it go.

Hon. L. CRAIG: People are neglectful of their responsibilities and then they call on some authority to do the work for them. The way to get weeds eradicated is to impose a heavy penalty on farmers who neglect these noxious weeds on their land.

The Minister for Agriculture: What about making the road board do it?

Hon. L. CRAIG: Road boards are incapable of doing it, owing to lack of manpower.

Hon. H. TUCKEY: Mr. Loton need not worry about the amendment. My experience is that no Minister would take a local authority to task if it were doing its job as well as could be expected. I welcome the Bill because it represents an attempt to deal with this problem. If the local authorities give it a trial and fail in their efforts, they will have a good case in support of the contention that the matter is entirely beyond their capabilities. It is of no use saying that noxious weeds cannot be controlled owing to lack of manpower.

Action should have been taken in the South-West years ago but, owing to neglect, the weeds have got almost beyond control. I agree with Mr. Craig that thousands of pounds—probably scores of thousands—would be required adequately to deal with the problem. As to the suggestion that people should pull up the Cape tulip growing on the roadside, very few people, even including farmers, could pick out Cape

tulip from a bunch of four or five other weeds. Something might be accomplished by educating the people, even to the extent of instructing school children in the need for eradicating these weeds. Children run about the bush, and if they saw a plant they could report it.

The Minister for Agriculture: A very good suggestion.

Hon. H. TUCKEY: It is one way in which people might be educated to recognise the danger. We have left it late in the day to deal with the problem, but if the attempt to control the weed were deferred for a few more years, the position would be very much worse. When the measure becomes law, let the local authorities appreciate their obligations and play their part! We ought to show them that they must stand up to their responsibilities, but if they fail through causes beyond their control, they should receive reasonable consideration. If the measure is passed in its present form, we shall have a better opportunity than has existed in the past for dealing with these weeds. Such legislation should have been introduced years ago.

Hon. W. J. MANN: I cannot support the amendment. What is the meaning of the phrase "within its limits"? If a similar limitation were inserted in other Bills, we should soon reach a chaotic position. The amendment is too nebulous. No doubt Mr. Loton's desire is to ensure that local authorities shall not be unduly threatened. I cannot support the addition of these words. It would establish a dangerous precedent.

Hon. H. S. W. PARKER: I do not think it matters two straws whether the amendment is agreed to or not because the Bill already provides that a local authority must comply with the proclamation which declares the noxious weed, and where it is a noxious weed the provisions of the Act shall apply. What is the use of these words?

The Minister for Agriculture: No use at all.

Amendment put and negatived.

Clause put and passed.

Clause 10—agreed to.

Clause 11—Duty of local authorities, having destroyed primary noxious weeds, to maintain land free therefrom:

Hon. L. A. LOGAN: How is a local authority to keep land free from noxious weeds? The Bill makes no provision for finance, unless it is to come from the protection board. A local authority has no way of collecting revenue to deal with primary noxious weeds. It can for secondary, but not for primary, weeds.

The MINISTER FOR AGRICULTURE: Local authorities can destroy weeds now, and they do. In the York district the road board and the municipal authority act together in sending the grader out on the roads to scratch out Paterson's curse. Money has been spent out of general revenue for the destruction of noxious weeds. The local authorities can get finance under the Bill.

Hon. H. S. W. PARKER: Has Clause 11 any effect whatsoever in view of the fact that the provision is included in three or four other clauses?

The MINISTER FOR AGRICULTURE: The first clause dealt with concerned land which did not have any noxious weeds, whereas this one deals with land where noxious weeds have been destroyed. Perhaps these clauses could be linked in one clause.

Clause put and passed.

Clause 12—Protection board may direct two or more local authorities to act in conjunction:

Hon. A. R. JONES: I do not think the protection board should have the right to fix the proportion of expenditure. Surely it should be done by mutual agreement. I would like to move an amendment to the clause, but as it is fairly long, perhaps the clause could be postponed.

On motion by the Minister for Agriculture, clause postponed.

Clause 13—agreed to.

Clause 14—On failure of local authority to comply with direction, protection board may carry out requirements and recover costs:

Hon. H. S. W. PARKER: It is quite correct that the board should have the power to collect the cost it incurs when local authorities fail to carry out their duties, but I cannot understand why the local authorities should be taken before the police court. I cannot follow the wording at the end of Clause 14. What is meant, I think, is that any debt due shall be recoverable in the local court.

The Minister for Agriculture: I would not object to an amendment.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 7 the word "either" be struck out.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 7 after the word "a" the word "local" be inserted.

The MINISTER FOR AGRICULTURE: I have no objection to this amendment, although it does seem rather severe.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That after the word "Court" in line 7 the following words be struck out, "of petty sessions in respect of an alleged

offence referred to in the next succeeding section in addition to any penalty inflicted under the provisions of that section, or without prejudice to any liability for such penalty, in proceedings in any other court of competent jurisdiction."

The Minister for Agriculture: Will you explain the reason?

Hon. H. S. W. PARKER: It is not possible to inflict two penalties for the one offence and the words I wish to strike out are decidedly wrong and unnecessary. If the local authority does not pay up, it can be sued in the local court. That is all the Minister wants. If, in addition, the local authority commits some other offence, there is provision under Clause 15.

The MINISTER FOR AGRICULTURE: In view of Mr. Parker's great knowledge on these matters, I am quite prepared to accept the amendment.

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

Clauses 15 to 19—agreed to.

Clause 20—Application of this division to certain roads:

Hon. H. S. W. PARKER: I mentioned this matter previously. It states in Subclause (1) (c) "bounds the private land and is fenced on both sides." Therefore it is outside that private land because it bounds it. I do not see how we can have a road, outside private land, that is not a public road and I would like some explanation from the Minister.

The MINISTER FOR AGRICULTURE: I took up this matter with the Crown Law Department because I was not quite clear about it myself. It appears that there are two kinds of roads and the ruling given by the department is as follows:—

> Roads referred to in Clauses 20 (1) (c) and 57 (1) (c) are roads which are shown on the Titles Office plans in private subdivision but which have not been dedicated for public use.

Apparently there are certain roads which are called private roads and they have not been dedicated for public use. I was a little hazy about it myself.

Clause put and passed.

Clause 21—agreed to.

Clause 22—Protection board may direct private land be freed from primary noxious weeds:

Hon. H. S. W. PARKER: This is a rather strange clause because Clause 21 sets out the duty of the occupier of private land in destroying noxious weeds.

The Minister for Agriculture: That is the backbone of the whole Bill.

Hon. H. S. W. PARKER: Exactly. But, Clause 22 states that when the board is satisfied that the occupier of private land is not making all reasonable endeavours to comply with the requirements of Clause 21, the board may cause notice to be served. Under Clause 21, if the owner of private property does not comply with a proclamation for the destruction of noxious weeds, he commits an offence, but under Clause 22 he can be served with a notice and be then prosecuted.

The Minister for Agriculture: You are concerned about having it in two clauses.

Hon. H. S. W. PARKER: If someone comes along and prosecutes under Clause 21, there will be a tremendous argument in court. The people could defend themselves by saying that the latter section of an Act applies, which is so, and as no notice will have been issued it will cause complications because before a prosecution can be launched under Clause 22 notice must be given. I suggest that the Minister might seek some other legal advice on the point.

The MINISTER FOR AGRICULTURE: I have sought advice on these matters and I have been informed that these clauses are necessary. I can see no objection to the two clauses being in the Bill. We did take out some words in Clause 11 of the Vermin Bill and it is my intention to recommit it and have them put back again because I have been assured by the Crown Law Department that they are necessary. The words were taken out at the instigation of Mr. Parker.

Clause put and passed.

Clause 23—On failure of person served with notice the protection board may carry out the work and recover the cost:

Hon. H. S. W. PARKER: The wording of this clause is exactly the same as it was in Clause 14, which we have already amended. If a notice has been served and the person does not comply with it, the board can do the work and then sue the person to recover the cost. He can also be charged with the offence. The principles of law are that a person cannot pay twice for the same set of circumstances. Perhaps the Minister might discuss that aspect with his legal advisers.

The MINISTER FOR AGRICULTURE: If the hon. member would agree to amend this clause in the same way as he amended Clause 14, I would have no objection.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 11 the word "either" be struck out.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 11 after the word "a" the word "local" be inserted.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

> That after the word "Court" in line 11 the following words be struck out—"of petty sessions in respect of an alleged offence referred to in the last preceding section in addition to any penalty inflicted pursuant to the provisions of that section, or, without prejudice to any liability for such penalty in proceedings in any other court of competent jurisdiction."

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

Sitting suspended from 6.15 to 7.30 p.m.

Clause 24—Limitation of power to direct owner or occupier of private land as to land within forty chains of untreated public land:

Hon. L. A. LOGAN: I move an amendment—

> That in line 4 the word "forty" be struck out and the word "twenty" inserted in lieu.

The MINISTER FOR AGRICULTURE: I am quite agreeable to the amendment. I recognise that 40 chains is too great a distance and I ask the Committee to pass the amendment. As Clause 13 will have to be treated similarly, I suggest that we recommit the Bill so that the same provision can apply to a local authority as to a private person.

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

Clause 25—agreed to.

Clause 26—Primary and secondary noxious weeds not to be brought into the State or from one part of the State to another:

Hon. A. L. LOTON: There are a lot of unnecessary words used in this clause and I think that the definition of "plant" covers a lot of them. I move an amendment—

> That in line 4 after the word "weed" the following words be struck out—"or portion of a primary or secondary noxious weed or the seed of a primary or secondary noxious weed either for propagation or as packing material or otherwise".

The MINISTER FOR AGRICULTURE: I have no objection to the hon. member cutting down some of this verbiage, but he has struck out one or two very important references. These are the important words he has struck out: "noxious weed either for propagation or as packing material or otherwise." I would be in accord with the hon. member if he left those words in. If he does not, a man could introduce noxious weeds into the State in packing material.

Hon. H. S. W. PARKER: If we leave in the words "either for propagation or as packing material" then I could say, "This is a bunch of flowers, which are noxious weeds, but I am not bringing them into the State for propagation or as packing material but merely to show them to someone." The clause as it stands is providing a limitation.

The MINISTER FOR AGRICULTURE: A person unknowingly might introduce weeds through the medium of packing material. A man could say that he did not bring the weeds in for propagation, but brought them in quite innocently in a packing case.

Hon. H. S. W. Parker: You are limiting the effect.

The MINISTER FOR AGRICULTURE: I do not think so.

Amendment put and negatived.

Clause put and passed.

Clause 27—Prevention of introduction of noxious weeds through imported livestock and coats of animals:

Hon. H. S. W. PARKER: The words "manner prescribed" in Subclause (2) means "by regulation". I do not know whether the words mean that a person can bring animals or coats into the State without complying with a regulation.

The MINISTER FOR AGRICULTURE: Animals are allowed to enter the State under certain regulations which, I think, come under the provisions of the Stock Diseases Act, which is administered by the officers of the Department of Agriculture, who ensure that every safeguard is taken.

Hon. A. R. JONES: Does that mean that a person bringing a ram or any other animal into this State could apply to the Minister for exemption under this Bill before the coat of the animal was taken off? That is extremely unwise. If the ram is inspected by an officer, it should be shorn before it is railed to the country.

Hon. L. Craig: Even in the middle of winter!

Hon. A. R. JONES: Yes. The animal should be kept in such circumstances that it could not contact other animals. I think animals are the means by which most noxious weeds are introduced into the State.

The MINISTER FOR AGRICULTURE: This is nothing new. Rams are brought into the State sometimes in winter, for example, when it is dangerous to shear them. They may be shown at Fremantle or at the Royal showground at Claremont. They are then subject to inspection by the departmental officers. Provided they are satisfied there are no

noxious weeds in their coats, the animals are allowed to be forwarded to the country to be shorn there. People who desire such exemption have to put up a guarantee. Everybody has seemed quite happy about that provision. There is a danger of losing a ram after it is shorn in winter and then railed in an open truck to the country.

Hon. A. R. JONES: I do not think sufficient safeguards are provided. Animals are imported from the Eastern States and could easily have in their coats the seeds of Bathurst burr or some other noxious weed, which might be overlooked by an inspector. A person might buy a ram for the purposes of re-sale and he would not concern himself much about safeguarding the interests of the State.

The Minister for Agriculture: That man would have to give a guarantee that the ram would be shorn. How would you like to pay £3,000 for a prize ram in July and have to shear him in the winter months?

Hon. A. R. JONES: I would not do that.

Hon. L. Craig: The Sydney sales are held in July, so how could you avoid it?

Hon. A. R. JONES: The Minister does not seem to think there is much in my objection, but I have registered my protest.

Hon. H. S. W. PARKER: Paragraph (a) of Subclause (7) deals with the recovery of expenses incurred in the exercise of powers therein mentioned, and in paragraph (c) it is provided that the amount involved may be certified as correct by the protection board, whose certificate shall be regarded as conclusive evidence. I move an amendment—

> That in lines 3 and 4 of paragraph (c) of Subclause (7) the word "conclusive" be struck out and the words "prima facie" inserted in lieu.

The protection board could say that although the cost involved was £5 it would charge £10. The person concerned could do nothing about it, but would have to pay. That is extraordinary power to give to the board. I think that matter should be looked into.

Hon. N. E. BAXTER: I support the amendment. In the previous paragraph there is reference to the amount or balance that will be recoverable and the board may say that the amount is a certain figure, and, as the subclause reads, the individual concerned could have no possible defence at all.

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

Clauses 28 and 29—agreed to.

Clause 30—Powers of inspectors:

Hon. H. S. W. PARKER: Is it the desire of the Minister that only Government inspectors, as set out in the definition of the clause, are to have the right to act as indicated?

The Minister for Agriculture: I think that refers to all inspectors concerned.

Hon. H. S. W. PARKER: No. If the Minister looks at the provisions, he will see that only certain inspectors are mentioned but not others.

The Minister for Agriculture: I think that is all right.

Clause put and passed.

Clauses 31 and 32—agreed to.

Clause 33—Apportionment of expense between persons interested in land:

Hon. H. S. W. PARKER: Can the Minister explain why it is necessary for an owner, who has a partial interest in the land concerned, to apply to a judge in Chambers for an order declaring what portion of any expense incidental to the destruction of primary noxious weeds on the property has to be borne by any other person?

The Minister for Agriculture: Do you think he should apply to the protection board?

Hon. H. S. W. PARKER: No. He should make the application to the local court.

The Minister for Agriculture: You know more about it than I do, but I do not think it is difficult to go before a judge in Chambers.

Hon. H. S. W. PARKER: As a member of the legal fraternity, I should welcome the clause because the fees attached to applications to the Supreme Court are much higher than those applying to local court actions. It seems to me that the quicker and cheaper way would be to approach the local court.

The MINISTER FOR AGRICULTURE: I am a bit with Mr. Parker. Possibly it could be made optional for the approach to be to the Supreme Court or to a local court. I shall accept an amendment dealing with the matter.

Hon. H. S. W. PARKER: It might be better to postpone consideration of the clause because there is another provision in the Bill that is almost identical. Possibly the Minister could get the advice of the Crown Law Department as to alterations necessary and, of course, there may be some reason for the subclause being framed in this fashion.

Hon. H. K. WATSON: As the Bill is to be recommitted, probably the Minister could discuss these matters with his legal advisers, and the various points raised by Mr. Parker could be dealt with later.

The Minister for Agriculture: I am quite satisfied to let the reference be to the local court.

The CHAIRMAN: In the circumstances, what does Mr. Parker propose to do?

Hon. H. S. W. PARKER: I move an amendment—

That in lines 2 and 3 of Subclause (4) the words "Judge in Chambers" be struck out with a view to inserting the word "Magistrate" in lieu.

Hon. N. E. BAXTER: There may be some reason for the reference to applications being made to a judge in Chambers, and the Minister might make some inquiry in that regard. People might prefer to have such matters dealt with in Chambers, and so avoid any publicity. If we agree to the amendment we might place some people in an awkward position.

The MINISTER FOR AGRICULTURE: That is why I suggest it should be optional. However, I think the local court could do the job all right. I will not object to the amendment now, but I will check up on it and we can have it altered later on, if necessary, when a conference is held and all these things are decided.

Amendment (to strike out words) put and passed.

Hon. H. S. W. PARKER: I wish to move to insert the word "magistrate" in lieu of the words struck out.

The MINISTER FOR AGRICULTURE: I would like to ask Mr. Parker whether the magistrate could deal with cases like this in Chambers or whether they must go to the open court.

Hon. H. S. W. PARKER: Such cases would be heard in the open court in the ordinary way.

Hon. E. M. HEENAN: Apparently the object of Clause 33 is that where noxious weeds have to be destroyed, someone has to pay. The protection board will assess how much each the owner and the occupier will pay. Subclause (2) provides that after the board has assessed the amount payable by each, the parties have the right of appealing to the local court having jurisdiction where the land is suituated. The subclause under consideration goes further and gives rights to an owner who has only a partial interest. It provided, as printed, that he might apply to a judge in Chambers. I agree that is an unnecessarily complex and expensive method. However, I think we should adhere to the same phraseology as in Subclause (2) and insert the words "the local court having jurisdiction where the land is situated." To do that it will be necessary to take out the word "a" before "Judge" in line 2 of Subclause (4).

The CHAIRMAN: We have gone past that point and we will have to do that on recommittal.

Hon. H. S. W. PARKER: I move—

That the words "local court having jurisdiction" be inserted in lieu of the words struck out.

Amendment (to insert words) put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That in line 8 of Subclause (4) the word "Judge" be struck out and the word "Magistrate" inserted in lieu.

The Minister for Agriculture: Suppose the local Court does not have a magistrate, but has local justices?

Hon. H. S. W. PARKER: It must have.

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

Clause 34—Provision in case occupier hinders owner or vice versa:

Hon. A. R. JONES: I would ask the Minister to take into consideration the fact that there is a labour shortage and that the means of destroying noxious weeds may be scarce. In the previous clause the board is given the right to tell anybody how he shall destroy weeds; and if he does not comply, a daily penalty of £2 may be imposed until the provision is observed. In existing circumstances that is a very harsh penalty, and the Minister might perhaps consider allowing a certain time for people to obtain the wherewithal to do the work required, before a penalty is imposed.

The MINISTER FOR AGRICULTURE: I realise that this seems a bit hard. Perhaps Mr. Parker could make some suggestion to overcome the difficulty. I would point out, however, that this is a maximum penalty and the £2 per day will not necessarily be imposed. I do not think that a magistrate would inflict the maximum in cases of hardship.

Hon. N. E. BAXTER: In Subclause (2) there is reference to a court of petty sessions. To be consistent, I think we will have to amend that to read "local court." I move an amendment—

That in lines 3 and 4 of Subclause (2) the words "Court of Petty Sessions" be struck out and the words "Local Court" inserted in lieu.

Hon. H. S. W. PARKER: I am very pleased that the Minister has begun to realise there is something in the remarks I have been trying to make. Subclause (1) means nothing and can be ignored. It is surplus wording. Subclause (2) provides that if an occupier prevents the owner from doing anything, he may be taken to court and the court will tell him he has to do it. If he does not do it, then he is brought up again and becomes liable to a penalty of £2. So there are two bites at the cherry. I think Mr. Baxter has misunderstood the position. I think the words "Petty Sessions" should remain.

Amendment put and negatived.

Clause put and passed.

Clauses 35 to 38—agreed to.

Clause 39—Service of documents:

Hon. H. S. W. PARKER: I move an amendment—

That Subclause (1) be struck out. A summons is served under the Justices Act, which governs all the procedure and therefore we do not want definitions here of the words "documents," "served," "deliver," "give," and "send." All the subclause would do would be to give a different idea of the service of a summons. I do not think we should interfere in this measure with the general procedure under the Justices Act, which is the codification of the law on procedure for inferior courts.

The Minister for Agriculture: Then why do you think the Crown Law Department included this subclause?

Hon. H. S. W. PARKER: I do not know.

The Minister for Agriculture: Can the hon. member see any harm in its remaining?

Hon. H. S. W. PARKER: Yes, because the Justices Act deals with the service of summonses and the procedure in inferior courts, and this is an attempt to alter that law.

The Minister for Agriculture: Are you sure that it would alter it?

Hon. H. S. W. PARKER: No, but if I get a summons and cannot prove that this measure covers it, I will be out of court because it will not comply with the Justices Act.

Hon. E. M. HEENAN: On a hurried examination only of the provision, I think it does include documents, notices and so on that are not covered under the Justices Act and my impression is that it would simplify the existing provisions with reference to service of documents and so on.

Hon. E. H. Gray: Then it would be better to leave it in?

Hon. E. M. HEENAN: My impression is that it could not do any harm.

The Minister for Agriculture: Would it not be simpler for the person who has to administer this measure if he had all this in front of him in the legislation?

Hon. H. S. W. PARKER: If a person administering this measure wished to serve a notice he need only look at Section 31 (1) of the Interpretation Act.

The CHAIRMAN: Would the deletion of Subclause (1) have any effect on the following subclauses?

Hon. H. S. W. Parker: No.

Amendment put and a division taken with the following result.

Ayes	9
Noes	14
Majority against	5

Ayes.

Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. H. Hearn	Hon. H. L. Roche
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. J. Cunningham
Hon. A. L. Loton	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. C. H. Simpson
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. H. Tuckey
Hon. E. H. Gray	Hon. H. K. Watson
Hon. W. R. Hall	Hon. F. R. Welsh
Hon. E. M. Heenan	Hon. G. B. Wood
Hon. W. J. Mann	Hon. E. M. Davies
	(Teller.)

Amendment thus negatived.

Hon. H. S. W. PARKER: What is the effect of Subclause (4)? Under it I might go to court and swear a complaint against "Mr. Owner." It would be sent through the post and service would be duly received. The charge would be read out in court, "Owner did such and such on such and such a day," but no-one would appear or care. The magistrate would fine him, but who would be fined? No-one would know who he was. Can the Minister explain what would happen in those circumstances?

The MINISTER FOR AGRICULTURE: There are certain blocks of land in road districts and the owners may have gone away. The same thing will happen when these owners are not to be found and rates are owing. The land will be sold. We do not need to have the owner in order to sell the land.

Hon. H. S. W. Parker: You do not know who owns the land.

The MINISTER FOR AGRICULTURE: Proceedings would be taken against the "owner of Block 10," or something like that. Judgment would be obtained against him, the land sold and the money received, just as would be the position regarding rates.

Hon. N. E. BAXTER: There will be very few instances where the owner's name cannot be found. When we sum up the position, we find any number of cases where owners of blocks of land are missing and they have never paid rates. I think this will apply in the same way.

The MINISTER FOR AGRICULTURE: In the road district where I reside there are certain blocks of land the owners of which are not known. It is known to whom they used to belong. For instance, one is described as McKinley's block and the other as Smith's block, and I think this case would be covered in the same way.

Hon. H. S. W. Parker: Whom would you sue?

The MINISTER FOR AGRICULTURE: The owner of the land.

Hon. H. S. W. Parker: Who is he?

The MINISTER FOR AGRICULTURE: If his name is not known, of course we could not sue, and this clause provides for the case where we do not know the owner.

If this clause is not acceptable, the Committee can delete it. There may be only one occasion in a lifetime when this would happen, but I have known such a situation to arise.

Hon. H. S. W. PARKER: The case the Minister refers to is where the owner is not known, and the person who is registered is sued. We cannot sue a person without a name. For instance, we often see that a person has been murdered by a person unknown, but we do not find that person unknown being convicted.

The Minister for Agriculture: That is a different case.

Hon. H. S. W. PARKER: It is the same thing. The Minister is asking us to sue an owner and occupier who is unknown. It is a waste of time. From whom is the revenue going to be collected?

The Minister for Agriculture: From the land, of course.

Hon. H. S. W. PARKER: Every piece of land has an owner's name attached to it, and the summons is issued against the occupier, and if it is a vacant block a search at the Titles Office is made to get the name. But this clause deals with land to which no owner's name is attached.

Hon. E. M. HEENAN: This is a very extreme power to give although, as the Minister says, it would not be used very often. But there might be a temptation to use it because a complaint made pursuant to these provisions would be against the owner or occupier whose name is unknown to the complainant. I think there is an obligation on the complainant to go to a lot of trouble to find out who the owner is. If we were to pass this, we might provide a power that could be abused. A complainant might well say that he was not going to take the trouble of finding out who the owner is. We have provided for the service of these notices pretty liberally. Mr. Parker tried to tie them up under the Justices Act, but I think the subclause which we have just passed has liberalised the procedure under that Act and, having done that, I think he is now on the right track in having this subclause struck out. As he says, the land is owned by someone and the cases where the owner's name cannot be ascertained will be so rare that I do not think it will matter.

The Minister for Agriculture: I think you are right there; there will not be many of them.

The CHAIRMAN: As far as I am aware, there is no amendment before the Chair.

Hon. H. S. W. PARKER: I move an amendment—

That Subclause (4) be struck out.

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

Clauses 40 to 49—agreed to.

Clause 50—This Part to be administered by local authorities:

Hon. H. S. W. PARKER: I think there is a serious error in the drafting of the clause. Part VII says "secondary noxious weeds," and purports to refer to secondary noxious weeds all through, but does not say so. This really relates to Clause 52 which perhaps deals with the main portion of Part VII. In line 10 of Clause 52 reference is made to noxious weeds, and right through this part of the Bill it refers to noxious weeds. There is a definition of secondary noxious weeds—the marginal notes refer to secondary noxious weeds—but right through it refers to noxious weeds. The marginal notes have nothing whatever to do with the Bill. It seems to me that the words "secondary noxious weeds" should be inserted right through.

The Minister for Agriculture: A rate can be struck for primary and secondary noxious weeds.

Hon. H. S. W. PARKER: Not according to this.

The MINISTER FOR AGRICULTURE: This does purport to refer to secondary noxious weeds without saying so, but does it matter?

Hon. H. S. W. Parker: Yes. You try to strike a rate for noxious weeds and people will want to know what they are.

The MINISTER FOR AGRICULTURE: Does this go right through the Bill—I mean the omission of the word "secondary"?

Hon. H. S. W. Parker: Yes.

The MINISTER FOR AGRICULTURE: I suggest that we leave this for recommittal, when I can have the matter adjusted.

Hon. L. A. LOGAN: In my opinion, this clause should be deleted altogether. I do not think we should have two categories of noxious weeds. Either they are noxious weeds or they are not. The protection board and the local authority could deal with a particular weed and get rid of it. We are only playing around with it by having two categories. I intend to enter my protest and vote against this clause.

The MINISTER FOR AGRICULTURE: While I have no objection to the suggestion made by Mr. Parker, I most strongly object to that made by Mr. Logan. The whole object of this Bill concerns noxious weeds, primary and secondary. What a job the protection board would have running around dealing with Cape weed, radish and things like that. The protection board has a very big job and will have quite enough to do without fooling around with these minor weeds. I hope the Committee will agree to the clause.

Clause put and passed.

Clause 51—agreed to.

Clause 52—Power to levy noxious weed rate:

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

That in Subclause (2) (a) (ii) the words "two pence" be struck out and the words "one penny" inserted in lieu.

The MINISTER FOR AGRICULTURE: We have already voted on this and I ask the Committee to reaffirm its decision of a few hours ago.

Hon. L. A. Logan: The other related to vermin.

Hon. W. J. MANN: We would be doing the right thing by accepting the amendment and making the rates uniform.

The MINISTER FOR AGRICULTURE: When dealing with the vermin measure, the rate was retained at 2d. so, if Mr. Mann desires uniformity, he should oppose the amendment.

Hon. H. L. ROCHE: A rate of 2d. would be excessive. I am surprised that the Minister should have had it incorporated in the other measure.

The MINISTER FOR AGRICULTURE: This rate of 2d. will be the maximum. It has always been difficult to get local authorities to rate sufficiently. Only a few nights ago, one or two members of the Country Party wanted to impose a straight-out rate of 3d. for special reserve funds. Now they object to a maximum rate of 2d.

Hon. H. L. Roche: The maximum becomes the minimum.

The MINISTER FOR AGRICULTURE: That is not so when local authorities are rating for vermin.

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

Ayes	9
Noes	13
Majority against	4

Ayes.

Hon. N. E. Baxter	Hon. H. L. Roche
Hon. H. Hearn	Hon. H. C. Strickland
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. L. A. Logan
Hon. W. J. Mann	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. H. S. W. Parker
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. F. R. Welsh
Hon. Sir Frank Gibson	Hon. G. B. Wood
Hon. E. H. Gray	Hon. H. K. Watson
Hon. W. R. Hall	*(Teller.)*

Amendment thus negatived.

Clause put and passed.

Clauses 53 to 59—agreed to.

Clause 60—Duty of occupier of private land to destroy in and keep land free from secondary noxious weeds:

Hon. H. S. W. PARKER: Is it desired that the local authority should prosecute? If so, the procedure will be very cumbersome.

The MINISTER FOR AGRICULTURE: The local authority would prosecute in the case of secondary weeds and the protection board in the case of primary weeds.

Hon. H. S. W. PARKER: What the Minister desires is properly expressed in this clause but not in Clause 61. I suggest that Clause 61 should be struck out.

The Minister for Agriculture: I will look into that matter also.

Clause put and passed.

Clause 61—agreed to.

Clause 62—On failure of person served with notice, local authority may carry out the work and recover the cost:

Hon. H. S. W. PARKER: This is the same question of recovering debts. I ask the Minister to look into it.

The Minister for Agriculture: Why not move an amendment?

Hon. H. S. W. PARKER: The clause will need quite a lot of alteration.

The Minister for Agriculture: I will look into the matter.

Clause put and passed.

Clauses 63 to 65—agreed to.

Clause 66—Apportionment of expense between persons interested in land:

Hon. H. S. W. PARKER: I move an amendment—

That in lines 2 and 3 of Subclause (4) the words "a Judge in Chambers" be struck out and the words "the local Court having jurisdiction" inserted in lieu.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That in line 9 of Subclause (4) the word "Judge" be struck out and the word "Magistrate" inserted in lieu.

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

Clauses 67 and 68—agreed to.

Schedule—agreed to.

Postponed Clause 12—Protection board may direct two or more local authorities to act in conjunction:

Hon. A. R. JONES: I move an amendment—

That in line 5 after the word "respectively" the following words be inserted:—"the share of the expense to be met by the local authorities shall be mutually agreed. In the event of disagreement either party may appeal, within one month, to the local court having jurisdiction in the locality, the said court may determine the just amounts payable."

The MINISTER FOR AGRICULTURE: I object to the amendment. It is not necessary. If local authorities cannot come to an agreement, the protection board can fix the proportion of the expense. There would not be any disagreements. I have already mentioned what happens with the two local authorities at York.

Hon. N. E. BAXTER: I agree with the Minister. I am sure the local authorities would much prefer to have the protection board as a mediator than incur the expense of going to the local court.

Hon. A. R. JONES: I have had experience of road boards not agreeing. The people in York are all in the one district.

The Minister for Agriculture: I have mentioned others, too.

Hon. A. R. JONES: One local authority may be particular in what it does but not an adjoining one, and they may be asked by the protection board to work together. In the event of a disagreement as to the amounts to be paid by each, the protection board would say what the proportions should be.

The Minister for Agriculture: Would not the protection board be the best authority to determine the question?

Hon. A. R. JONES: No. The best authority to decide a disagreement is the court.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [9.10] in moving the second reading said: The principal object of the Bill is to amend Section 123 of the Industrial Arbitration Act, which deals with the declaration of the basic wage. The provisions of the Bill have been recommended by the President and members of the Arbitration Court, and they have been considered and accepted by representatives of the industrial unions, and the Employers' Federation, but it is desired to introduce an amendment, copies of which have been circulated among members.

The term "basic wage" is defined in the parent Act as—

> a sum sufficient to enable the average worker, to whom it applies, to live in reasonable comfort, having regard to any domestic obligation to which such average worker would be ordinarily subject.

This interpretation is generally accepted as defining what is known as the "needs" basic wage. When it was included in the Act in 1925, this "needs" basis was in common acceptance by industrial tribunals throughout the Commonwealth. In addition to the "needs" basis, the Commonwealth Arbitration Court has accepted an additional factor for consideration when assessing the Federal basic wage. This factor is that the court shall have regard not only to the "needs" basis, but also to the national income, productivity, general prosperity or otherwise, existing in Australia. This is known as the "economic capacity" basis.

The recent decision to increase the Federal basic wage by £1 per week, was based on the "economic capacity basis." The court considered that the "needs" basic wage was adequately catered for by existing wage declarations, but a majority of the court declared that the general prosperity existing in Australia warranted a basic wage higher than one based on need, and that an increase of £1 was within the economic capacity of the Commonwealth. In view of this the President of the State Court, Mr. Justice Jackson, has recommended that need should not be the only basis on which to assess the State wage. He stated that the court considered that as the Commonwealth wage was declared on both "needs" and "economic" bases, it was not equitable that the State wage should be restricted to a "needs" basis. Mr. Justice Jackson has recommended that the principal Act be amended to allow the State court to take into consideration the economic capacity of industry and other factors which the court might consider relevant.

Careful consideration was given to this proposal by the Government which agreed to submit the Bill to Parliament. As I have said, it has been referred to the A.L.P. and to the Employers' Federation, both of whom have accepted its provisions. The Bill also sets out that instead of there being an automatic annual inquiry and basic wage determination, the court be empowered to hold an inquiry and make a determination when it thinks fit, and that such inquiry and determination shall be made when required by either a majority of the industrial unions or by the Employers' Federation, but that there be not more than one inquiry and determination each year. This proposal also emanates from the President of the court, and, I am informed, has been agreed to by the unions and the Employers' Federation.

An amendment to the Bill, copies of which have been circulated among members, is necessary. It was deemed advisable to introduce the amendment in this House rather than have it inserted in another place. If that had been done it would have meant some delay. I con-

clude by saying that the Bill is deemed to be urgent and should be dealt with and passed. I move—

That the Bill be now read a second time.

HON. E. H. GRAY (West) [9.17]: I desire to congratulate the Minister on his clear exposition of the Bill. As everyone knows great concern has been expressed by both employers and employees in Western Australia at the divergence between the two courts. Mr. Hearn can correct me if I am wrong, but I think the Federal Arbitration Court covers over 70 per cent. of the employees of Australia. The President of the court took the right step in recognising the difficulties and making this request to the unions and the Employers' Federation.

The amendments in the Bill will improve the court procedure and will bring the State Arbitration Court more into line with the Commonwealth court. This will be of considerable benefit to both employers and employees. Those who are concerned with either employers or workers know that the question has been discussed for some time and I think it is the first occasion that a recommendation has come from the President of the court, supported by the employers and the unions. I think we would be well advised to accept the Bill, with the amendment proposed by the Minister, and accordingly I support the second reading.

HON. H. HEARN (Metropolitan) [9.19]: Once again Western Australia is showing the rest of the Commonwealth the right way to approach industrial problems. I subscribe to all that Mr. Gray has said but I would remind him that this is the second time that we have, owing to a national emergency, got together and resolved our problems. As an employers' federation we recognised the tremendous responsibility that rested upon the employers of this State to see that justice was done in the light of the new Commonwealth basic wage. Had we been living in the bad old days, or been like some of the people in the Eastern States, we would have been fighting each other, and the strife would have gone on for month after month, just playing a delaying action. Fortunately, the industrial relationships between the A.L.P. and the employers are on such a basis that we can always get together and invariably iron out our difficulties.

This Bill is a step forward inasmuch as it brings our State Arbitration Court up to the standard of the Commonwealth court, from the point of view of being able to deal with other factors that have come into the economic life of Australia since the beginning of the war. Although the employers are a little nervous as to what will happen during the coming year. I feel that with the commonsense which has always been evident in Western Australian trade unionism, and with the progressive ideas of the employers of Western Australia, we will get together, do a job and try to do it so that the impact upon the cost of living will be as light as possible. That calls for good management and if we can get increased production—which I am sure we can—this new wage structure will have the effect of cementing the relationships between employers and employees. It will also have a tendency to increase production and by so doing keep down the ever-spiralling costs. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 123 amended:

The **MINISTER FOR TRANSPORT**: I move an amendment—

That after the word "advisable" in line 3 of paragraph (b) of Subsection (3) of proposed new Section 123 the following words be added:—

"but so as not to reduce the basic wage below an amount deemed necessary by the Court to meet the requirements of paragraph (a) of this subsection and determine without regard being had to the matters mentioned in this paragraph."

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

Clauses 3 to 5, Title—agreed to.

Bill reported with an amendment and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with an amendment.

BILL—RAILWAY (PORT HEDLAND-MARBLE BAR) DISCONTINUANCE.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. C. H. Simpson—Midland) [9.28] in moving the second reading said: As is denoted by its short Title, this Bill seeks parliamentary sanction for the closure of the railway line from Port Hedland to Marble Bar. This 114 miles of track has had an interesting history. It was opened for traffic on the 1st July, 1912, the primary object of its construction being to assist mining development in the district. However, comparatively little use was made of the line in this regard, but it was of considerable importance in opening up the hinterland for pastoral pursuits.

Its remoteness—it being nearly 500 miles north of the nearest point on the main system—created many operational difficulties and for the same reason, operational costs have been relatively high, while revenue has at all times lagged far behind expenses. It was felt at one time that local control might lead to improved results. However, several efforts to lease the line met with no response, as did suggestions to local governing authorities that they administer the line. Efforts were made to improve the financial standing of the line by means of reductions in maintenance costs, and by keeping the line to the minimum standard required to handle the small amount of traffic offering.

During the last war, and particularly after May, 1943, the line was used extensively for the transport of materials and supplies, particularly for the Air Force. After the war years the traffic on the line reverted to the more normal volume of about five trains a month. In June, 1948, following his visit to the North-West, the Premier appointed a departmental committee to report on the advisability of retaining the railway or, alternatively, providing suitable road transport. This committee consisted of the Under Treasurer (as Chairman), the then Commissioner of Railways (Mr. Ellis), the Commissioner of Main Roads and the chairman of the North-West Development Committee (Mr. Dumas). In examining the problem the committee had regard to—

(a) The transport requirements of the district.

(b) The comparative cost of maintaining railway and alternative road facilities, respectively, and other related financial considerations.

(c) The strategic value of the railway.

The decision of the committee, the Commissioner of Railways dissenting, was that the retention of the railway was not justified and it recommended that the Government authorise the early construction of a suitable road, the railway to be closed as soon as the road work was sufficiently advanced. This report was submitted on the 10th November, 1948. The committee stated that prior to the war the line handled 4,000 to 4,500 tons of freight annually, but in the three years 1946, 1947, 1948, this had dwindled to less than an annual average of 3,500 tons, of which approximately 250 tons represented haulage of water for the town supply at Port Hedland.

The low traffic density resulted in abnormally high working expenses as compared with earnings, and a substantial loss on operations. The capital cost of the line is £381,093 and the accumulated loss on operations amounts to £572,000. For the years 1946, 1947 and 1948, the annual loss averaged £12,000 and, in addition, the annual interest charge on capital liability exceeds £13,000. The majority of the committee was satisfied a road service could be provided which would serve the needs of the area as efficiently as the rail service, and at a much lower cost to the Government.

The committee approached the Commonwealth Government to ascertain whether there would be any defence objection to the closure of the railroad. The Commonwealth replied that from a defence angle there was no justification for the retention of the line, as any future requirements would be met adequately by the provision of the proposed road. The Commissioner of Railways (Mr. Ellis) submitted a minority report, stating that he was doubtful of the adequacy of the proposed road to carry heavy traffic.

However, in August this year the present Commissioner of Railways (Mr. Hall) and the Chief Civil Engineer made a further inspection of the line, following which they reported that it would cost approximately £100,000 to restore the line to good condition. The Railways Commission feels that the outlay of such a large sum was not justified and it supported the closure of the line in favour of road transport. The report on the line indicated the track was both precarious and dangerous and that it was a tribute to the permanent way staff that it had been kept in operation.

The construction of the all-weather road to replace the railway is progressing steadily, and sufficient development has taken place to enable traffic to travel on much of the route during reasonable weather conditions. The road has been used since October last year and a number of travellers have made the 124 mile trip from Marble Bar to Port Hedland in 3½ hours. The road when completed will be suitable for handling all the traffic offering and it will be maintained and strengthened from time to time as circumstances, such as possible increase in traffic, require.

The Main Roads Department states that it anticipates no difficulty in completing the road before the next wet season opens. Some doubt has been cast in the north as to the ability of the road to withstand "all-weather" conditions, but it has been pointed out that it can be as reliably and easily restored after heavy rains as has the railroad in the past. Suitable arrangements will be made to convey water for the town supply at Port Hedland until such time as the water supply pipe line is completed from the Turner River to Port Hedland. It is proposed that the Bill operate from a date to be fixed by proclamation. I move—

That the Bill be now read a second time.

HON. F. R. WELSH (North) [9.35]: I am indeed sorry that the Government has decided to pull up this line, because it would be hard to estimate the value it has been to the back country, especially in the North. It has been the means of settling all that pastoral area in between the large

stations that were there in the early days. Also, as the Minister has pointed out, it has kept Port Hedland on the map. That township has depended on the railway for all the fresh water required.

There is a doubt in my mind whether the road will ever carry the traffic like the railway has done. That road should have been surfaced before the railway was pulled up. Port Hedland depends entirely on fresh water and as there is none there to speak of, it has all been carted to that centre by the railway. This Bill constitutes an extremely retrograde step and if the line had not been neglected by the Railway Department it would not have fallen into the state it is in now. The cost of the reconstruction of the railway was gradually stepped up. First it was to be £50,000 and then it was £70,000. The reconstruction of the road will cost more than it would to re-sleeper the line.

I think we would have been better off with the railway than the road, and if the line were properly maintained I am sure it would serve the district much better than will the road. A transport company has been started at Port Hedland to carry out all the work, but I am afraid the back country will be left high and dry on many occasions because the road will not be able to carry the traffic. When heavy trucks commence travelling over the road, which is not surfaced, it will soon become impassable. Because the Government has lost the main running shed, which was destroyed by fire, in the circumstances there is no point in leaving the line.

However, it would have served the district generally much better than the road. Of course, I know that willy willys have destroyed the line in parts on many occasions, but, as the Minister has said, the fettlers' gang employed on that line have performed excellent work. The line is in the state it is now through sheer neglect only, and I repeat that I am indeed sorry that it is to be discontinued.

On motion by Hon. H. C. Strickland, debate adjourned.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [9.39] in moving the second reading said: As members will remember, the principal Act was passed in 1948 to provide for the payment of superannuation benefits to ex-members of Parliament and to their dependants, the measure being based on recommendations made by a committee of representatives of both Houses of Parliament. The principal Act repealed the Members of Parliament Fund Act of 1941, but did not affect any rights accruing to members under the latter Act.

The administration of the principal Act has revealed two anomalies which it is proposed to rectify in this Bill. The first of these relates to Section 11 of the Act. The intention of Subsection (2) (a) (i) of this section is that if an ex-member has served in Parliament for not less than 14 years, and has contributed to the previous Members of Parliament Fund and the present fund for from seven to 14 years, then he will be entitled to a weekly pension of £5 for ten years, followed by £2 10s. for a further ten years.

The subsection inadvertently does not specify that he shall have been a contributor to the funds for from seven to 14 years. It says he shall have contributed for a period "less in the aggregate than fourteen years" and does not provide any minimum period of contribution. This omission would render a contributor eligible for the pension of £5 per week if he had been a member of Parliament for over 14 years and a contributor to the funds for less than seven years.

In addition he would be eligible, under Subsection (2) (a) (ii) for a pension of £2 10s. per week as an hon. member with over seven years' service and being a contributor for less than seven years. The Bill will rectify this anomaly by deleting the words "less in the aggregate than fourteen years," and replacing them with the words "in the aggregate more than seven but less than fourteen years." This will maintain the intention of the Act and prevent any ex-member from being eligible for two pensions.

The other amendment affects Section 12, and seeks authority to refund a sum equal to his contributions to any person who is not entitled to pension benefits on resigning from Parliament before the expiration of his term of office. At present the Act provides that if the trustees of the Parliamentary Superannuation Fund are not satisfied as to the reasons why a member resigns or does not stand for re-election, then that hon. member is not entitled to any benefit, apart from his rights under the repealed Members of Parliament Fund Act.

This is not considered equitable as it is felt that under such circumstances the hon. member should be entitled to a refund equal to the amount of his contributions. Those are the only amendments contained in the Bill. However, further proposals in regard to the financial standing of the fund will be discussed with the Consulting State Actuary, Mr. O. Gawler of Victoria, who will be visiting Perth early next year. I move—

> That the Bill be now read a second time.

In Committee.

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

BILL—COMMONWEALTH JUBILEE OBSERVANCE.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [9.46] in moving the second reading said: The proposal in this Bill is for a public holiday to be held throughout Western Australia on the 9th May, 1951, the fiftieth anniversary of the opening of the first Commonwealth Parliament in Melbourne by the Duke of York, later King George V. The Governments of the Commonwealth and of all the States have agreed to hold an Australia-wide holiday on this day. The Employers' Federation has been approached and has no objection, in view of the proposal that the holiday be a national one.

While legislation exists enabling the Governor to declare holidays for the Public Service, banks and shops, there is no authority to grant a general public holiday, hence this Bill. As members are no doubt aware, it is proposed that celebrations will take place throughout Australia during 1951 in connection with the fiftieth anniversary of Federation. These celebrations have the full support of the Commonwealth and State Governments and will be designed to cater for every age group and every interested group in the community. Sporting, artistic, industrial and educational functions have been arranged, and every effort will be made to include rural areas in the celebrations.

A sum of £350,000 is being provided by the Commonwealth Government, and the State Governments are also making grants. The combined Commonwealth-State grant for Western Australia will amount to £28,000, and, in addition to functions financed under this sum, the State will participate in functions arranged on a Commonwealth-wide basis. The three principal dates in the celebrations will be the 1st January, this being the fiftieth anniversary of the proclamation of the Commonwealth by the first Governor General, Lord Hopetoun, the 29th January, which is Australia Day, and the 9th May. I move—

> That the Bill be now read a second time.

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—GAS UNDERTAKINGS ACT AMENDMENT.

Second Reading.

HON. E. H. GRAY (West) [9.52] in moving the second reading said: In 1947, two Acts were passed dealing with the gas industry. One was the Gas (Standards) Act, which dealt with the calorific value of gas manufactured, and the other was the Gas Undertakings Act, which dealt principally with the management, and issue and sale of shares by gas companies, and with the opportunities of consumers and employees to apply for shares in such companies.

When the Gas Undertakings Bill was before the Council, there was at the same time introduced by the Government a further Bill to amend the Fremantle Gas and Coke Company's Act, in order to authorise that company to increase its capitalisation. At that time, the company had 30,000 £1 shares held in reserve. When the Gas Undertakings Bill was before this House, Mr. Craig urged that shareholders should be protected in connection with the issue of the reserve shares. Section 11 dealt with that matter, and I shall read portions of that section for the information of the House. Subsection (1) reads—

> Notwithstanding the provisions of any Act or any memorandum or articles of association, all shares (which term in this section includes ordinary and preference shares) issued by any gas undertaker after the coming into operation of this Act, shall be issued in accordance with the provisions of this section.

Subsection (2) went on to state—

> All shares so to be issued, whether the same be at a premium or not, may, with the approval of the Commission to be signified in writing under the hand of the secretary of the Commission, if the gas undertaker thinks fit, be offered to all the gas consumers, and persons in the employ, of the undertaker, and the price at which any such preference shares shall be so offered shall on the occasion of the first issue of the same or of any part thereof be such as shall be determined by the Commission, and on the occasion of any such issue of ordinary shares or of any subsequent issue of preference shares, the price at which the same shall be so offered shall be as near as may be the average price of such shares in the period of fourteen days immediately preceding such offer.

Then it goes on to detail the procedure to be followed in the issuing of shares. At the Committee stage, Mr. Craig submitted an amendment to exclude the Fremantle Gas Co. from the application of the section dealing with the issue of reserve shares. His amendment was agreed to without a division, and it read—

> Provided also that this section shall not apply to any unissued shares of a company existing at the time of the passing of this Act.

Naturally, everyone took that to mean that the Fremantle Gas Co. could dispose of its reserve shares to the value of £30,000

as it thought fit. That was done. As Mr. Craig very properly maintained at the time, the shareholders had the right of first call on the reserve shares, and so the objective of the proviso has been carried out. The Fremantle Gas Co's. Bill was passed, giving it authority to increase its capitalisation. The legal interpretation of the proviso to the Gas Undertakings Act was that the company was excluded from the application of Section 11.

Hon. H. K. Watson: In other words, you say that the proviso exempted not only the 30,000 shares you mentioned but also any company that was operating at the time.

Hon. E. H. GRAY: Yes. When this legislation was introduced in another place, within two days the chairman of directors of the Fremantle Gas Co. wrote a letter to "The West Australian" pointing out that the company had no intention of taking advantage of the proviso, and gave the impression—I wish to be perfectly fair to the company—that it intended to carry out the requirements of the Act.

That is quite all right, but members will agree that we should rectify the position and not leave the matter at the discretion of the company. The directors might alter their attitude but, of course, I am not raising any doubt at all about the bona fides of the company in that respect. It is considered only right that legislative directions should be given regarding the disposal of shares.

The Gas Undertakings Act and the Gas (Standards) Act are practically copies of legislation in operation in Great Britain, New South Wales, Tasmania and Victoria. So, for the benefit of the company and to make the matter quite clear, we should rectify this mistake. Mr. Craig's objective in moving the proviso has been achieved and the shares have been issued, and we should now make it clear that the company must observe Section 12 of the Act governing the issue and sale of shares. I do not anticipate any trouble in this Chamber with regard to the passing of the Bill. I am sorry Mr. Craig is not present and I would like somebody to move the adjournment of the debate so that he will have an opportunity to discuss the measure. I move—

That the Bill be now read a second time.

On motion by Hon. J. A. Dimmitt, debate adjourned.

BILL — NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st November.

HON. J. M. A. CUNNINGHAM (South-East) [10.2]: I intend to oppose this Bill and my reasons are simple and straightforward. I believe that benefits which are too easily obtained are not sufficiently valued. That applies particularly in this instance. The primary intention of the Bill is to give citizenship rights to the children of natives qualifying for those rights. In actual fact the two main benefits, if we can call them that, which a native derives when he acquires citizenship rights, is the right to go into a hotel and have liquor, and the right to vote.

Hon. H. K. Watson: He will have the further right to be compelled to undergo x-ray examination, too.

Hon. J. M. A. CUNNINGHAM: Liquor is no good for the natives. It is no good for anyone, but particularly natives or persons of native blood. These people are not interested in votes. Indeed, everyone knows how difficult it is to persuade even our own Australians to take an interest in voting. They have either to be driven to the polling booth by fear of a fine, or coerced or kidded in some way to record their votes.

Hon. E. H. Gray: The natives might set us a good example.

Hon. J. M. A. CUNNINGHAM:: I think it will be agreed by any thinking person that the two main benefits I have mentioned are not valued by the natives who will be entitled to citizenship rights under the Bill. It may be said that the natives obtaining these rights may not want to go into a hotel and secure liquor. That is granted; but there are non-drinkers in this House and—

Hon. E. H. Gray: Not too many!

Hon. J. M. A. CUNNINGHAM: —they will agree with me that in many circumstances it is very hard for a non-drinker to refuse a drink and stand by his principles and say, "No, I do not care to drink." I suggest that, to natives who have just acquired citizenship rights, that difficulty would be increased tenfold; and therefore it will be so much easier for them to go down the path away from which we are trying to lead them.

Hon. H. C. Strickland: They can get permits to drink now.

Hon. J. M. A. CUNNINGHAM: That is treating them on an individual basis, and it is the correct way.

Hon. H. C. Strickland: We are talking about children in this Bill.

Hon. J. M. A. CUNNINGHAM: I am coming to them. I am talking at the moment about a native who acquires citizenship rights. It is open to unscrupulous persons to use natives, who have acquired these rights in either of the two ways I have mentioned, for their own selfish ends. I believe that the right for these people to vote or to drink—or in other words, citizenship rights—is something they should be taught to value, something hard to get.

There are various organisations today that are encouraging migrants when they come to Australia to acquire citizenship rights and become naturalised. Instead of their just qualifying in time and having

their citizenship papers sent through the post like a bill or any other postal matter, it is the intention of the Government that these people should be encouraged to attend a solemn ceremony so that they will gain the impression that the acquisition of Australian citizenship rights is something to be valued and not something just handed out to them.

Hon. H. C. Strickland: What happens to their children—Australian-born children?

Hon. J. M. A. CUNNINGHAM: I will come to that. I believe that when a native has qualified to acquire citizenship rights he is entitled to have everything that goes with them, because he has acquired those rights by his own individual efforts and his method of living. I do not see why such a man's children should acquire those same rights when they have done nothing towards earning them.

Hon. H. C. Strickland: What have they done to be classed as natives?

Hon. J. M. A. CUNNINGHAM: There is no stigma in being a native.

Hon. H. C. Strickland: I would not like to be classed as one.

Hon. J. M. A. CUNNINGHAM: Why not? What has the hon. member against them?

Hon. H. C. Strickland: Good gracious! Would you?

Hon. J. M. A. CUNNINGHAM: It is only a person's outlook that matters. They are perfectly happy in being natives. I do not think anybody is doing the right thing by suggesting that to be a native is something to be ashamed of. I am certain the natives themselves would not appreciate that point of view. If a native father acquires citizenship rights, let his son and daughter individually acquire those same rights and they will then place more value on them than if they had secured them by the mere fact of their father having lived a good life and earned such rights. Give the children the opportunity to earn citizenship rights and not hand them out like so many cards.

Let each individual stand on his own merits and acquire the right to live as a citizen in the way his father earned it. I mentioned earlier that my reasons for opposing the Bill were simple. They are not in any way profound. We have had enough profound arguments tonight on other Bills. I sincerely believe that the time is not ripe for citizenship rights to be handed out to any person of any colour as though those rights were bills or letters. They are something to be valued.

We who have these rights treat them too lightly. I would like to see our courts take away citizenship rights as a punishment for certain minor crimes. In some countries it is a serious matter to be deprived of one's citizenship rights; but here we treat the matter too lightly. These rights are something we have and do not value as much as we ought. We should make these native children appear individually before some tribunal in the same way as their parents had to do in order to acquire citizenship rights.

HON. G. BENNETTS (South-East) [10.10]: I am of a different opinion from Mr. Cunningham. I can remember my experience of natives as far back as 1910 when I was droving in the North-West. The half-castes in those days were very useful persons on stations, but they were practically slaves. They certainly did a job equally as well as the white man. On the droving trip on which I was engaged there were three white drovers and three natives and those natives did more than the drovers.

The practice was to have alternate shifts, but the natives did not understand time and had to call their white companions and were frightened to do so because of the treatment meted out to them. The consequence was that they did double work and on the day shift could hardly keep awake. I have seen the stockwhip used on them. I was frightened because on the trip back I had to travel with the natives alone. Half-castes on the stations were a credit to the place for the work they performed. And how did they get on the stations? They were put there by members of our own white race. But many of them have become good citizens.

Some of the children of whom Mr. Strickland has spoken are descendants of the folk I happened to see on those North-West stations where they were practically slaves when I was there. That was in 1910, about 40 years ago. The people I saw have had children and their children in turn have had children who have been sent to the schools and educated to the white standard. Natives in the North-West have done wonderful work. When anyone is lost the assistance of the natives is obtained to find them.

In the Norseman district we have a Church of Christ school where the children are educated and do all classes of work, the girls being taught sewing and cooking. I noticed a little while ago that a couple had gone through the University and become highly-educated citizens. If we are going to make use of these people and are satisfied that they have gained citizenship rights, it is good enough for their children to be given those same rights. I support the Bill.

HON. N. E. BAXTER (Central) [10.15]: I, like Mr. Cunningham, intend to oppose this measure. In my province I have seen natives granted citizenship rights when, in my opinion, there was not the slightest justification for it, because they used those rights solely for the purpose of obtaining liquor. I would not be prepared to see the children of those natives automatically granted citizenship rights. Of course, some natives do become really good citizens and

it is hard on people of that type that their children should not also be granted these rights.

Another angle of the question that should be examined is where the children of natives who have received citizenship rights are to have their schooling. They generally go to schools where the natives and white children are in class together. If we grant citizenship rights automatically to the children of natives who have been granted such rights, we will create a further difficulty. The native children are in schools with the white children and must be with them after school, during sport, and so on. From my observations the native children, in such circumstances, do not mix with the white children.

Hon. E. H. Gray: That is the fault of the white children.

Hon. N. E. BAXTER: That is not always so. In a certain area one of my colleagues approached the native children and asked them why they were not associating with the white children at the school on sports day. Their answer was "No, we could not do that." That was their attitude. Even if they were granted citizenship rights under this measure, they would still not mix with the white children, and the only effect of the legislation would be the creation of three sections in such schools. We would then have the white children, the native children with citizenship rights and those who were without such rights.

What kind of social or play life would those children then have? It would be practically nil. The children without citizenship rights would be thrust aside on their own. It would be more detrimental to those children to grant them citizenship rights under this measure than to allow them to reach the age at which they could prove themselves and qualify for the rights by their own actions in life. I oppose the measure.

On motion by Hon. R. J. Boylen, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Second Reading.

HON. E. H. GRAY (West) [10.19] in moving the second reading said: Similar legislation has been before the House on several occasions in the past and I am hopeful that this time it will be agreed to.

The Minister for Agriculture: What makes you hope that?

Hon. E. H. GRAY: I hope that the influx of young members with progressive ideas will have sufficient force to give us a majority in favour of this improvement in the Constitution of the Legislative Council. This House is the one parliamentary Chamber that is still practically on the same footing now as it was when first constituted many years ago.

Hon. J. M. A. Cunningham: It is still the envy of every other State in the Commonwealth.

Hon. E. H. GRAY: I would not say that, as it is not in conformity with the general ideas of the people. The Constitution of this Chamber is at present on a level with the ideas of the native tribes long before the arrival of the white man. It was then left entirely to the old men to determine what should be done and how it should be done.

Hon. H. S. W. Parker: You were an old man when you first came here.

Hon. E. H. GRAY: That is not so, though I may be an old man now. I am speaking of the early days, before there was such a thing as representative parliamentary Government. Then everything was left to the old men to determine. In those days women had no say at all and no standing in the scheme of things. Even in the early days of this Chamber members generally had long whiskers and white hair. It was then uncommon to see any member under 45 years of age in this Chamber, as it was the custom to look upon the old men as the leaders of the nation. However, things have changed.

Hon. W. J. Mann: They have changed for the worse.

Hon. E. H. GRAY: It is time we were more liberal in our outlook with regard to the franchise for this Chamber. The Bill contains three main amendments, the first of which seeks to give to the wife of any husband who is enrolled the right also to be enrolled and vote in Legislative Council elections.

Hon. G. Bennetts: She should be entitled to it.

Hon. E. H. GRAY: I wish to stress the change that has taken place in public opinion with regard to the position of women in society. It is now recognised that even in industry—that was proved during the recent war—women are at least the equals of men and are in many cases far more efficient. Women now conduct all sorts of organisations in society. They are the leaders in our homes and I therefore maintain that they have the right, as citizens, mothers and leaders of society, to vote in Legislative Council elections if their husbands are enrolled. Surely a woman should be given the right to vote with her husband.

Hon. H. S. W. Parker: Has a wife any influence on her husband?

Hon. E. H. GRAY: If she is a good wife she has a great deal of influence. I believe that the average woman takes an interest in the progress of the country for the sake of her children, and has a great

influence not only on her husband but also on all those with whom she works or associates in our society. Because of the work women now do and the raised status that they now enjoy, I think it is a reasonable request that members should agree to this additional franchise so that a wife may be enrolled with her husband as a householder.

Surely we have outgrown the stage where the wife could be enrolled only if she possessed a block of land worth £50. No-one would say that her value to society should not be placed above £50. She is worth far more to the community than that, and in modern society she is recognised as the equal of her husband. The granting of this franchise would create more interest in elections. Members all know the difficulty of interesting our citizens or making them enthusiastic about Legislative Council elections. It is our duty to do everything possible to increase public interest in deliberative affairs. This amendment would achieve that end by giving women the right to vote as householders. The next amendment contained in the Bill would give servicemen and women the right to be enrolled.

Hon. N. E. Baxter: There is nothing to prevent it now.

Hon. E. H. GRAY: The amendment has the support of the R.S.L. and I think members should agree to it. We must admit the danger in which the British Commonwealth of Nations, the United States, and other English-speaking peoples stand today and the fact that our future safety and existence depend entirely on our young people. We should recognise the service and the sacrifice demanded of them by our Commonwealth during the recent war. We should be in no doubt as to their right to be enrolled under the franchise of this Chamber. Our young people must carry the major part of the burden of the future.

We all sincerely hope that as time goes by there will be greater understanding between the Asiatic countries and the white races, but, should trouble develop, it is the young people who will be called upon even to sacrifice their lives. Surely such people should have the right to be enrolled and vote in elections for this Chamber. The last amendment has to do with the abolition of plural voting. It would give property owners the right to decide for which of the provinces in which they own property they should be enrolled. I do not think I need emphasise the injustice of the present position. It has outgrown whatever usefulness it may have had in days gone by.

The Minister for Transport: Would it not cut both ways, so that there would not be many entitled to the plural qualification?

Hon. E. H. GRAY: It is a question of principle, and we cannot justify plural voting. Why should a wealthy man, who owns land in several provinces, have a vote for each of those provinces—

The Minister for Transport: Why not?

Hon. E. H. GRAY: —when another man, perhaps of far better character and who has given better service to the community, has only one vote? The majority of those who have plural votes have been either lucky or selfish.

Hon. N. E. Baxter: They may have worked harder.

Hon. E. H. GRAY: Many people work hard, but get nothing for it.

Hon. W. J. Mann: Not in these days, though it may have been so when you were a boy.

Hon. E. H. GRAY: I do not agree with that. The time has arrived when people recognise that everyone must work. The system of plural voting is unjust and cannot be upheld on principle. I invite any member to try to defend that system which I say has outlived its usefulness. It should now be done away with. I should remind members that an elector would be able to select in which of the provinces, in which he owns property, he desires to vote. Members will agree that we must do everything possible to encourage our people to take an interest in political affairs.

If the Bill is agreed to, I think it will have the effect of encouraging people to take a greater interest in political life. We want that now, and we want it in every phase of our communal life. We want every possible care taken to educate people to make them realise their responsibilities, and I consider that the main amendments in this Bill will be a great tribute to our womenfolk, a tribute which they have justly earned. I therefore have every confidence in requesting the members of this House to favourably consider these improvements by endorsing the amendments embodied in this Bill and enlarging the franchise for this Chamber. I move—

That the Bill be now read a second time.

HON. N. E. BAXTER (Central) [10.32]: I am afraid I am going sadly to disillusion Mr. Gray, particularly with regard to his remarks about young members having advanced ideas. I am strongly opposed to this amending Bill.

Hon. E. H. Gray: Do not say that.

Hon. N. E. BAXTER: Clause 2 proposes to insert the words "or is the husband or wife of a householder." I do not know why that should refer to householders alone without any reference to leaseholder or freeholder. It may, of course, be that the interpretation of "householder" includes

that of leaseholder and freeholder, I do not know. If it does not, it appears that the framers of this legislation have forgotten all about these people who have a much greater stake in the country than many a householder—that it, those who are on the roll and many who are entitled to be on the roll but who are not.

Hon. E. M. Heenan: An amendment could be moved later.

Hon. N. E. BAXTER: I admit that, but I would like to point out to members who support this Bill that in one suburb out of a large number of houses containing 187 people entitled to be on the roll only three were enrolled. This may be due to ignorance of the fact that payment of a rental of 7s. 6d. a week would entitle the individual to a vote for the Legislative Council. That is just one instance of apathy, and I think that all the Bill will do is to put a lot of apathetic people on the roll.

With reference to extending the franchise to women, there are some who are interested in voting for the Legislative Council but it has been my experience that as a rule womenfolk are not very keen on voting—that is the majority of them. I think if we had voluntary voting in our other elections the returns on a percentage basis would not compare any better than the figure for the Legislative Council. I admit that returned servicemen and women have sacrificed a good deal for the country, and there are a number of them who are entitled to get on the roll. There are not too many who are not entitled to be on the roll. So far as the Legislative Council is concerned the qualification is a very small one and I think the person who has not a stake in the country only to the extent of 7s. 6d. a week, would not take very great interest as to who was representing him in this House.

Hon. E. M. Heenan: What about the young people living with their parents?

Hon. N. E. BAXTER: There are some, but not a great number. I venture to say that not a very great number would be interested in voting for the Legislative Council. There would be a small proportion, who might, when the time comes, think they should use their own judgment in that direction. I certainly oppose this measure, as I do not think that it is for the good of the State that this House should be saddled with people who are not a great deal interested in registering a vote and who will be more or less herded along to the poll. I oppose the Bill.

HON. E. M. HEENAN (North-East) [10.37]: I earnestly hope that the second reading of this Bill will be carried even though it may be drastically amended in Committee. I trust that members will all express themselves on this occasion because this is a very important measure. It affects an amendment to our Constitution and the method of voting for this Chamber. It is a very small measure, and its provisions can be said to be of a moderate nature. They have been outlined by Mr. Gray and they simply amount to this: The first amendment proposes to extend the franchise to wives of householders.

It may be of interest to recall that that provision was part of the policy on which the present Government was elected by the people of this State. I hope members will remember that it was part of the policy on which the Government was elected a few years ago. The personnel of the Government has been altered very slightly and I take it that Ministers adhere to the policy on which they were originally elected.

The Minister for Agriculture: It is a different Government.

Hon. E. M. HEENAN: If the present Government wants to renounce this aspect of the policy on which it was elected a few years ago—

Hon. J. M. A. Cunningham: The Government passed it.

Hon. E. M. HEENAN: The Government introduced this provision two years ago. It was introduced by Mr. Parker—this very same provision with which we are dealing now. Mr. Parker introduced the same amendment on two occasions. Not many years ago I was a member of a Select Committee appointed by this House and, with the greatest respect to Mr. Baxter, I would like to tell him his father was on that committee, as was Sir Hal Colebatch. The Select Committee recommended to the House that the vote be given to the wives of householders. I agree entirely with Mr. Baxter that it should not stop with householders. I would support an amendment giving the right to vote to the wives of freeholders and leaseholders.

There is not a great deal of substance in Mr. Baxter's complaint that it is not extended to those people. Dealing with his argument, I would give an illustration of a man living in a house and paying £1 a week in rent. That man is a householder. I argue, and the Select Committee argued, that it is part of this Government's policy—and Mr. Parker introduced the Bill—that it is equitable and right that the wife should also get a vote. The argument, of course, is that, as a wife, she is responsible for running the home, for rearing and educating the children who are the future citizens of this country. The husband, of course, is responsible for working and earning the wherewithal for paying the rent. That is his qualification. We argue that because he is married and because his wife who lives with him, rears the children, provides their meals and clothes and educates them, she should be

entitled to a vote. I agree with Mr. Baxter that that should also apply to the wife of a freeholder or leaseholder.

Hon. H. S. W. Parker: Do not you think the husband should take all that responsibility and leave his wife free?

Hon. E. M. HEENAN: I am astonished that that question should be asked of me by Mr. Parker, seeing that he introduced the previous Bill. We give the wife a vote for the Legislative Assembly and for both Houses of the Federal Parliament.

The Minister for Agriculture: But they do not want a vote for this House.

Hon. E. M. HEENAN: Did the Minister read the leading article in "The West Australian"?

The Minister for Agriculture: I have tried to get them to enrol at times but they do not like it. The first thing they ask is whether voting for the Council is compulsory.

Hon. E. M. HEENAN: This is a vital matter and it is our responsibility to take an intelligent interest in it. In these days we hear people prating on street corners, in hotels, and even in the corridors of Parliament about the communists. We hear people trying to drag down our political institutions and our way of life and, when that happens, we should not be afraid of change. Those people who believe that the present set-up for electing members to this House is the last thing and should never be improved or changed in any way are doing a great disservice to parliamentary government.

In an indirect way they are playing a game right into the hands of those who would seek to destroy parliamentary government. We must not be afraid of change: on the other hand, we must strive to improve our democratic institutions. I wish that Sir Frank Gibson and others would read the wonderful speech made by Sir Hal Colebatch—a man of great knowledge and experience—who was wholeheartedly in favour of gradually broadening the franchise for this Chamber. We were told by Mr. Baxter that of 187 people who were entitled to be on the roll for this House, only three were enrolled. If he is happy about that, I am not. If he thinks that our parliamentary institution can be carried on successfully under those conditions, I am afraid he is misleading himself.

The qualifications for a vote to the Legislative Council are very involved and very complex, and I go so far as to say that some members of Parliament do not fully comprehend them. To get on the roll, it is necessary to fill in cards containing seven or eight qualifications, and it is most difficult for the layman to understand them. That is why we have the unsatisfactory position of so few people being on the roll. I do not for one moment agree with the Minister for Agriculture that the main reason for their not enrolling is that they are indifferent. The main reason is that they are ignorant and the qualifications are difficult for them to understand.

We should simplify the qualifications and should start off in the firm belief that it is a bad state of affairs that so few people should be enrolled for this House. Our aim should be to devise ways and means of getting more people on the roll. If we simplified and broadened the qualifications, we should make this Chamber more truly representative of the people than it has been in the past. Then we shall not have the spectacle of which Mr. Baxter spoke of there being 187 people entitled to be on the roll and only three enrolled. That is the first and most important amendment for which the Bill provides.

The second amendment is of a minor nature. It proposes to abolish plural voting. I agree with the Minister for Transport that this is not a very important matter, although I endorse the remarks of my leader, Mr. Gray, that it is wrong in principle. Because I own a house in Perth, another in Geraldton, another in Kalgoorlie and another in Esperance, it is wrong that I should have four votes. However, the principle is not so important as to warrant its being magnified into a great issue, and I hope that anyone who might be worried about it will not refrain from voting for the second reading of the Bill.

The third amendment involves a matter of principle, because it seeks to give the vote to young men and women who served this country in the war.

Hon. H. S. W. Parker: Five years ago.

Hon. E. M. HEENAN: Yes, or in the 1914-18 war. A matter of principle is involved here, too. I subscribe to the view that young men and women who went oversea and offered their lives in the defence of the country are entitled to a vote. Their's was a gesture that should entitle them to a vote for this House, and in my saying that, there is no sentiment or sobstuff about it.

Hon. H. S. W. Parker: What about the men who wanted to go and could not?

Hon. E. M. HEENAN: Some people wanted to go and could not, and because they cannot say that they served oversea, it is their misfortune. Membership of the servicemen's league is confined to people who served oversea.

Hon. H. S. W. Parker: Irrespective of conscription?

Hon. E. M. HEENAN: A majority seem to think that membership should be confined to those who went oversea. My point is that anyone who served oversea in the war is entitled to a vote. I take it that every member has received a telegram from that organisation. I have been a finincial member of it since 1918, though I have never taken a very active part and have

never held office. However, I know it speaks for the returned servicemen and I heartily support the view that they should be given a vote.

The Minister for Transport: Their action in sending these telegrams is condemned by their president.

Hon. H. S. W. Parker: And many others, too.

Hon. E. M. HEENAN: I do not know anything about that. I did not see any reference to it in the Press.

The Minister for Transport: It was published in the Press this morning.

Hon. E. M. HEENAN: However, I do not think the telegram makes any difference whatever to the principle involved. When I went oversea on active service, I was only 18 years of age, and I recall that I had my first vote when I was 19. That was granted me by virtue of the fact that I had served oversea.

Hon. H. S. W. Parker: Not under conscription.

Hon. E. M. HEENAN: No. The first man I voted for was Mr. Needham, who in those days was a member of the Senate. At that time, young men who had served oversea were given a vote, although they were under the age of 21.

Hon. H. S. W. Parker: They were all volunteers.

Hon. E. M. HEENAN: I do not know whether that makes any difference. Even if any member is opposed to that provision, it should not influence him against voting for the second reading of the Bill. The main clause is the one giving the vote to the wife of a householder. By a small amendment, we can extend that right to the wives of freeholders, leaseholders, and so on. That is the policy of the Government which was elected a few years ago. It was strongly recommended by the Select Committee some years back; it was supported by the late Mr. Baxter and was strongly advocated by Sir Hal Colebatch and by Mr. Parker, when he was the Minister in charge of this House two years ago. We must improve our parliamentary institutions. There are grave issues at stake these days, and we must not be afraid of changes. We have to keep on improving. The Industrial Arbitration Act Amendment Bill was dealt with in this Chamber tonight, and the sentiments expressed by Mr. Hearn, when he spoke on the measure, show that we are living in changing times.

Democracy and parliamentary institutions have a fight on their hands. Unless we equip ourselves in such a way that we can wholly conform to the viewpoint of democratic government, those who are satisfied to stand by and do nothing will become victims of the wave of unrest that is sweeping over the world. Mr. Baxter quoted an instance of 187 people, only three of whom were on the roll. Unfortunately, that is typical. Whether it is due to lack of interest or ignorance I do not know, but if democratic government and democratic institutions are to survive, that sort of thing cannot be allowed to continue.

On motion by Hon. E. M. Davies, debate adjourned.

House adjourned at 11.3 p.m.

Legislative Assembly.

Thursday, 16th November, 1950.

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