Hon. L. A. LOGAN: That is a good idea. I will suggest that they cut down my subscriptions. I support the second reading.

HON. H. C. STRICKLAND (North) [5.50]: I support the measure. In the far North, most racing clubs meet only once a year, and it is more or less a picnic gathering. It seems a pity that the clubs should be taxed on their proceeds when the occasion is more of a get-together for country people. Financially, none of the clubs has a surplus. As a matter of fact, they have a job to keep their racecourses in good condition. I am sure they will all be very grateful for this reduction, which will mean a little more income for them. I support the measure.

HON. G. FRASER (West) [5.51]: It might have been thought from my interjection that I was opposing this measure, but my purpose was to draw the attention of country members to the fact that when they have a legitimate cause they receive all the co-operation and support that is possible from metropolitan members.

Hon. Sir Charles Latham: Vociferous cheers!

Hon. G. FRASER: I emphasise that on occasion we do assist our country cousins.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 5.54 p.m.

Legislative Assembly

Thursday, 8th November, 1951.

CONTENTS.

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

QUESTIONS.

STATE BRICK WORKS.

As to Report by Dr. Hueber.

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

(1) Did Dr. H. V. Hueber, Senior Research Officer of the C.S.I.R.O., and Dr. J. S. Hosking, Officer in charge of Masonry Research, visit this State during 1947 or 1948?

(2) Did they inspect the State Brick Works?

(3) Did either or both of them report to Mr. Gomme concerning their inspection of the State Brick Works?

(4) Did either Dr. Hueber or Dr. Hosking inspect the new State Brick Works during 1950?

(5) Was a report issued by either gentleman concerning the brick works?

(6) To whom was the report made?

(7) Has he seen any report made by Dr. Hueber?

(8) Will he table the reports made by Dr. Hueber?

The PREMIER (for the Minister for Housing) replied:

(1) Yes.

(2) They visited the works.

(3) No.

(4) They visited the works.

(5) No. A personal letter was written to the Assistant Minister.

(6), (7) and (8) Answered by (5).

RAILWAYS.

(a) As to Diesel Car Earnings and Operating Expenses.

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

(1) What are the earnings and operating expenses, respectively, for the latest full year for which figures are available, of diesel rail cars on each route on which these rail cars operate regularly?

(2) What interest on capital outlay is applicable as a proper addition to the above?

(3) What further addition should properly be charged on account of general maintenance Way and Works?

(4) Any other proper charges?

The MINISTER FOR EDUCATION replied:

(1) and (2) Diesel electric rail train and rail car operations for the year ended 2/6/51:—

"WILDFLOWER" CLASS.

	Earnings. (*a*)	Operating Expenses.	Interest.	Depreciation.	Total Expenses.
	£	£	£	£	£
Perth to Albany	25,392	18,459	3,019	4,384	25,862
Perth to Mukinbudin	3,658	3,309	486	707	4,502
Perth to Merredin and Kulin	16,453	13,364	2,061	2,996	18,421
Perth-Armadale-Byford and suburban specials, etc.	6,052	9,400	1,235	1,793	12,428
Perth to Geraldton	19,842	15,376	2,488	3,614	21,478
Perth to Merredin via Dowerin	7,071	6,007	943	1,370	8,320
Perth to Narrogin via Pantapin	671	464	76	112	652
	79,139	66,379	10,308	14,976	91,663

(*a*) Earnings include one month only of increased fares operating from 1st May, 1951.

"GOVERNOR" CLASS.

	Earnings. (*b*)	Operating Expenses.	Interest.	Depreciation.	Total Expenses.
	£	£	£	£	£
Perth-Merredin (main line)	....	7,485	146	768	8,399
Perth to Miling	....	317	6	29	352
Perth to Narrogin via Pantapin	....	6,715	130	663	7,508
Perth to Katanning-Ongerup and Pingrup	....	7,744	152	790	8,695
Perth to Mukinbudin	....	244	5	23	272
Merredin to Kulin and Narrogin via Kondinin	....	2,815	26	249	3,090
Special trips, etc., Perth Districts	....	9,379	144	786	10,309
Kalgoorlie to Esperance	....	8,334	151	824	9,309
Kalgoorlie to Leonora and Laverton	....	3,420	72	357	3,849
Geraldton to Mullewa	....	2,289	41	238	2,568
Geraldton to Yuna and Ajana	....	3,788	63	345	4,196
	....	52,530	936	5,081	58,547

(*b*) Not recorded.

(3) and (4) Maintenance of way and works and certain indirect traffic costs are not included in operating expenses, nor is data available on which a reliable estimate of costs could be made. The total would not be large.

RAIL VERSUS ROAD TRANSPORT.

As to Experiment to Determine Relative Financial Results.

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

Would the Government be willing, in the interests of railway policy, to consider making the following experiment on the Pinjarra to Narrogin railway line for 12 months from the 31st December:—

(a) All railway traffic, both goods and passenger, to be suspended.

(b) all traffic offering to be conveyed by road transport to and from the nearest suitable sidings remaining in commission, say, Pinjarra and Narrogin;

(c) residents of the districts concerned to be given an assurance that freights and fares during the experiment will not be more than those paid for rail transport;

(d) an expert committee, including railway representatives, to supervise the experiment and to compare the overall financial results with those under railway operation; the comparison to take into account prospective railway rehabilitation, capital charges and road maintenance?

The MINISTER FOR EDUCATION replied:

(a), (b), (c) and (d) The Pinjarra-Narrogin line, exclusive of the two terminals, cost approximately £227,000 to build, on which an annual interest bill of £9,300 has to be met whether the line is operated or abandoned.

During 1950-1951 nearly 60,000 tons of goods, the bulk of which was local timber and sleepers, was forwarded from the line, all of which, is conveyed by road transport, would have to be double handled at Pinjarra or Narrogin.

Rail trucks would have to be accumulated at these points to avoid delay to road vehicles. Inwards tonnages are not readily available, but would add to the congestion. Experience with Railway road services and road transport of superphosphate and wheat does not indicate that road trucks could operate as economically as the railway between Pinjarra and Narrogin. It is doubtful if the road would stand up to the extra traffic.

Apart from these and other considerations, it is not practicable to substitute road transport for rail transport at rail freights.

ROYAL VISIT.

As to Arranging Collection of Wildflowers.

Mr. GRAYDEN asked the Premier:

In view of the fact that very few of our wildflowers will be in bloom at the time of the Royal tour next year, will the Government take steps to see that specimens of our wildflowers are collected immediately and preserved in ice, so that they may be viewed by our Royal visitors when they arrive here?

The PREMIER replied:

The desirability of preserving wildflowers for decorative purposes for the Royal visit was considered some time ago and experiments were conducted. These proved unsuccessful and the proposal was abandoned. However, with the co-operation of Western Ice Company some flowers will be preserved and displayed in ice.

EDUCATION.

(a) As to Shortage of Teachers.

Mr. HUTCHINSON asked the Minister for Education:

(1) What steps have been taken, if any, to overcome the shortage of teachers in this State?

(2) If steps have been taken, what degree of success has attended them?

The MINISTER replied:

(1) and (2) A personnel officer has been appointed to organise a recruitment campaign in order to cope with an increase of over 5,000 per year in school population and, at the same time, endeavour to implement the policy of planning for smaller classes and raising the school age when possible.

The Teachers Training Bursary scheme has been instituted. Two hundred and fifty bursaries valued at £80 per annum each will be awarded each year on the results of the Junior Certificate to applicants who are prepared to take up teaching as a career. This would be additional to any living-away-from-home allowance for which the bursar may be eligible. Thus country children can obtain financial assistance up to £120 per annum, or £150 for the North-West. In this, the initial year of the scheme, bursaries were offered to students in their Sub-Leaving year. Over 250 applicants have been received from students sitting for the Junior this year, and more than 150 from those who completed last year.

Nearly 300 of these applicants have been interviewed, and the applicants are of a fine type. In addition to 160 monitors taken into the Teachers' College in September of this year, 110 of this year's Leaving Certificates candidates are expected to be enrolled, plus 40 students in the three-year course for mature students.

Emergency short range measures included an appeal to ex-teachers to register. Over 100 ex-teachers have responded over and above regular supply teachers. Many of these have been employed.

Prefabricated buildings are being provided at the Teachers' College to provide further accommodation facilities.

(b) As to Modernising Curriculum.

Mr. HUTCHINSON asked the Minister for Education:

(1) Is it not a fact that the Government schools of this State are working from a curriculum framed in 1936?

(2) What steps have been taken to modernise the curriculum and bring it into line with post-war needs?

(3) When is it anticipated that a modernised curriculum will be in use in Government schools?

The MINISTER replied:

(1) Yes.

(2) and (3) Early this year a curriculum research officer was appointed to co-ordinate the findings of departmental officers and teachers who have been planning revision of the syllabus for some considerable time. The revised syllabuses of most of the primary school subjects are in the hands of the printer and will be issued at the beginning of 1952.

The Education Department will no longer use one fixed set of readers. In lieu, from February, 1952, Western Australian school papers will be issued. The contents will include items of topical, historical, literary and imaginative interest.

WEST AUSTRALIAN TROTTING ASSOCIATION.

As to Tabling Annual Accounts.

Mr. CORNELL asked the Chief Secretary:

(1) Has Section 14 of the West Australian Trotting Association Act been faithfully complied with?

(2) If so, will he lay on the Table of the House the annual accounts for each of the years ended the 31st July, 1948, 1949, 1950 and 1951, respectively?

The CHIEF SECRETARY replied:

(1) Yes.

(2) Yes.

I might add that I am prepared to lay the papers on the Table of the House on Tuesday next.

HOUSING.

(a) As to Commonwealth-State Rental Home Rights.

Mr. STYANTS asked the Minister for Housing:

(1) Is it correct that any person who is living in the metropolitan area and has made application for occupancy of a Commonwealth-State house, who goes (temporarily) to work in the country pending the granting of his application, forfeits his priority after his return but prior to his claim being granted?

(2) If this is so, does the Government consider this to be in conformity with its alleged decentralisation policy and conducive to getting men to go to country districts to work?

The PREMIER (for the Minister for Housing) replied:

(1) No.

(2) Answered by (1).

(b) As to Stoppage of Material Supplies to Building Firm.

Mr. OLDFIELD asked the Minister for Housing:

(1) Is it true that the release of controlled materials by the State Housing Commission to the building firm of Snowden & Willson Ltd. has been stopped?

(2) If so, what are the reasons?

(3) Has the Housing Commission, or any officer thereof, perused a copy of the agreement which this firm requests its clients to sign, and if so, is it true that it contains an indeterminate sum for "extras," notwithstanding that these are not allowed by the Commission in the specifications submitted to it?

(4) Does such contract provide for cancellation at a moment's notice without giving reasons?

(5) Have any complaints been lodged with the Commission by potential homeseekers regarding activities of the firm, and if so, what was the nature of such complaints?

(6) If the facts as stated in (3) and (4) are not at present within the knowledge of the Housing Commission or its officers, will he cause inquiries to be made, and if verified, take action to expose the activities of this concern?

The PREMIER (for the Minister for Housing) replied:

(1) Yes, for ready-made houses.

(2) For non-compliance with the conditions imposed by the Commission, respecting release of materials for ready-made houses.

(3) No, a copy of the agreement has not been perused.

(4) Answered by (3).

(5) Yes. Sale price and charges considered excessive.

(6) The Commission can only exercise the powers provided under the Building Operations and Building Materials Control Act.

MILK, DRIED.

(a) As to Exports and Shortage on Goldfields.

Mr. MOIR asked the Minister for Health:

(1) Has she seen the article in "The West Australian" of the 6th November stating that almost 500,000 dollars' worth of dried milk was exported from Australia to America in the first six months of this year?

(2) How does she reconcile this with her statement that the recent severe shortage of dried milk on the Goldfields was due to drought conditions in New South Wales resulting in decreased supplies of fresh milk to factories for processing?

The MINISTER replied:

(1) Yes.

(2) The Minister has no control over exports of any commodity, and her statement that local shortages were due to a bad season in the Eastern States is still correct.

Markets overseas still have to be maintained to honour trade agreements that have been made, and in addition, American and British interests have bought up, since the war, two milk processing factories and they are probably responsible for the export figures quoted in "The West Australian" of the 6th November.

(b) As to Action by Minister.

Mr. MARSHALL (without notice) asked the Minister for Health:

(1) In view of the fact that she is now well aware of the acute shortage of dried milks and artificial foods for babies, has she taken any action to influence the Commonwealth Government to see that until the home market is first supplied, these important and urgent requirements for local consumption are prevented from being exported?

(2) If she has not taken any such action to date, will she assure the House that she will take immediate steps to inform the Commonwealth Government of the deplorable state of affairs regarding those commodities in Western Australia, and ask it to prevent the export of those commodities until such time as local requirements are met?

The MINISTER replied:

(1) and (2) I took action last year when the shortages in the commodities mentioned were first apparent, and I can assure the hon. member that I am continually in touch with the Commonwealth Government in an endeavour to procure further milk supplies for this State.

ELECTRICITY SUPPLIES.

As to Pickering Brook-Carilla District Extensions.

Mr. OWEN asked the Minister for Works:

(1) Is he aware that work on the electricity extensions in the Pickering Brook-Carilla district has been suspended?

(2) What is the reason for this?

(3) If all high tension lines have been completed, why is work not proceeding on the low tension lines?

(4) When is the whole extension in the district likely to be completed?

The MINISTER replied:

(1) Work has not been suspended. An additional transformer was installed on Tuesday last.

(2) The work has been slowed down owing to delays in procuring transformers, copper wire, etc.

(3) Answered by (2).

(4) It is intended to complete the extensions provided for as materials come to hand. These extensions will necessarily be limited by economic considerations.

STATE SHIPPING SERVICE.

As to Commonwealth Request for Use of M.V. "Kabbarli."

Mr. RODOREDA (without notice) asked the Premier:

(1) Is it a fact that the Commonwealth Government is applying pressure in an endeavour to have the new State motor vessel "Kabbarli" make a voyage to the Antarctic extending over six or seven weeks?

(2) If so, in view of the inadequate shipping position on the North-West coast, will he give the House an assurance that the Government will resist the proposition to the utmost?

The PREMIER replied:

(1) and (2) Yes. Such an application has been received from the Commonwealth Government. I have sent the request on to the manager of the State Shipping Service. I can assure the hon. member that it is extremely unlikely that the Government will agree to the request from the Commonwealth.

Mr. Marshall: Is this one of the State's frozen assets?

BILL—COAL MINING INDUSTRY LONG SERVICE LEAVE ACT AMENDMENT.

First Reading.

Bill introduced by the Premier and read a first time.

Message.

Message from the Administrator received and read recommending appropriation for the purposes of the Bill.

BILL—PARLIAMENTARY SUPERANNUATION ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT.

Third Reading—Amendment "Three Months."

THE MINISTER FOR NATIVE AFFAIRS (Hon. V. Doney—Narrogin) [4.44]: I move—

That the Bill be now read a third time.

HON. A. R. G. HAWKE (Northam) [4.45]: I hope the House will not agree to the third reading of this Bill, which is a very objectionable one. I cannot imagine that the Native Affairs Department will be very keen about it, following on the deletion from it in Committee of the portion of one clause. I refer to the

portion, deleted with the approval of the Government, which has taken from the department a very large measure of control that it would otherwise have exercised in respect of making it possible for a native to apply for citizenship rights.

If the deleted portion of the clause had been retained and had become law, the Native Affairs Department, as such, would have had within its hands power to decide which natives it would have approved of in their applications for certificates of citizenship rights. By having that control, it would have been able to exercise a very substantial influence—too substantial, I think, for the wishes of most people—over the situation in the future. With that portion of the Bill deleted, the position in future will be that the power to grant certificates of citizenship rights to natives will be entirely in the hands of representatives of local governing authorities, who in future will be appointed to these boards. I say quite frankly that that is not a problem that should be left completely in the hands of local governing authorities.

The Minister for Native Affairs: You cannot claim that in any circumstances.

Hon. A. R. G. HAWKE: I not only claim it, but have proved it time and again. It is obvious beyond any shadow of doubt—

The Minister for Native Affairs: No.

Hon. A. R. G. HAWKE: —that the Bill, in the form now before us, will place in the hands of local governing authorities complete power to refuse any native making an application for a certificate, the right to obtain it. Surely the Minister sees that!

The Minister for Native Affairs: No, he does not.

Hon. A. R. G. HAWKE: Very well. Let us say that a board has been set up in the Narrogin district. The local magistrate is one member of the board and the member for Narrogin, the present Minister for Native Affairs, is the other member as representative of the Narrogin Road Board. How could any native applying in future for citizenship rights in that district obtain a certificate if the Minister as representative of the local governing body, was against it?

The Minister for Native Affairs: I have never claimed he could in those circumstances.

Hon. A. R. G. HAWKE: Then the Minister admits, beyond any shadow of doubt, that no native applying for a certificate in future will be able to obtain it, unless the representative of the local governing authority is favourable.

The Minister for Native Affairs: I have admitted that over and over again. That situation would not arise in every case.

Hon. A. R. G. HAWKE: Then there can be no doubt about it! But this is the first time I have heard the Minister make that admission.

The Minister for Native Affairs: I made it yesterday.

Hon. A. R. G. HAWKE: I have heard the Minister deny it on several occasions.

The Minister for Native Affairs: Not I. It would have been foolish to have done so.

Hon. A. R. G. HAWKE: Now that the Minister admits that a local authority, through the representative it puts on the board, will exercise an absolute right to refuse any native, who makes application for a certificate, permission to obtain one, what reason or justice or reality is there in the Bill? None whatever! Members should refuse absoluely to place the natives of this State in that position. The Minister has not proved—in fact he has not even claimed so far in the debates on this Bill—that the magistrates who have exercised completely this authority in the past have failed to do a reasonable job in connection with it. I have no doubt myself that in odd cases here and there certificates granted by magistrates have been shown subsequently not to have been justified; but surely nobody could expect 100 per cent. satisfaction in the administration of a law of this description!

It has to be remembered that the granting of citizenship rights to natives is a tremendous step in their existence. It is not an easy problem to decide whether a particular native applying for citizenship should get it. The margin in favour, as against the margin the other way, in a particular case might be very thin. We have to remember, too, that we are dealing with human beings in this matter. No-one can foretell in respect of the application of any native whether, if the application be granted, he will subsequently measure up completely or even reasonably to the requirments which the certificate will impose upon him.

From my knowledge, the system has worked reasonably well under the control of magistrates. These men are trained to know the law. They are trained in the sifting of evidence. They are not likely to possess the prejudice which persons appointed to the board by some local authorities would undoubtedly possess. Therefore, this House would be unwise in the extreme to allow a magistrate's knowledge of the law and his ability to sift and judge evidence, plus his lack of prejudice, to be over-ridden and brushed aside by a representative from some local authority or other. We are not entitled to experiment with this dangerous piece of legislation and to undermine the authority of the magistrates in the matter unless the Minister can prove by specific instances that magistrates have made rather a mess of the responsibility which has been put upon them under the provisions of the Act.

The Minister for Native Affairs: You realise that one cannot be specific as to the number.

Hon. A. R. G. HAWKE: If the Minister is not in a position to be specific, or if he does not desire to be specific, surely he cannot expect the House to approve of this Bill unless he can place before it some sort of evidence which would be acceptable to it concerning the failure of the system during the years it has been under the control of the magistrates. If the Minister is not in a position to put forward evidence of that description, acceptable to us, there is no justification for wiping out the existing system and substituting for it the one contained in this Bill. So I appeal to members to vote against the Bill and defeat it once and for all.

MR. W. HEGNEY (Mt. Hawthorn) [4.55]: I am surprised that the Minister is persisting in his attitude on this Bill. On close examination it will be found to be a political Bill.

The Minister for Native Affairs: That is an absurdity. For pity's sake do not bring that in!

Mr. W. HEGNEY: The Minister objects and says this is not a political Bill. I say it is.

The Minister for Native Affairs: This is the first time anyone on that side has thought so.

Mr. W. HEGNEY: I am saying so now. The provision in the Bill, as mentioned by the Leader of the Opposition a few moments ago, is very dangerous. When the original measure was introduced some seven years ago, a good deal of debate took place as to the procedure which should be adopted before a person who was regarded as a native could enjoy full citizenship rights. As a result of the Bill submitted to the House by the then Minister for Native Affairs, and in consequence of close investigation by the Department of Native Affairs, the present Act was placed on the statute book.

If members will look at the present requirements which a native must meet before being given a citizenship certificate they will agree, if they are unprejudiced, that the present provisions are far preferable to those which the Minister is trying to force through this House. Under the present Act it is incumbent on the magistrate, before granting an application, to be satisfied that for two years immediately prior to its being made the applicant has adopted the manner and habits of civilised life, and that full rights of citizenship are desirable for and are likely to be conducive to the welfare of the applicant. The applicant is required to be able to speak and understand the English language. He must not be suffering from certain diseases and is to be of industrious habits, of good behaviour and reputation and reasonably capable of managing his own affairs. The measure provides that the decision of the magistrate shall be final.

There are machinery clauses which require the native to submit certain references to show that he is a reputable person, and has lived the ways of a white man for two years immediately preceding the date of the application. This Bill, however, makes it necessary for an applicant to prove these things conclusively to the magistrate and, in addition, to either a mayor of a municipality or a chairman or member of a road board, or any other person—do not forget that—who has a wide and general knowledge of the district.

I can give an instance of a case that came within my knowledge some few years ago, when the Marble Bar railway line which is now closed was being repaired. There was a camp about 40 miles out of Port Hedland and a few full-bloods and half-castes were working on the line. One of the half-castes had received a primary education and his father, who was a full-blood, was working on the railway. During a meeting I held, I endeavoured to get some of the men on the roll. Two men who had a good general knowledge, not only of the Pilbara district but also of the Ashburton and Roebourne districts, and who were engaged in kangarooing, prospecting and droving, and whom every person in the district knew, were also on the job. Believe it or not, I was unable to induce those two white men to become enrolled.

I invited questions from the men and one half-blood—he is a white man so far as I am concerned—said to me, "I want to know why, seeing that I am working here, that I am a member of the A.W.U. and am receiving award rates of pay, that my wife and family are in Port Hedland and that I pay my rates to the local health authority and am subject to the laws of the State, as is anyone else, and money is deducted from my wages just as it is from the pay envelope of any other employee, I am not entitled to be on the roll".

The Minister for Lands: And his father was a full-blooded native?

Mr. W. HEGNEY: Yes.

The Minister for Lands: And he was a half-caste?

Mr. W. HEGNEY: Under the law he was a native or aboriginal and had no citizenship rights. Under this Bill it would be possible for one of those white men, who refused to become enrolled, to become a member of a board and be responsible for the half-caste I have mentioned being refused his citizenship rights.

Mr. Manning: He would be more likely to help the other man.

Mr. W. HEGNEY: I have demonstrated what would be possible under this Bill. Those who are familiar with the back country are aware of the prejudices held by different people. I say, without qualification, that there are in this country some members of local authorities who, though they may be sincere, are prejudiced and, so long as they can prevent a native gaining citizenship rights, will keep him more or less under the whip. I believe that local interest and prejudices would influence such men to keep a person, otherwise entitled to citizenship rights, from being granted a certificate. Can the Minister explain why he desires to have a mayor, a road board chairman, a road board member or some other second person sitting alongside the magistrate, in a position to tell him that he cannot exercise his judgment?

The Minister for Native Affairs: Who else would be more truly representative?

Mr. W. HEGNEY: I challenge the Minister to prove to the House that a magistrate, with his legal training and lack of local prejudice, would not examine the evidence submitted to him dispassionately and calmly and give a better decision than would some other man sitting beside him and biassed by local prejudice. It is obvious that in a great number of cases the decision would not be that of the magistrate but rather that of the person with a good general knowledge of the district, or a road board chairman or member.

It could easily happen that a half-blood or aboriginal who had received a primary education, and who was in every way a good citizen, would be viewed with prejudice by local residents because he had been mixed up in some industrial dispute or had stood up for his rights. Yet the Minister brings down a Bill of this nature, the effect of which, if passed, would be to preclude an otherwise worthy person from being granted a certificate of citizenship rights. I challenge the Minister to prove to the House that this Bill has been brought down for the benefit of the natives. This is not a Bill for the benefit of the native members of the community.

The Minister for Native Affairs: That is your opinion.

Mr. W. HEGNEY: Yes. The member for Kimberley said that the leading article in "The West Australian" was in line with my ideas, and I am pleased that it apparently thinks on proper lines sometimes. I think "The West Australian" would treat a matter of this kind as a non-political issue.

Mr. Manning: They do that in all matters.

Mr. W. HEGNEY: If the Bill became law it would place on the shoulders of road board members or ordinary citizens in a particular district the responsibility of determining whether an applicant, at present considered to be a native or aboriginal, should be admitted to full citizenship rights.

Mr. Owen: They can take it.

Mr. W. HEGNEY: There we are.

Mr. Rodoreda: They have to take it.

Mr. W. HEGNEY: Some years ago I had, for a full season, a half-blood as my shearing mate and I have never met a "whiter" man. He is just as good in every way as is the member for Darling Range. There are full and half-bloods in State schools and denominational schools in the country a thousand miles north of Perth, being trained in the basic principles of citizenship but, as they grow up, they are regarded as aboriginals and have to face the prejudices of the white people. Under the Bill such persons would have to get past the member of a local authority before being entitled to be regarded as citizens.

If members visualise the position in the Great Southern, along the Midland line or in the far-flung portions of the North and North-Western parts of the State, they will realise what the position is. A magistrate travelling in such areas would be unprejudiced. Under the Act at present the files showing the history of the applicant can be produced to the magistrate and the Commissioner for Native Affairs can put the case as to why the native should be granted a certificate.

The Minister for Native Affairs: That is still possible, under the Bill.

Mr. W. HEGNEY: If that is the case, will the Minister tell me why he introduced the Bill? If there is no difference between the Act and the Bill now before us, why was that amendment included in the Bill?

Mr. Marshall: Why is the Bill here at all?

Mr. W. HEGNEY: There must be some other motive behind it. We have the Government trying to convince the public, at one moment, that it desires to uplift the natives and admit them to citizenship, and the next minute trying to sandbag them. The Minister reiterates that the magistrate will have as much right to determine the application as will the member of a local authority, or other person sitting with him, but the fact is that the magistrate could not over-rule the decision of that second person, whereas under the Act at present the magistrate has authority and power to inform his mind on the merits of the application and can, if necessary, request the presence of the two citizens who made out the references accompanying the application.

The Minister for Native Affairs: What about the analogy I gave yesterday—the magistrate with a justice of the peace sitting beside him?

Mr. W. HEGNEY: The Minister is like a kingfisher that hops from limb to limb when it thinks someone is having a shot at it with a shanghai. Of course there is no comparison between the two cases. The magistrate, in the circumstances mentioned by the Minister, is dealing with persons who enjoy the full rights of citizenship, and the justice of the peace cannot over-ride the decision of the magistrate. Under the Bill, however, the second person would be able to prevent the native being granted a certificate. Does the Minister think that is fair, or that it will make for good decisions?

The Minister for Native Affairs: That other person has every right to share the judgment with the magistrate.

Mr. W. HEGNEY: There will be no sharing of rights unless the decision is unanimous.

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

Mr. W. HEGNEY: That is the provision in the Bill.

The Minister for Native Affairs: I mean the right to participate in the judgment.

Mr. W. HEGNEY: I hope the Minister knows the meaning of the provision he has introduced. It is that the decision must be unanimous. If the Bill becomes law and the Minister cannot get a member of a local authority or a road board chairman to act with the magistrate, he must look round for some person with a good general knowledge of the district. I say without hesitation, on behalf of those who are likely to be affected by the measure, that if that provision is retained, some such road board members or other persons —though they may be sincere—will allow their judgment to be warped by their prejudices.

We are all aware that in a small community everyone knows any half-castes that may be resident there and though, from the point of view of the white population, they may be good citizens who live decently and who create no nuisance of any kind, if they have the courage to stand up for their industrial rights it is quite possible that a member of a local authority will become prejudiced against them and will be likely to refuse an application for a certificate of citizenship. This legislation was introduced to give some measure of justice to the natives that are entitled to citizenship rights but the Bill will be of no benefit to them; rather will it push them down into the mud. I hope many members on the Government side of the House will put the soft pedal on this measure.

The Minister has not demonstrated that the present Act is ineffective or that the magistrates have not done their job equitably and effectively up to date. He has not demonstrated that they have been prejudiced or have refused too many applications for citizenship. I do not know whence the idea of this provision emanated but it is not in the interests of the natives, and I hope the Bill will be defeated.

HON. A. A. M. COVERLEY (Kimberley) [5.15]: I also hope, with other members on this side of the House, that this Bill, even at this late stage, will be defeated. I have taken a keen interest in this class of legislation, and usually the Minister in charge of the department gives Parliament a reason for introducing any amendments to existing legislation. I have read carefully the Minister's introductory remarks and I cannot find one reason, either sound or otherwise, for introducing this Bill. As the Minister has not been able to tell us, I ask any member on the other side of the House what is the reason for introducing this Bill? Has there been any outcry from the general public? Has there been any suggestion in the Press from religious organisations? Has there been any special demand by the Department of Native Affairs? I can find no reason at all why this Bill was introduced and that is my first reason for objecting to it.

Secondly, legislation of this description is nothing but a direct insult to the magistrates who have been administering this Act in the past. Even the Minister himself gives me the impression that he is not too sure what this Bill really means. He pointed out by interjection that it is on a fifty-fifty basis—that the person nominated as a member of a board will share the decision with the magistrate. Let me read the particular clause, in case the Minister does not understand what the Bill really means. Proposed new Section 7B. states—

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

Is there any room for misunderstanding about that? The proposed new section states that the decision must be unanimous. Therefore, if the road board or municipal nominee says, "I disagree. I do not think this person ought to be given citizenship rights," how will the native overcome the objection? He has no right of appeal or anything else.

Let me ask the Minister a question. Has the Government any information that magistrates have not been dealing fairly with these cases? Have magistrates abused their trust? Have they been too free in handing out citizenship rights certificates? On the other hand, have they

been too harsh and been debarring too many natives from becoming citizens? If not, what is the reason for the introduction of this Bill? I intend to give the Minister some figures which have been compiled since the passing of the parent Act. Since the introduction of the Act in 1944, there have been 674 applications for citizenship rights in Western Australia, of which 496 have been successful. Therefore, those figures do not indicate that magistrates issue certificates willy nilly. It proves that magistrates have carefully considered applications before certificates have been granted. Of the number issued, there have been only nine cancellations, and three of those cancellations were issued on the application of the Department of Native Affairs. Will the Minister deny those figures?

The Minister for Native Affairs: I sent them up this morning, so I must agree to their correctness.

Hon. A. A. M. COVERLEY: Is there any explanation as to why the law should be interfered with? Is there any sound reason why we should interfere with the present system?

The Minister for Native Affairs: You are putting up the argument.

Hon. A. A. M. COVERLEY: Yes, and that is more than the Minister could do. He did not put up any case at all when introducing the Bill.

The Minister for Native Affairs: You were not here when I did.

Hon. A. A. M. COVERLEY: No, but I read the Minister's speech and I can tell him what is in it.

Mr. Marshall: It would not take the hon. member long to understand what was in the Bill.

Hon. A. A. M. COVERLEY: No. I have given my reasons for opposing the Bill, but so far neither the Minister nor any member of the Government has given any sound reason for its introduction. I have explained that the Bill will permit a layman to over-ride a magistrate. That statement has not been denied. I have given figures as to the number of successful applications since the Act was passed, and those figures indicate to me that in the past magistrates have been prepared to give open minds to this question, and by far the greatest majority of persons who have been issued with certificates have become decent citizens.

I am disgusted to think that a Government that gets so much propaganda through the Press about its uplifting of the natives should bring in a Bill of this description. It is nothing but persecution. The Act is wrongly named, because after this Bill becomes law the Title should be altered to the "Natives (Citizenship Persecution) Act." If members have any decency and self-respect, they will vote against the Bill. I hope it will be defeated.

MR. MANNING (Harvey) [5.22]: I think too much has been said about giving citizenship rights to natives. The emphasis in a case such as this should be on the efforts to raise the standard of the natives. If that is done, natives will have no difficulty in securing certificates for citizenship rights. If the native is uplifted and his standards are improved, he will be able to obtain a certificate without any trouble, irrespective of whether he must appear before a board or a magistrate. Concern has been expressed about who should appear on the board with the magistrate. There are many people available other than the mayor of a municipality or the chairman of a road board. What about a missionary? I do not suppose it would be possible to find any person more qualified to assist a magistrate in issuing citizenship rights certificates than a missionary.

Mr. Graham. What is wrong with a magistrate by himself?

Mr. MANNING: Most missionaries know the local natives intimately, and so a missionary would be of the utmost value to a magistrate in assisting him to arrive at a decision. I call to mind a person such as Mr. Schenck, who is in charge of the store at Mt. Margaret Mission. He meets the natives every day and would be a man highly qualified to assist a magistrate in arriving at a decision. There must be many men similar to Mr. Schenck.

Hon. E. Nulsen: He would be an excellent person, but he is the only one.

Mr. MANNING: There must be many similar men who would be of the utmost value in saying whether a native should be issued with a citizenship rights certificate.

Mr Marshall: This Bill does not provide for the appointment of a person such as Mr. Schenck.

Mr. MANNING: Of course it does. Such a man could be recommended by the local authority and his appointment would be made by the Minister.

Mr. Marshall: You must, firstly, have the chairman or member of a board. That would not include Mr. Schenck. There are two alternatives before you come to the third.

Mr. MANNING: Mr. Schenck is the type of man we want on boards of that description.

Hon. J. B. Sleeman: Do you think a friend of the natives would be put on a board?

Mr. MANNING: I do not see why not. He could be a friend of the natives in the same way as he could be an opponent of the natives. I see no reason why an opponent of natives should be put on the board, any more than a man who happened to be friendly towards natives.

Mr. Lawrence: Would you consider allowing natives to select their own candidates?

Mr. MANNING: Does the hon. member think they are qualified to do that?

Mr. Lawrence: They are just as qualified as are some people I know.

Mr. MANNING: Let us look at the record of this Government. It has done and is doing a lot to raise the standard of the natives.

Hon. E. Nulsen: Under the Labour Party's Acts.

Mr. MANNING: There are a number of instances where this Government has made big strides towards the general uplifting of the natives, and that is most desirable. As I previously pointed out, the first thing to be done is to raise the general standard of natives; then they will have no difficulty in securing citizenship rights certificates.

Mr. Lawrence: That is being done under the present Act, but you want to interfere with it.

Mr. MANNING: I have, in my electorate, the rather troublesome area of Brunswick-Roelands. But there are many good natives in that area and that type of native is well regarded by the local population. Perhaps the police and some others in authority have treated them too harshly, but if local authorities—say, the Harvey Road Board, for instance—were asked to nominate persons to sit with magistrates, they would have no difficulty in finding people sympathetic towards the natives. I consider the argument put up by the Opposition and the concern expressed by the member for Mt. Hawthorn to be completely unfounded.

HON. E. NULSEN (Eyre) [5.27]: I hope members will not agree to the third reading of this Bill. Some very good speeches have been put up by the Opposition, and the arguments used have not been countered by members on the Government side of the House. The Natives (Citizenship Rights) Act, introduced by a Labour Government in 1944, has enabled the department to do a good job, as is admitted by the member for Harvey.

Mr. Marshall: Yes, he admitted it.

Hon. E. NULSEN: Therefore, magistrates must be doing a reasonably good job because the Government has given them credit for the work they have done. The Act was introduced by the member for Kimberley, and now the Government according to the member for Harvey, wants to take the credit for all the work that has been done in the uplifting of our natives under the provisions of this Act.

Mr. Manning: We are trying further to uplift them.

Hon. E. NULSEN: But this Bill will restrict the good work magistrates have been doing. The Bill states that there must be unanimous decisions by members of the boards, and a person who knows nothing at all about sifting evidence will be in a position to override a magistrate. We should all be very proud of our magistrates in Western Australia, because they are most fair and impartial. They have the mental faculties which enable them to deal justly and impartially with any cases that come before them.

If this Bill is passed, there will not be the same uniformity as there is now. There will be dozens of boards all over the State, all administered by different members who, obviously, must have different psychological outlooks. These men will be untrained, and it seems to be the general opinion of people who are interested in this legislation that we should carry on as we have done in the past. The natives should be given a little more liberty and a better chance to become citizens of equal standing with the white people. On the other hand, why should not those who are born in this country have the same legal rights as we enjoy? Why should there be two laws? I agree with the member for Murchison—

Mr. Marshall: We should never have them.

Hon. E. NULSEN:—that we should have one law for all the people of this country, and had we had one law from the inception of the white man coming into this country the position would be much different from what it is now. These people have not been allowed to have any dignity, and now the Minister brings down a Bill that is going to restrict them from becoming worthy citizens of this wonderful State of ours. I can assure you, Mr. Speaker, that I have met many natives who are just as capable as we are both mentally and physically. I can remember an occasion in the North-West many years ago when the natives were taught to box, but this practice was soon discontinued because it was found that they were belting the whites, and the boxing gloves had to be taken away.

Mr. Marshall: If Dave Sands ever got hold of the Minister he would make a mess of him!

Hon. E. NULSEN: Why not give them the opportunity of becoming citizens, and if they offend then make them face the penalties that we have to face? I think they should have the same civic dignity as the whites. The Minister tells us he is sympathetic towards the coloured people, but I am not so sure.

Mr. Manning: He has proved it.

Hon. E. NULSEN: How has he proved it?

Mr. Manning: In his general policy.

Hon E. NULSEN: It is nice to be amused, and it makes one feel happy to think that the member for Harvey should speak along

those lines. If the Minister has a kind heart then he has a very rough and unseemly exterior.

The Attorney General: No Government has spent as much money on the natives as this Government has.

Hon. E. NULSEN: We all know the value of the pound now. Is it because the Government thinks it will cost too much that it now proposes to restrict the citizenship rights of the natives?

The Minister for Lands: That has nothing to do with it.

Hon. E. NULSEN: As far as I am concerned there is no compromise; I am out to help the natives. I recognise there are bad natives just as there are bad whites but on the other hand, before a native can become a citizen, we expect him to be an angel and to be superior to the white man; if he is not, then he cannot stand up to the necessary trial to enable him to become a citizen of this country. Speaking on the average, I would like to know of any white man who would be able to stand up to the conditions of this Act. Of course he would not! If they had to, the white men would never become citizens. I do not think that even the member for West Perth could become a citizen—I am sure I could not.

Mr. Marshall: With an effort he might.

Hon. A. R. G. Hawke: With my help he will soon qualify.

Hon. E. NULSEN: The Leader of the Opposition has suggested that this Bill should be made a bit more democratic and that three men should be appointed.

Hon. A. R. G. Hawke: It would be more sensible.

Hon. E. NULSEN: On the other hand, there is no reason why it cannot be loaded against the natives, and probably would be.

Mr. W. Hegney: It is loaded now.

Hon. E. NULSEN: Yes, it is loaded now, and very heavily, too. We are told that gold is nineteen times as heavy as water but I think this Bill is thirty times as heavy as commonsense.

The Minister for Lands: How heavy is commonsense?

Hon. A. R. G. Hawke: Not half as heavy as is the Minister for Lands.

Hon. E. NULSEN: I do not want to be rude, so I will not answer that question. These natives are natural-born subjects of this country and we are going to say to them "You cannot have any rights in this country; you have no right to exist here." Yet we took their land away from them.

The Minister for Lands: What was it like when we took it from them?

Hon. E. NULSEN: From the native point of view it was a thousand times better than it is today; they were not suffering from the diseases and disabilities from which they are now.

The Attorney General: Oh yes, they were.

Hon. E. NULSEN: They have only suffered those diseases and disabilities since the white man has come to the country. The Attorney General knows nothing about the natives. When they come to the city they are not allowed to go to the top of Hay-street.

The Attorney General: You should study your history.

Hon. E. NULSEN: I would like to have a small competition with the Attorney General as far as history is concerned because I have read very extensively about the history of the natives. I do not want to go into the question of the land and the dignity that has been taken from the natives all over the world because I might be thought to be unpatriotic. Today they are certainly getting a little more status and earning a little more dignity, and we do not like it. I am not going to have very much more to say but this Bill is only going to encourage communism. When these people do get their rights they will have no gratitude as far as their achievements are concerned, because they will think they got them against the will of the people and that they will be kept down. My sympathies are entirely with the natives and I commiserate with them.

MR. READ (Victoria Park) [5.37]: As I said before, I object to the principle of this Bill. It is not a matter of colour but a matter of human rights, and I think we are going too far in this measure when we propose to take those rights away from an individual. In a democracy under the British flag, where all individuals are supposed to be equal under the law, we propose to compel some members of our community to go before a board and plead for rights of citizenship; before a board one member of which at least is likely to be prejudiced. From the history of our natives and their conditions we find that they have been inhabitants of this country, and have survived here in Australia for thousands of years. We came here 100 years ago and took their means of livelihood from them. They were nomads, living off the land, and when that land was taken for cultivation they, of course, lost the means of subsistence. We are told by those who have studied the problem that these people have existed for thousands of years in this country; they have survived drought, fire, famine and disease, and yet it is a remarkable fact that on entering the country 100 years ago we took away from them their means of livelihood without giving them anything in return.

The Minister for Lands: What nonsense!

Mr. READ: When they objected and came up against the British people with their wooden weapons they were shot down with our more modern weapons. That was the first phase.

The Minister for Lands: What nonsense!

Mr. READ: If the history of Australia is correct, it is not nonsense; it does not apply only to Western Australia but to every State in Australia. In the history of Western Australia we read of the battle of Pinjarra where two of these natives were shot. I recall the time when I came to this country and went to the Goldfields. North of the Goldfields there were literally thousands of these people living off the land. They were healthy, bright-eyed native people, and more like children than anything else. When the prospectors went there they did occasionally raid the food that was left lying in the camps. However, anything from the land was their means of subsistence and in their eyes there was nothing wrong in obtaining things for the preservation of life. Again, the prospectors, with their modern weapons, shot them off and took their soakholes from which they obtained water.

The natives were then obliged to come into the towns and live off the rubbish and garbage thrown out by the white people. They had no other means of livelihood because we had destroyed those means. We then realised that we had done wrong and had been most unchristianlike, and we handed them out food and blankets and made the police force responsible for keeping them alive. But our people brought to the natives diseases which decimated them by the thousands. Public conscience, however, has now awakened to the fact that we are not doing the right thing by these people, and that they are entitled by every measure under our democratic way of life to the same rights that we have. We now come to the stage where these people have to go before a board where the magistrate, under the present Act, has power to adjudicate whether they are entitled to citizenship or not. We now propose to nullify the opinion of the magistrate and put somebody in who in most cases, I would say, would be prejudiced either for or against the applicant for citizenship.

I discussed this matter outside with a person who is in favour of the Bill and he said to me "If there are two justices or there is a magistrate and a justice of the peace on the board, then the magistrate has the final say"; but it is not so here. I point out that when that magistrate or two justices of the peace are sitting on the bench judging the case, they are judging a man who is accused of some misdemeanour. They would not be dealing with a case in which a man was pleading for his human rights; they would be dealing with a man who was accused of having broken the law. If the Minister could see his way to providing for a third member of the board, I should feel much more happy about the results.

Another argument I have heard is that the natives are not the equal of the whites. One man said to me, "Would you like your daughter to marry an aboriginal?" I replied, "Certainly not. I should not like her to marry even the Aga Khan". The leading article in "The West Australian" this morning puts the case so clearly that members should take heed of it. One portion, which is quite right, states that no convincing argument has been put forward by the Minister or by a supporter of the Government why a board of this sort should be adopted.

Mr. W. Hegney: There is no argument in its favour.

Mr. READ: The leading articles says—

> No convincing arguments in favour of the Bill have been advanced, and the reasons for its submission are obscure. If the Government, for motives of its own, has lost faith in its magistrates and is intent on boards it would surely be better to adopt Mr. Hawke's suggestion and have boards of three members.

I am trying to impress upon the Minister that we should have a board of at least three members to determine whether applicants should receive citizenship rights. If we had a board consisting of a magistrate, a member of the local road board and a third member, the third member should be a representative of the Department of Native Affairs. All said and done, the natives are in charge of the department. The leading articles goes on to say—

> If that were done, the Department of Native Affairs could be given representation. This would eliminate the danger of deadlocks, it would counter unfair prejudices against applicants without destroying the white community's safeguards, it would make for State-wide uniformity in decisions and it would give the department itself a right and standing which it ought to enjoy.

I hope that, in the light of what has been said, the Government will reconsider its decision and concede at least a board of three members.

HON. J. B. SLEEMAN (Fremantle) [5.48]: Before the Minister replies, I should like to refer to a couple of questions that were raised during the Committee stage on Tuesday evening. The Chairman ruled against my proceeding along those lines, and so I am introducing the matter at this stage in order to give the Minister an opportunity to

answer me. I refer to the Native Welfare Conference held at Canberra on the 3rd and 4th September, and the Minister for Native Affairs admitted that he was present. I intend to quote from an article written by Paul Hasluck, Commonwealth Minister for Territories, who said—

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

Further on he says—

> The conference brought together the Ministers responsible for the administration of native affairs in the Commonwealth, New South Wales, Queensland, South Australia and Western Australia. The Ministers resolved to form a Native Welfare Council, which will meet at least once yearly, and they drew up a series of statements setting out the objectives of native policy and the agreed methods by which policy should be applied. Thus the various administrations translated their experience over recent years into a practical programme of action, and created machinery for continuous co-operation in a nation-wide effort for the advancement of native welfare.

Evidently the policy in each of the States was considered. The leading article in "The West Australian" this morning says—

> The Western Australian Government having accepted them (the decisions of the conference), is Mr. Doney sure that his Bill is in accordance with the letter and spirit of the statement drawn up in Canberra? Magistrates are not infallible and have their prejudices, and the Bill, if it becomes law, may prevent a repetition of some mistakes. It is hard to believe, however, that it will accelerate progress towards the eventual goal of assimilation and full citizenship for all natives.

Will the Minister tell us what was done at the conference? Did he discuss the policy to be adopted? Did he tell the conference that he had a Bill on the stocks providing for a board of two that would operate more to the detriment than in favour of the natives? I cannot imagine a man like Paul Hasluck agreeing with this Bill. Of course, he would have no say in its passing, but he has a big say in the Government of the Commonwealth, and I cannot believe that he would agree with it. Even at this late hour, I hope that the measure will not be accepted by this House.

MR. LAWRENCE (South Fremantle) [5.51]: Having listened to the Minister, I am not satisfied that he believes in his own mind in what he is trying to do for the natives. Though the colour of these people is different from ours, they were born just as the Minister and I were—born of woman and born in pain, and through their lives they must suffer pain just as white people do. Consequently, they are just as much entitled to some form of social and economic security as is the Minister or anyone else.

The position at the moment is that the magistrate acts of his own volition. He sifts the evidence in order to reach a determination whether the native is entitled to citizenship rights. As the member for Harvey stated, these natives over the years since 1944, when the original legislation was passed, have been uplifted in status. Yet the hon. member had the temerity to turn around and say he would support what I would describe as a vicious amendment of the Act. If the system that has been operating has resulted in uplifting the natives in status, it shows that the legislation leaves nothing to be desired for their uplifting.

Neither the Minister nor any member on the Government side has made any attempt to produce one iota of evidence to show that the Act has not operated beneficially. Consequently, much doubt is raised in my mind as to the intention of the Government in bringing down the Bill. Before the original measure was introduced by the member for Kimberley, the exploitation of native labour in this State left much to be desired. These people were exploited by the pastoralists to no small degree. That practice has been stopped, to some extent, by the Act, but now we find that the Government, by means of this Bill, is endeavouring to return the natives to the position they occupied when they could be exploited. The Minister has given us no proof that that is not the intention of the Bill. Will the Minister consider the position of a native who, say, was working for a pastoralist and had a disagreement with his employer over some of the conditions of labour? Suppose that pastoralist had a mate, who was the second man on the local board: What would be the position of the native if the pastoralist rang his mate and said, "This fellow is giving me a lot of trouble." That might easily be said, although the native might have had sound reasons for his attitude.

The Minister for Native Affairs: You are now setting out a position that exactly suits your case.

Mr. LAWRENCE: It is a possibility that could easily exist.

The Minister for Native Affairs: It is one of the possibilities but, as to its being a likelihood, that is another matter.

Mr. LAWRENCE: There were no possibilities that way because the magistrate, in his wisdom, would not allow that position to come about, but the Minister would. Incidentally, what has the Minister or the Government got to be frightened of by putting a third man on the board?

Hon. A. R. G. Hawke: Or leaving it to the magistrate, as at present?

Mr. LAWRENCE: It would be more beneficial to the native if we left the matter to the magistrate. The Minister, with his tongue in his cheek, is saying on the one hand that he will further uplift the natives, but then on the other hand he pushes them down. I hope the Press will publish the views of the Opposition on this question pretty fully, because it is time the people really knew what is inside the Bill, and the intent behind it. It appears to me that the Government is not looking to the interests of the natives, but to those of the pastoralists and the employers of native labour, because today we know that in the North-West the natives, as a result of becoming a shade more educated than previously, have decided to band together in unions to protect their own interests.

The Minister for Native Affairs: You are drawing on your imagination now.

Mr. LAWRENCE: I am not. That is only the opinion of the Minister and, after reading his Bill, I do not think much of that opinion. I say straight out to him that he is certainly looking to the interests of the pastoralists and not the natives. If supporters of the Government will vote against the third reading, and accept the amendment of the Leader of the Opposition, I will be convinced that they are sincere in their intention to provide a board of three members, even if they do not agree that it should consist of one. I warn the Government that if it carries on with the Bill, and the matter becomes public—and I am sure every member on this side of the House will see that it does—it will be a long time before it will be able to hold up its head again.

MR. GRAHAM (East Perth) [5.58]: The Bill is a most preposterous one, and accordingly I intend to say a few words about it as a protest, and at the same time in the hope that there might be some supporters of the Government who will realise and appreciate the terrible thing sought to be done by the Government, for reasons which I will presently outline. I believe the Department of Native Affairs does not want and has not asked for this particular proposition. I ask the Minister in charge of the Bill: Who wants the measure?

Hon. J. B. Sleeman: The pastoralists.

Mr. GRAHAM: The Minister can supply his own answer. Who wants the Bill, and for what reason? Has anyone asked the Government to bring down such a measure? Where has the present system broken down? There has been no indication, suggestion or proof of any sort whatever adduced to members to suggest that, with a magistrate sitting and determining each case on its merits, any injustice has been done; that persons who should be admitted as citizens have been denied or that others who should have been debarred have been granted the privilege. If the Minister desires that there shall be some local knowledge and experience—and that is the only semblance of an argument he has submitted—it is not necessary to appoint, for the purpose, a member of a road board to the judicial body which will hear the case. Surely whenever an application is to be heard, the local authority could be notified and, if it had any strong and reasonable objection to the granting of the application, it could put its views before the magistrate, and due recognition would be given to them.

These matters should be weighed judicially. Simply because one individual harbours a hate or prejudice against one of our original citizens—a man who might be worthy in every respect—he should not be denied the right to enjoy the ordinary privileges of most other people of this country. The proposition here—without any suggestion that there are faults in the present system—is to alter the constitution of the judicial body. Why then the change? A man who has been trained and had experience in determining such issues—together with all sorts of other questions, admittedly—is now to be placed in a position where his judgment can be over-ridden by a person who has no experience whatever in assessing evidence. What is the reason for the change? Why does not the Minister, in all honesty, say the reason is party-political?

The Minister for Native Affairs: Do not be so stupid.

Mr. GRAHAM: When the Minister makes that interjection I am certain he is describing his Bill.

The Minister for Lands: Why did you introduce it in the first place?

Mr. GRAHAM: It is perfectly obvious that that is what the Government is concerned about; especially the North-West seats. The Minister knows, because of the treatment of the many natives who, until recently when the United Nations Organisation protested, were living and working in conditions of actual slavery in Western Australia, and receiving no payment whatsoever, that there is a contempt and, in some cases, a hatred on the part of natives against the bosses; and that if those same natives secure citizenship rights, and are able to record a vote, they will naturally vote against the Conservative element in the community.

The Minister for Lands: Now we are finding out.

Mr. GRAHAM: Yes, we are coming to the milk in the coconut.

The Minister for Native Affairs: You are quite right there.

Mr. GRAHAM: So we have the motive for the introduction of the Bill by the Government. It is all very well for the Minister for Native Affairs to pretend that he has the welfare of the natives at heart. I will concede that he has, up to a point but when it affects him, or is likely to affect him and his colleagues in a political sense, then it is a totally different matter. He knows very well that in the North-West an additional 50 or 60 electors—in this case the great majority of them would be natives—opposed to the political philosophies and interests of the Minister, could make a difference between winning or losing a seat.

The Minister for Lands: Now we are getting the truth!

Mr. GRAHAM: There is no question about it. I have a little knowledge of the native population, in the Great Southern at any rate, because I spent the earlier part of my life in the electorate now represented by the Minister for Native Affairs. I know from personal experience that there is unquestionably a prejudice harboured in the minds of certain sections of the community against the natives. They are referred to in terms of contempt —usually they are called "boongs," or something of that nature. I have heard, not once or twice but many times, people say, "It would be a good thing for the district if these people could be run out of it entirely," and "It will be in the interests of Australia if the native population dies out." and so on. But not a spark of sympathy for these people!

Yet it is proposed that those who give utterance to such expressions should be permitted to sit on a tribunal and should be given power to over-ride the decision of the magistrate. There is, for the moment, a strange silence on the Government side of the House. I tell the Minister and his supporters that they cannot adduce in this House evidence or reasons from any source whatever to suggest that the present system has broken down or developed weaknesses, or that the rotten provision contained in this Bill was asked for by anybody.

As was said earlier, the only contribution, worthy of any consideration, so far made by the Minister, was his suggestion that the representative of the local authority might have some local knowledge that would be helpful to the tribunal hearing the case. I repeat that the magistrate is a trained man and the proper person to make a decision. There is nothing to prevent the Minister taking action to notify the local authority or the local police or church people, who might have some particular knowledge of the district and its native population, and giving them opportunity to state their objections, if any, to the magistrate.

Above all else let us have on such a tribunal someone who is impartial, trained and experienced in hearing cases and making decisions, particularly when there is at stake such a vital question as whether or not a person shall be granted ordinary citizenship rights. I sincerely hope and trust that some supporters of the Government will vote against the Bill, because without support from that side of the House it is obvious that the measure will be passed. I hope those members will allow themselves to be guided by principles of decency and justice, instead of allowing the Government to take the political advantage that it is unquestionably seeking under the rotten set-up proposed in the Bill.

MR. MARSHALL (Murchison) [6.8]: I suggest to the Minister for Native Affairs that, if he desires to apply the gag, he should refer the matter to his Leader and have it done properly. At present all he is doing is to provoke members on this side into a protracted argument on the point that has been raised. I am reluctantly making my contribution to the debate on the third reading of this measure because it is obvious that the Government will remain adamant. I always feel that if I am to be guided best in doing the right thing I must fully understand and inwardly digest the policy outlined by "The West Australian" on any particular matter in which it submits proposals for public information. When I thoroughly understand exactly what it is that "The West Australian" desires me to do, I immediately do the opposite and, in those circumstances, I almost invariably find that I have done what is right.

Unfortunately, on this occasion there is an unholy alliance and I find that whoever wrote the leader in "The West Australian" subscribes, to a great degree, to my personal convictions in this issue. One might have expected that Ministers and even private members would take an interest in public affairs, both internal and external, and that they would have learned a lesson from what is happening in the countries to the north of us. I refer to those nations, almost every island of which is in revolt. But seemingly we have profited nothing by the history that is being written to the north of us. We could easily provoke, in the future and to a minor extent, a similar state of affairs in this country.

If the measure now before us receives the sanction of the legislature in this State I do not think our native population will have much love for us, and there I do not refer to politicians only but to the white community in general. It is little use our prattling about our great desire for the emancipation of our aborigines unless we give concrete evidence of the existence of a genuine desire in that regard. We should do nothing to

retard the uplifting of the natives or to prevent them bettering their own condition. Anything we do to prevent them attaining a higher standard will earn for us their positive resentment and might lead, in the future, to definite action on their part. That would be merely a case of history repeating itself. The struggle by the lower classes of the white races years ago to obtain social justice was on all fours with the desire of our natives at the present day.

There is in our community, unfortunately, a wish to hold the natives down and, in this measure, not only a wish but a definite effort in that direction. When introducing the Bill the Minister clearly indicated what was in the mind of the Government in submitting the measure for the consideration of the House. If any member is interested in the motive of the Government in bringing forward this legislation all he need do is read the Minister's speech. He will find there the inference that far too many natives have secured citizenship rights from the one-man court.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MARSHALL: The only justification the Minister advances for the introduction of this measure is that too many applicants have succeeded in getting certificates.

The Minister for Native Affairs: You put it the wrong way.

Mr. MARSHALL: Of course! I cannot use the eloquence the Minister employed when introducing the Bill, but that is the substance of what he said—he said, "Too many".

The Minister for Native Affairs: Too many of the wrong type.

Mr. MARSHALL: Very well! If there is any accuracy in that assertion then the figures used by the member for Kimberley this evening are in contra-distinction to such a theory or idea. Out of approximately 600 successful applicants, only nine certificates have been revoked under a further provision of the parent Act. So where is the Minister's argument that too many undesirables—if we can put it in that language—have succeeded in getting certificates?

The Minister for Native Affairs: Do you not know of any cases?

Hon. A. A. M. Coverley: The figures I used were those supplied by the Minister.

Mr. MARSHALL: I am trying to impress the Minister with the idea that he advanced the argument that too many undesirables has succeeded in getting certificates for citizenship rights under the Act. Yet only nine, out of the 600 issued, have been revoked!

The Minister for Native Affairs: That is right.

Mr. MARSHALL: As only nine out of approximately 600 successful applications have been revoked, is that an argument that too many undesirable applicants have succeeded in getting certificates?

The Minister for Native Affairs: The vast majority of undesirables continue with their certificates. That is the point.

Mr. MARSHALL: If any undesirable did succeed in getting a certificate then, under a provision in the parent Act, he could have his certificate revoked.

The Minister for Native Affairs: Of course he could, but that is not usually done. There is always the desire to give him another chance.

Mr. MARSHALL: If the Minister's contention that too many undesirable characters have been successful in their applications is correct, then surely he could have submitted figures to prove his point. The excuse now advanced by the Minister is that they give some of them another chance. But that indicates to me that the evidence which the department could produce would not be very weighty. Apparently they say, "We will reprimand you but still permit you to hold your certificate." If that is the case, then I could not class such an individual as an undesirable because, if he were undesirable, surely there would be no hesitation about revoking his certificate; so once again the Minister's argument is not sound. I would also point out that in a case where an applicant succeeds in getting his citizenship rights certificate, and ultimately action is taken to revoke that certificate because of a misdemeanour, that is not the fault of the magistrate who adjudicated upon the application in the first place.

The Minister for Native Affairs: We are not blaming him. That is the point. He has not the knowledge, that is all.

Mr. MARSHALL: If the Minister is not blaming the magistrate then why did he introduce the Bill? Why does he want to prevent the magistrate from having sole jurisdiction in the issue of certificates? Why did he introduce the Bill?

The Minister for Native Affairs: The magistrate has not the necessary advice at his command and it is necessary to provide that advice.

Mr. MARSHALL: The Minister tries to avoid giving a definite answer but argues in one direction, and when one explodes that argument he puts up another proposition that is entirely different. I pointed out to the Minister that out of approximately 600 successful applications only nine certificates have been revoked, and in those cases no reflection can be cast upon the magistrates who issued the certificates. After all, there is a starting point in everyone's life when, for the first time, a person becomes an offender. If the holder of a citizenship rights certificate committed a misdemeanour after the certificate had been issued that fact could

not be held against the magistrate. So in that regard the Minister's argument is not solid. We have always been told that there is nothing wrong in committing a sin but in being found out.

Hon. A. H. Panton: That is why you have never committed a sin.

Mr. MARSHALL: The member for Leederville ought to know all about that. But the Minister does not advance any logical argument in support of this measure.

Mr. W. Hegney: He can't.

Mr. MARSHALL: I do not think the Minister quite understands the situation but I would point out to him that in the more remote parts of the State—where there are usually road boards and not municipalities—the chairmen and members of the boards are generally employers of labour. In many parts of the State native labour constitutes the bulk of the labour employed. If the Minister thought that there should be an additional man appointed to sit with the magistrate as a court of jurisdiction he would have been wise to stipulate one who was entirely independent in character, and not personally interested in the success of citizenship rights applications.

The Minister for Native Affairs: Just where could you get an entirely independent man?

Mr. MARSHALL: There are many men round about the isolated centres of this country who are not actually employers of native labour.

The Minister for Native Affairs: And entirely disinterested?

Mr. MARSHALL: They are not employers of native labour.

The Minister for Native Affairs: But do you know who they are?

Mr. MARSHALL: Yes, I do. There are businessmen in these areas and they are entirely disinterested because they do not employ native labour. They are astute people, who could not be considered to be biassed. Such a proposal as that, with a board of this sort, is bad enough in itself, but it would still be a great improvement compared with appointing a man as a member of a court—as it is called in the Bill—who must have some personal and vital interest in the success or otherwise of an application. I admit that most of those men may be very conscientious, but to err is human and self-preservation is the first law of nature. Thus we are more or less guided by natural impulses in these questions and, notwithstanding the honesty, integrity and other valuable attributes which many of the people in isolated areas have, there would still be that personal interest to influence their judgments, which would be very unfair.

As I said before, there is nothing to stop the Commissioner of Native Affairs or his deputy attending any court and listening to the evidence given in regard to an application for a certificate, or of even giving evidence themselves. Even if the Commissioner did not desire to travel long distances, and no deputy was appointed, he could call upon the local police constable to give evidence and outline the recorded history of the applicant and so the court could be fully informed as to the character of the unfortunate individual who appeared before it.

I have always been strongly opposed to dual legislation for people who have white blood in their veins; who have been educated by missionaries; who speak the English language intelligently and understand it thoroughly, and who are well versed in the ways of the white man. None of those individuals should be forced to conform to any law which we ourselves are not obliged to conform to. I believe that the law, such as is laid down in the Native Administration Act, is necessary, but it should never be applicable to those individuals who can speak and understand the English language intelligently, and there are scores of them.

We often get a shock when we meet some of these unfortunates, who in colour are black but can speak the English language fluently. So far as the half-castes or the quadroons are concerned, I would like to tell members that there are many social butterflies in this State who would be astounded to know that their blood is in the half-castes or quarter-castes that are in the outback of Western Australia. I do not want to dwell on that aspect, but desire to put forward a case for the unfortunate individuals in my district because I know one or two of them and they are very fine citizens; good stockmen, excellent station hands and of good behaviour, and they are entitled to enjoy the liberties which we ourselves desire and enjoy. So strongly do I object to the measure that I move an amendment—

> That the word "now" be struck out and the words "this day three months" added to the motion.

THE MINISTER FOR NATIVE AFFAIRS (Hon. V. Doney—Narrogin—on amendment) [7.44]: I like the fair play shown by the hon. member who has just resumed his seat but, so far as other Opposition members are concerned, I cannot find any reason or excuse for their attacks on the Bill and for stating that if a man happens to be a member of a road board or a municipality he must, because of that very fact and for no other reason, be entirely unsuited to sit alongside a magistrate.

Hon. A. A. M. Coverley: To override a magistrate.

The MINISTER FOR NATIVE AFFAIRS: All right—sitting alongside a magistrate. We have instances galore, from one end of the State to the other, where justices

of the peace sit alongside magistrates for the hearing of cases almost exactly comparable with the one with which we are now dealing.

Several members interjected: Oh!

The MINISTER FOR NATIVE AFFAIRS: The Government's intentions on this Bill have been impugned by practically every member on the other side of the House. They have mentioned not a single thing that was right regarding the views of the Government and, naturally enough, they say that there is nothing wrong with their own views. I can understand that.

All the arguments put forward today by members opposite are entirely a repetition of what was submitted yesterday, with the exception of the utterances of the members for Eyre, Mt. Hawthorn and East Perth, all of whom, strange to say, failed to realise their duty to the native until they found themselves upon the Opposition benches. Their bona fides would have been more secure if, when they were in power, they had sought to implement the views that they have expressed tonight and yesterday. I do not think anyone can say that it is not fair of me to express that view. The members for East Perth and Mt. Hawthorn pretended that the Government's aim in bringing down the Bill was a political one, and they gave facts and figures in order to prove what I regard as a very stupid contention indeed.

Mr. Hoar: What is the reason for bringing down the Bill?

The MINISTER FOR NATIVE AFFAIRS: Why does not the hon. member wait a little while? I told members why yesterday but in order to satisfy those who wish to be told a second time, I shall have to repeat myself. I have said that two members already mentioned by me consider that the Government's game in bringing down the Bill was a political one, and I wondered why the Opposition insisted on that from first to last. It was left to the member for East Perth to disclose the reason rather guilelessly. I noticed, and others may have noticed too, that his colleagues on the Opposition front bench were certainly not so juvenile in their outlook as to make such an error as that.

Hon. A. H. Panton: They all suitably blushed when he said it.

The MINISTER FOR NATIVE AFFAIRS: I think the hon. member was a little disturbed when the member for East Perth was speaking.

Hon. A. H. Panton: I was not here.

The MINISTER FOR NATIVE AFFAIRS: It has been very noticeable that during the debate—that is the section of it taking place tonight—the Opposition has been in high glee to find that "The West Australian" is on its side.

Hon. A. H. Panton: About time too!

The MINISTER FOR NATIVE AFFAIRS: That is nothing very much. I have a most substantial respect for "The West Australian" but it is not always right. We have always had experience of that.

Hon. A. R. G. Hawke: The Minister will get on.

The MINISTER FOR NATIVE AFFAIRS: What is more, it represents, after all, so far as its leader is concerned, only the view of one man.

Hon. A. H. Panton: Are you speaking to the amendment or replying to the debate?

The MINISTER FOR NATIVE AFFAIRS: In effect I am replying to the general debate; at the same time I am making my contribution to the question why the Bill should not be postponed till this day three months. I ask members opposite to consider what is the actual distinction between the views of the Opposition and those of the Government. The distinction is this: The Opposition bases its case upon the supposition that the local representative is heavily biassed—for what reason I do not know, but essentially heavily biassed—against the native. The Opposition brings no supporting evidence whatever to show why he is biassed, and maybe I bring no evidence either to show that he is not biassed, but they just keep repeating over and over again that the local government's nominee overrules the show. The Government says that the local man is chosen by vote whether he be the chairman of the road board, or a member of the road board, as the case may be; or whether he be the mayor or a councillor of the local municipality, and because of the fact that he lives in the same locality as does the native applicants he and surely none, better than he should know whether the native is likely to live up to the requirements of the certificate, or whether he is likely per contra not to do so.

Hon. E. Nulsen: Why have the appointment of a magistrate?

Hon. J. B. Sleeman: Why the dissatisfaction over the present position?

The MINISTER FOR NATIVE AFFAIRS: The reason for the slight dissatisfaction is not with the magistrate at all. It is realised—and I explained this fully yesterday despite what members may say to the contrary—that a magistrate is in the position where he was due for quite a deal of consideration. We cannot help but feel sorry for him on these occasions when there came before him a native of whom he knew nothing other than what he got from the native himself. Certainly he could have the benefit, if he wishes to seek it, of a precis of the life of the native for as long a period as it is known to the Native Affairs Department. I do not know whether he avails himself of it; I cannot say. I see no reason why

the magistrate and the local members of the bench should not work together in amity and be mutually helpful the one to the other.

Mr. W. Hegney: Who initiated the suggestion for this amendment to the Act? What association or organisation or body did so?

The MINISTER FOR NATIVE AFFAIRS: In reply to that I would say "never mind," but I will go so far as to add that no outside body whatever—neither the pastoralists nor any one of those mentioned by the Opposition—has given the Government any advice at all, or has come along with suggestions, from the time that the change in the law was first mooted to the time when the Bill came into this Chamber. Does that satisfy the hon. member?

Mr. W. Hegney: No.

The MINISTER FOR NATIVE AFFAIRS: Members opposite insisted on saying that the local man upsets the vote of the magistrates. It would be equally fair to say that the magistrate upsets the vote of the local man; it is precisely the same thing as when the two magistrates I was speaking of a little while ago have both to agree when sitting. There is absolutely nothing wrong here and certainly no new principle is being introduced. I believe the Leader of the Opposition thought he had found the ultimate stupidity in this direction when it appeared to him that one man, the local government man, was upsetting the vote and wishes of one other man—to wit, the magistrate. We have plenty of instances where that and a great deal worse takes place. In the case of a jury where we have 12 good men and true, one man among them—he may be the best or the worst of the group—is quite sufficient, provided he stands firm, to upset the desires of the other members. Is he not? We might quote a case arising out of a situation a little nearer home: When members from here are chosen to be members of a conference with those in another place—

Hon. J. B. Sleeman: You are not going to use that, "another place."

The MINISTER FOR NATIVE AFFAIRS: —there are four from this House and four from the other place. They meet and the man who rules the roost is the man who, having an opinion of his own, is strong enough to upset the seven others even though they might not agree with his opinion. These are cases far worse than the one we are dealing with now, but no one on this side of the House or on the other side has thought fit to raise any objection as to them. Despite what members of the Opposition allege, and despite what they infer, I wish to assert that there is an intention on the part of the Government to increase, as rapidly as is consistent with ordinary prudence, the number of those natives who will assume the rights of citizenship. I hope nobody is going to deny that. There is certainly no falsehood about this; that is definitely the aim of the Government. For as many years as I have been in the State I have always encouraged promising natives to apply for citizenship rights; what is more, I have always assisted them with their applications and this I will continue to do.

Hon. A. A. M. Coverley: Oh yes!

The MINISTER FOR NATIVE AFFAIRS: I will close my few remarks by saying that the strength of the Opposition's argument has stemmed from mere assertions on two or three points, none of which could stand their ground under examination. One point at which members opposite have been hammering more than at any other is that nobody other than a brother magistrate, apparently, has a right to sit alongside a magistrate and upset his decision.

Mr. J. Hegney: You have not done that.

The MINISTER FOR NATIVE AFFAIRS: I am not going to try to do it. What I have stated completes such remarks as I consider necessary on this measure.

MR. W. HEGNEY (Mt. Hawthorn—on amendment) [8.1]: I shall not let the Minister get away with his unwarranted allegation that the opposition to this Bill is political or stupid. After having listened to his remarks on the amendment, we find that his attempt to convince the House that there is not something sinister behind the measure is stupid.

The Minister for Native Affairs: That is a lot of nonsense.

Mr. W. HEGNEY: We certainly heard a lot of nonsense from the Minister. I challenged him before—and I repeat the challenge—to tell the House where the proposal contained in the Bill emanated. The Minister has not done so. He did not do it on the second reading or in the Committee stage.

The Minister for Native Affairs: Quite right.

Mr. W. HEGNEY: And he refuses to do it now. The only answer he has offered has been most evasive—"Never mind." He said that no outside organisation had prompted the introduction of the Bill.

The Minister for Native Affairs: Quite right.

Mr. W. HEGNEY: Then some inside organisation must have prompted it.

The Minister for Native Affairs: Obviously.

Mr. W. HEGNEY: Then I should like to know who is the inside organisation.

The Minister for Native Affairs: You know that there is such a body as the Cabinet.

Mr. W. HEGNEY: The Minister opened his argument against the amendment by trying to convince us that there was a similarity, or that a reasonable comparison could be drawn, between a justice of the peace sitting alongside a magistrate in the court without the power to veto the magistrate's decision, and the provision in this Bill. I ask the Attorney General, who is well versed in the law, to say whether there is any comparison.

Mr. J. Hegney: Answer "yes" or "no."

Mr. W. HEGNEY: The Attorney General is silent and his silence implies consent. There is no comparison between the two. I venture the opinion that if the other legal member of the Cabinet, in his capacity as Deputy Premier, spoke the truth, he would say there is no comparison. Yet the Minister for Native Affairs has tried to pull the wool over our eyes in this way. Can a justice, sitting with a magistrate in a local court, over-ride the decision of the magistrate? Will any member of the Government answer "yes" or "no"? Of course, every Minister has to hang his head and admit that what I am saying is correct. What is the provision in the Bill?

Hon. A. R. G. Hawke: It is a "beaut"!

The Minister for Native Affairs: You prove the statement that this is political from our point of view.

Mr. W. HEGNEY: The provision in the Bill is one that would give to the equivalent of the justice of the peace, namely, the mayor of a municipality, the chairman of a road board, or some other person, the right to over-ride the magistrate. I am inclined to think that the Minister spoke unwittingly when he stated the local authority would elect the member to sit with the magistrate. The Bill does not provide for that. The Bill states that the Minister shall nominate a person to sit with the magistrate. Therefore, the local authority will not make the selection. The Bill provides that the Governor may constitute boards, and that a board shall consist of a police, resident or stipendiary magistrate and a person nominated by the Minister as a district representative. Yet the Minister says that the local authority would make the selection.

The Minister for Lands: You had better stick to the Bill.

Mr. W. HEGNEY: The Minister for Lands had better keep quiet.

The Minister for Lands: I would like to keep you quiet.

Mr. W. HEGNEY: There is also provision empowering the Minister to nominate or appoint another person if a member of the local authority is not available. Yet the Minister tried to tell us that the second member of the board would have a position on all fours with that of a justice of the peace sitting with a magistrate on a local court case. The Minister is unconsciously moving in the direction of making criminals of the men who will be endeavouring to obtain the full rights of citizenship.

Mr. Nalder: That is an exaggeration.

Mr. W. HEGNEY: That is the first time the member for Katanning has contributed anything to this very important debate.

The Minister for Lands: He is putting you on the right track.

Mr. W. HEGNEY: The number of half-bloods in the Katanning community would not appreciate the hon. member's action in trying to obstruct their receiving the rights of citizenship. I hesitate to believe that the Commissioner for Native affairs is responsible for the Bill. I invited the Minister to say whether his department was responsible for it or not, and if he sticks to his answer, the Commissioner and his department are not responsible. The Minister also said that no outside organisation had prompted the introduction of the measure. I do not think the Bill has emanated from the fertile brain of the Minister himself, and so I ask: Where did it come from?

The Minister for Native Affairs: There is the Bill, and you can solve the problem.

Mr. W. HEGNEY: That is a nice statement to come from a Minister of the Crown! He has introduced a Bill that vitally affects a large number of natives and says it is for us to solve the problem of who was responsible for its introduction. I am amazed at his adopting such an attitude.

Mr. Manning: You have tied yourself into knots, and it is up to you to untie them.

Mr. W. HEGNEY: I know that a lot of members of the Liberal Party, and one or two members of the Country Party, are trying to untie the knot in which the Minister is tied.

The Minister for Native Affairs: No, they are not.

Mr. W. HEGNEY: I know they are.

Hon. A. H. Panton: And not a true lovers' knot, either!

Mr. W. HEGNEY: I think I have disposed of the Minister's contention that a reasonable comparison can be drawn between the two cases that have been mentioned. The Minister said that a magistrate would not have the knowledge possessed by a local authority representative living in the district. What does that add up to? There must be a unanimous decision. The representative of the local

authority is to have exactly the same rights as the magistrate. A magistrate is trained in the law. He must have studied for years and passed severe examinations before he could be appointed. The Attorney General must admit that that is so. Solicitors appear before a magistrate and he must be competent to interpret the law.

If the Bill be passed in its present form, however, a magistrate sitting on one of these boards will be accompanied by a layman and will have to submit to the decision of the layman. Does the Minister mean to tell me that this is not loaded against the natives? The Minister has not proved it is not so loaded. If the present system has been carried on reasonably well for some time, why change it? The Minister tried to make out that we on this side were not solicitous for the natives when we were in office. But the fact is that, when the Opposition constituted the Government in 1944, the Act which the Minister now seeks to amend was passed. It is not a lengthy Act, but it was a reasonable attempt to set up some workable machinery whereby the people who were regarded as natives could appeal to a responsible tribunal and, if they could prove certain facts, would be given full rights of citizenship.

Let it not be forgotten that magistrates are legally trained and, under the Act, before granting any application for citizenship, a magistrate has to be satisfied that for two years immediately prior to the application the applicant has adopted the manner and habits of civilised life; that full rights of citizenship are desirable and likely to be conducive to the welfare of the applicant; that the applicant is able to speak and understand the English language; that he is not suffering from certain diseases; that he is of industrious habits and of good reputation; and that he is reasonably capable of managing his own affairs.

The Act provides that the decision of the magistrate upon any such application shall be final. He must satisfy himself of the wisdom of granting rights of citizenship to a particular applicant and, in the course of satisfying himself, there will be nothing to stop him from consulting the chairman of the road board, or any member of the road board, or any other responsible citizen, in an advisory capacity. In the northern part of the State, the magistrate travels from town to town, and there would be ample evidence available. The applicant must produce references from local citizens to indicate that he is worthy of having the status of citizenship conferred upon him.

Yet the Minister tried to tell us that this proposal will be in the interests of the natives. He even tried to make a comparison with what occurs when managers from the Assembly meet managers from the Legislative Council and one man makes the decision. If he wants to use that comparison, why not put a third man on this proposed board?

The Minister for Native Affairs: Whom would you put on—another road board man?

Mr. W. HEGNEY: The Minister is in charge of the Bill. If three were appointed, we would have the same position as arises when there is one man standing out in a conference of managers; but not under this proposal. I repeat, without any hesitation and without qualification, that this Bill is loaded against the natives; that it will make it more difficult for them to obtain citizenship; and that it is political in character. Does the Minister mean to tell me that, if it were not, every member of the Country Party and every member of the Liberal Party would vote solidly for the Bill? Does he mean to say they are all ivory from the neck up, or have they opinions of their own? If they have such opinions on this Bill, they should have the courage to express them; but, as in the case of so many other measures introduced into this Chamber, they are bound and gagged. Now and again they will make feeble interjections, with no force at all.

Mr. Manning: It is time you said something sensible.

Mr. W. HEGNEY: If the hon. member had had his ears open, he would have heard something sensible during the last 10 minutes. I am not going to delay the House much longer; but it is up to the Minister to inform us who initiated the proposals in regard to this Bill. He may be quite correct—I am not doubting his word—that no outside organisation was responsible. But there would be some individuals in Parliament who belong to outside organisations and could express views in the Liberal or Country Party caucus and, by vote, get the Minister to introduce a Bill like this. I am not so juvenile as to believe that could not be done.

The Minister for Native Affairs: It did not come along that channel.

Mr. W. HEGNEY: The Minister is in charge of the Bill and has made various attempts to justify this very radical and undesirable departure from the Act. He has failed to do so. The only thing he has put back to members on this side is that their suggestion is stupid. But he has not proved his case or justified the passing of this Bill, and I think the natives would be well served and the House would come to a wise decision if it passed the amendment.

HON. J. B. SLEEMAN: I move—

That the debate be adjourned.

Motion put and negatived.

HON. A. R. G. HAWKE (Northam—on amendment) [8.16]: I support the amendment, partly because I would support any move to defeat this Bill. The Minister has had plenty of time, and so has the Government, either to abandon this Bill altogether and allow the existing system to continue, or to arrange for the Bill to be recommitted in order to consider increasing the personnel of the proposed boards from two to three.

Those are two sensible and constructive alternatives available to the Government. I do not mind a great deal which one it adopts, although I would much prefer to see the existing system continued, under which magistrates in the various districts receive applications from natives for these certificates, hear evidence from all interested parties, and finally make a decision upon the evidence placed before them in open court.

That system has very much to commend it. It has worked well during the years it has been in operation. The fact that one or two natives who have applied for and been granted certificates have not lived up to responsibilities which the certificates imposed upon them, is no justification for wrecking the whole system, more especially as, under the Act, it is possible for the responsible authorities to apply for the cancellation of any certificate.

If, however, the Minister and the Government have committed themselves to somebody to put skids under magisterial control, and are bound to persist with this ill-conceived method of establishing boards, then let them at least make provision for boards upon which there will be three members and not two, as proposed in the Bill.

When the Minister tried to justify the power that this Bill would give to the lay member of any such board to overrule the magistrate, he said that in reverse the magistrate would have the right to overrule the lay member. That was a most illogical contention, to say the most merciful thing it is possible to say about it. As has been pointed out by many members, the magistrates are trained in this kind of work, and it is not reasonable or safe to set up boards of two, consisting of a magistrate and a lay person, and give the lay person the right to disagree with and overrule the magistrate. Why should a native, applying for a certificate, be denied it when the magistrate wants to grant it to him, but the representative of the local authority does not see fit to agree with the magistrate? The amendment should be carried because it will give the Government time between the close of this session and the beginning of the next, to have a much closer look at the proposal than it has had up to date. No-one can tell me that Ministers, as a whole, have carefully studied the provisions in the Bill. It has just been put up to them and they have taken it in their stride without realising what is involved.

Is it not remarkable that the Attorney General takes no part in the debate? He knows he cannot justify the Bill, or his attitude towards the magistrates. So he leaves it to the Minister to battle along as best he can in his endeavours to justify the measure. I should hope there would be sufficient members on the Government side to prevail upon it to allow the third reading to be postponed for three months, and so give Cabinet the opportunity I mentioned a moment ago of reconsidering it carefully during the recess, and of bringing before Parliament next year, if the proposal to set up boards is still thought to be justified, a much better proposition than this. I should hope, however, that during the recess the Government would come to the conclusion—the best in the circumstances—not to bring another Bill before Parliament at all, but to allow the existing system of control by magistrates to continue.

MR. RODOREDA (Pilbara—on amendment) [8.23]: I hope the Premier will give some consideration to the plea advanced by the Leader of the Opposition to withdraw the measure for the present session and further examine it. I am utterly opposed to the Bill, lock, stock and barrel. I have been keenly interested in the debate, because it is tremendously interesting to see how the Minister's mind works. He put up the analogy just now that the proposal in the Bill was on the same basis as a conference of managers between the two Houses. Well, I advanced that very argument as a reason for opposing the Bill.

The Minister for Native Affairs: I do not remember your submitting it.

Mr. RODOREDA: I did. I said that it was just as bad a proposition as this. Now the Minister advances the same analogy where one man out of six—

The Minister for Native Affairs: You know my experiences.

Mr. RODOREDA: Not all of them. We are not worrying about the Minister's experiences. We are concerned with his arguments in support of the Bill, and in justifying the appointment of a two-man board by quoting the conferences of managers as an example. I doubt whether there is any member of Parliament who would agree with such an undemocratic method of deciding legislation.

The Minister for Native Affairs: Did I not attempt to show exactly the same thing?

Mr. RODOREDA: I do not know where the Minister is getting. He is going further and further back into his corner. What amazes me is that right throughout the debate not one soul on the Government side has come to his assistance. We had an interjection from the member for Harvey.

Mr. Manning: I spoke on the Bill.

Mr. RODOREDA: I apologise to the hon. member. I must have been out of the Chamber at the time. Why is the front bench leaving the Minister out on his own?

The Minister for Lands: He is quite capable on his own.

Mr. RODOREDA: The Minister for Lands is a bit more frank when he is on his feet.

The Minister for Lands: I do not think you would like what I would say.

Mr. RODOREDA: I would be interested to know why the Deputy Premier, the Minister for Works, the Minister for Lands, the Attorney General or any of the young Liberals has not come to light and given one reason why we should pass this legislation. All we can assume is that they have no such argument, and do not agree with the introduction of the Bill.

The Minister for Native Affairs: Why do you think they voted for it?

Mr. RODOREDA: Because they did not know what they were voting for. If they can tell us why they voted for it we might be in a position to assess the value of their reasons, but they are not going to tell us.

The Minister for Lands: The member for East Perth told us why he voted against it.

Mr. RODOREDA: We are all saying why we are voting against it. We want one good reason from someone on the Government side for voting for it, but we have not heard one yet. When the Minister puts forward the analogy of a conference of managers between the two Houses, that is the last word.

The Minister for Native Affairs: I think you are deliberately misunderstanding me.

Mr. RODOREDA: Maybe, but all I can understand it what the Minister says. I do not know how his mind works. The more I listen to him the more confirmed I became in my opposition to the Bill.

HON. J. B. SLEEMAN (Fremantle—on amendment) [8.26]: I moved for the adjournment of the debate a short while ago in order to give the Government an opportunity to have another look at the Bill, but it has not accepted the opportunity; apparently it has already made up its mind. The other evening I asked the Minister in charge of the Bill what happened at the conference in Canberra which met to discuss the problems and difficulties confronting the native population of Australia. Tonight I quoted from an article by Paul Hasluck. The other evening the Minister got out of answering me by appealing to the Chairman of Committees and asking him whether he would be in order if he answered me, and the Chairman of Committees said, "No, certainly not." But that does not apply tonight. You, Mr. Speaker, would not tell the Minister that he could not answer me on the third reading.

Mr. SPEAKER: That was on a clause.

Hon. J. B. SLEEMAN: Yes. The Chairman of Committees was quite right in ruling as he did but tonight the Minister had an opportunity to answer me, but he did not do so when he got up just now.

Mr. SPEAKER: Order! The Minister has not replied to the debate.

Hon. J. B. SLEEMAN: He cannot, because the debate is on the amendment that the Bill be delayed for three months; and the Minister did not move that. The Minister spoke on the amendment moved by the member for Murchison, but he cannot close the debate which will continue until a vote is taken.

Mr. SPEAKER: Order! I said the Minister had not replied to the debate on the third reading of the Bill. He may reply then. The hon. member cannot anticipate.

Hon. J. B. SLEEMAN: When he got up he said he would reply as well as speak on the amendment of the member for Murchison. Those are his own words. I thought he had said the last word he intended to say but, if he is to reply to the debate later, he may then give the information I am seeking. I am satisfied that had Paul Hasluck known that this Bill was to be introduced he would have advised the Minister against it, as being unfair to the natives. They have had their country taken from them, their game destroyed and their women stolen, and now we are asked to pass legislation to prevent them being granted citizenship rights.

Members will recall the argument that took place in the Great Southern district about native children being allowed to attend State schools. It was said that the Government should build special schools for the coloured children, and I think there was a strike at one school because native children were allowed to attend. The people of the Great Southern said, "Fancy allowing these little natives to mix with our children!"

The member for Harvey said that some of the persons appointed to these boards might know the natives intimately. I, also, believe that some of them might know the natives intimately, and that might be their reason for voting against the natives being granted certificates of citizenship rights. I do not know what the member for Harvey meant when he said that some of the people might know the natives intimately, but that has been one of the troubles of this country—that the whites have known the natives intimately.

I think many of our natives should be given full citizenship rights. It is all very well for members to laugh but they know

that what I have inferred is true, and that some of the biggest men in this country have been intimate with natives. Some of the really nice people in this State have been guilty of such intimacy, and I think it is time we gave our natives a fair chance of living decent lives in all cases where they prove themselves deserving of full citizenship.

MR. HOAR (Warren—on amendment) [8.32]: The amendment moved by the member for Murchison is about the only sensible thing that has come out of the debate up till now. I listened to the Minister, not only today but on Tuesday last, trying to explain to the House what justification there was for this measure but, like many other members, I have not yet been shown any reason why a Bill of this description has been brought before the House. The reason, according to the Minister, was that under the present Act too many mistakes have been made. By that I imagine he means that far too many of the people that we class as natives have been granted citizenship rights. That is what I imagine the Minister means when he says that too many mistakes have been made.

If we examine the figures given in answer to a question in the Legislative Council this afternoon we will see that that view on the part of the Minister is unjustified. Some of the figures have already been given, but those with which I am concerned at the moment relate to the number of applications that have been opposed by the Native Affairs Department, and they total 108. There were 674 applications, of which 496 were successful and in 108 cases the Department of Native Affairs, in its wisdom, felt it necessary to oppose the applications for reasons best known to itself. The department was successful in 73 cases, leaving a balance of 35.

Therefore we have 35 natives, each of whom received the endorsement of two reputable citizens as required by the Act, and in each of those cases the magistrate supported the native against the wishes of the department. I imagine that the fact that the Commissioner of Native Affairs failed on 35 occasions was partly responsible for the Minister's introducing the Bill. They, I imagine, are the 35 mistakes to which he referred when moving the second reading.

Hon. A. R. G. Hawke: I think Pinjarra asked for this Bill.

Mr. HOAR: It is unfair for the Government to imagine that it has the right—though undoubtedly it has the power—to over-ride the decisions of our magistrates just because they have failed to agree with the Department of Native Affairs on 35 occasions over the last six years. If the Minister is basing his argument on those grounds, the sooner he and the rest of his party, who up till now have done very little to persuade the House that the Bill has any merit, decide to support the amendment now before the House, the better it will be for the natives of this State. I am convinced that the magistrates having dared to defy the Commissioner of Native Affairs 35 times is the reason why the Minister seeks to place Government nominees on the district boards so that he can undermine the normal authority of the magistrates. That is the only conclusion anyone can reach.

The Minister has said that too many undesirable natives have been granted citizenship, but if he thinks he is justified in placing himself in a position to override the considered judgment of trained magistrates, he thinks he is a better man than I personally know him to be. I think the Bill itself is an offence against human rights because, of all the applications that have come before the courts, only six have been from full-blooded aborigines. The rest of the 674 applications have been from half-bloods or persons of some similar strain. These people are the offspring of full-bloods who, one could say, have been contaminated by white people, yet, as human beings born in this country, I think they should at least have rights equal to those granted to many of the people who are entering Australia today under our migration scheme and who, after a lapse of about five years, are at liberty to apply for Australian citizenship.

I think anyone would agree that persons born in the country have some claim on the citizenship rights of the country instead of being bludgeoned almost out of existence by means of a Bill of this description. If this measure becomes law a great many natives who are fully deserving of being granted citizenship can say goodbye to their chances. From that point of view, I certainly would not lend myself, or my vote, in any way at all to any portion of this Bill, either as we had it last Tuesday or as it is before us today. If the Minister is not big enough to recognise that the opposition to the Bill created in this Chamber is of the utmost sincerity, and has nothing whatever to do with politics, then I feel very sorry for him. Like other members of this Chamber, I would like to know what the members of his party think about it.

Hon. A. R. G. Hawke: They are not allowed to think.

Mr. HOAR: The member for Mt. Hawthorn has the view that the Bill has a political origin. I know that when I spoke to the Bill on Tuesday last I eventually persuaded the Minister to say that the department had nothing to do with the presentation of the Bill—that the Commissioner was not responsible. We all know that the origin of a lot of Bills comes, firstly, from watching the parent Act in operation.

Reports are received from various districts and organisations, and sets of people who have active association with the measure in question and, arising out of their reports, a determination is made as to whether an amendment to the legislation is possible and desirable. So if we do not have these complaints or arguments in favour of an amendment coming through the normal channel of the Department of Native Affairs, they must have come from some other source. That could be only by a direct approach to the political parties of this Government. It could only be by an approach from individual members of the party, or as a determination at a conference or meeting of the two parties which comprise the Government. As the Minister has denied any responsibility on behalf of the department, the member for Mt. Hawthorn is most certainly right in saying that this Bill has a political origin; it could come from no other source. I would have no great objection to its having a political origin.

The Minister for Native Affairs: I would have.

Mr. HOAR: I would not.

The Minister for Native Affairs: I most certainly would.

Mr. HOAR: All things must have a start.

Mr. Hutchinson: That is not necessarily wrong, is it?

Mr. HOAR: Certainly not.

Hon. A. H. Panton: To my way of thinking, most Bills have some political origin.

Mr. HOAR: This Bill, from a native point of view, is so obviously unjust that I cannot understand why members on the Government bench, who are supposed to be democratic in thought and outlook, have not addressed themselves in some way to this debate. I can only conclude that they must be simply covered over with the crust of toryism to such an extent that they have lost all sense of values as far as human rights are concerned. If that is so, then I feel sorry for them, too.

There is not the slightest doubt that we would be doing a great wrong if we permitted a Bill of this description to pass when it has a provision for district boards of two people only. The Minister has told us clearly that he has been dissatisfied in the past because too many applicants for citizenship rights have been successful and his intention in this Bill is quite clear, and that is to place another person on the board to undermine completely the authority of the magistrate who, in the past, according to the figures given in the Legislative Council this afternoon, has done a remarkably good job in fairness to both the department and the natives. I am certain that magistrates have jealously guarded our citizenship rights and have not given them away in any free manner whatever. Therefore I most certainly support the amendment.

MR. BRADY (Guildford-Midland—on amendment) [8.45]: I did not intend to enter into the debate, but as the Minister seems to be most determined to get the Bill through in its present form, and has refused to compromise on the matter, I have carried out some research during the last two hours. I feel that I should now give the House the benefit of certain articles in regard to human rights. Every member of the House should be reminded of them. At Bassendean, which is in my electorate, there are 40 natives and recently I met one of them. This man has been granted his citizenship rights and he told me that his wife was applying for a certificate, too. They are rearing a family and I told him that I hoped some day the family would all have the benefit of the rights of citizenship. I hoped that the day would come when the Government would build houses for these people and so lift their way of life on to a higher plane.

It would appear, however, that the Government does not intend to build houses for these people but, on the contrary, intends to lower their living conditions and the likelihood of their ever being able to obtain citizenship rights. I have in my hand a pamphlet issued by the Department of External Affairs in Wellington and the title of this brochure is "Universal Declaration of Human Rights." It would appear that the New Zealand Government, which is not a Labour Government, thought so much of the Universal Declaration of Human Rights that it had the document translated into the Maori language so that every native of New Zealand could read it, and be impressed by its importance and significance.

Mr. SPEAKER: Order! Has this something to do with the amendment before the House?

Mr. BRADY: Yes, it deals with the natives in New Zealand and human rights. Natives have human rights just as white people have. This declaration was adopted by 48 votes to nil after having been considered by a committee of 58 States, representative of all major political and cultural systems in the world. In my opinion this Bill is violating two-thirds of the Universal Declaration of Human Rights, which has been accepted by practically every country in the world. As we recently had United Nations week, it would not be out of order to read to members this Universal Declaration of Human Rights, because a native is a human being and is entitled to his rights. It states—

> This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every indivi-

dual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member States themselves and among the peoples of territories under their jurisdiction.

That necessarily includes the Commonwealth of Australia and the State of Western Australia. It continues—

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2 (1).—Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be an independent Trust, Non-Self-Governing territory, or under any other limitation of sovereignty.

Article 2 (1). Everyone is entitled to life, liberty and the security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Of his rights and obligations and of any criminal charge against him!

Article 11 (1). Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2). No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13 (1). Everyone has the right to freedom of movement and residence within the borders of each state.

(2). Everyone has the right to leave any country, including his own, and to return to his country.

Article 14 (1). Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2). This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15 (1). Everyone has the right to a nationality.

(2). No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16 (1). Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2). Marriage shall be entered into only with the free and full consent of the intending spouses.

(3). The family is the natural and fundamental group unity of society and is entitled to protection by society and the State.

Article 17 (1). Everyone has the right to own property alone as well as in association with others.

(2). No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief; and freedom, either alone or in community

with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Mr. SPEAKER: Order! The hon. member is well away from the Bill now, I think.

Mr. BRADY: I think I have read enough to prove that the Bill would be a violation of every second one of those articles, and if I continued I would prove my point that it also strikes at the root of this declaration of human rights and abrogates from these people practically every right that a human being has. No Minister or Government should have that power. This legislation is a flouting of the declaration that has been accepted by every nation in the world. I have read this declaration of human rights a dozen times, and the more I read it the more I am impressed with its significance.

I want to connect this with a conference which took place in Victoria in 1950. I intend to read a part of that report to enable members to realise what is happening to natives. The indications are that a considerable number of them will be applying for citizenship rights within the next ten years; they will be well educated and well able to absorb the significance of their rights, and also they will be able to receive the benefits under the social services legislation which, as natives, they are now denied. Therefore, I believe I should read this part of the report of the conference, and draw attention to certain things that are happening to natives because they have no citizenship rights and have not been recognised as human beings. This is the 21st annual report of the Victorian Aboriginal Group, and the section I am about to read refers to Western Australia. It is as follows:—

> West Australia.—Native population, 16,724 full blood; mixed blood, 6,039. Total, 22,763. West Australia has slightly over one-third of Australia's native population, and Mr. Middleton, Commissioner for Native Affairs, has reported considerable increases in the coloured population in the southern part of the State, making plans for their assimilation an urgent necessity. The Department was planning to buy 30,000 acres in the Gnowangerup district for a farm scheme to help individual natives to buy their own blocks and build their own houses.
>
> The two part-white boys working in the Department have made such a success of their jobs and studies that more are to be brought to Perth. One-quarter caste, Len Hayward, is taking a course at the Teachers' Training College. He is an outstanding footballer.
>
> Early in 1950 Mr. Paul Hasluck, M.H.R., drew the attention of the Federal Government to the necessity of further assistance to the States to deal with native welfare. West Australia, with the largest native population, had a white population of only 500,000, about one-third of the population of Sydney. The whole of Australia should help with this work, as the uplifting of the natives and remedying of their deplorable housing conditions was a national problem, and affected the national reputation.

I refer to that as affecting their national reputation. Delegates from the U.S.A. to the United Nations Conference on more than one occasion twitted the Australian delegates as to their treatment of the Australian natives. I do not want to see that sort of thing continuing. The solution of the native problem lies in the improvement of their condition. Continuing to quote—

> In a series of articles in "The West Australian" by the late Rev. C. E. Taylor, the promotion of Good Neighbour Councils for natives in centres where aboriginals were congregated was strongly recommended. The plan has been tried out under the guidance of a white resident, at Marble Bar, where the Diari Club was formed. The president and all officers are coloured. Their objectives are, to improve and maintain better standards of living by tuition in civilised modes of behaviour, hygiene, medical care, and first aid, to foster better relations with the white community, to see that coloured children are accepted at the State School, and apparently to fit members for full citizenship.

And when they get full citizenship they find that this Parliament in the year 1951 is worsening their possibilities of retaining that citizenship. I want to tie up another section here in regard to the position these people find themselves in. The report continues—

> A representative from the club is accepted in the local Parent and Citizens' Association, and many are trusted and well-paid employees. This plan has also been tried at Port Hedland, with similar results.
>
> Comprehensive inspections have been carried out by the Commissioner of Native Affairs and his District Officers. Employers in the West Kimberleys were found to be most co-operative in making improvements in the housing, sanitation and diet of the natives employed.

They are doing more than the present Government is doing.

> The Commissioner and Deputy Commissioner called a meeting of 17 Road Board and Municipal Councils to consider housing and native welfare. He told them that the department was in the nature of a welfare organisa-

tion, and that the Government grant for 1950 of £115,000 would be exceeded, but that little could be achieved towards assimilation of the natives while they were living in such conditions in towns, or confined to settlements and reserves on land which had very little value. Resolutions were passed concerning the poor living conditions of natives and coloured people, and stressing the value of Government farms schools for their education.

At Bassendean—

and this is in my electorate—

there are more than 40 natives living in insanitary shacks close to the sanitary depot.

The natives are forced to live near these depots and are generally placed on top of rock formations and on unfertile land. Those natives that are trying to uplift themselves are finding themselves being pushed further back, but some of them are continuing to endeavour to uplift themselves despite these conditions. Continuing with the report—

They own the land on which their humpies are built, but cannot afford to pay for water supply and decent housing, though they would be willing to pay weekly instalments on proper houses.

The Merredin Road Board had made townsites available to selected natives. Suitable cottages were to be built and rent paid until the cost was paid off.

At Derby Leprosarium there are 270 natives, including 34 coloured patients. It is managed by Mr. and Mrs. Carroll, Mr. and Mrs. Arnold, and four nuns from St. John of God Hospital, Subiaco. The 2,500-acre property is well kept with gardens, lawns and fruit trees. The patients grow their own vegetables, keep cattle for meat, milk goats and bake their own bread.

Mr. SPEAKER: The hon. member is getting away from the amendment.

Mr. BRADY: I am probably a bit away from it, but I will get back to it immediately. It reads—

The board of management of Christ Church Grammar School, Perth, agreed to admit a native boy from one of the A.B.M. Missions as a pupil. Unfortunately, the nine-year-old boy chosen, when it came to leaving could not face parting with his family and going to such a distance.

These people have the same human rights and human feelings as we have; this lad was chosen to go to the school, but he could not leave his parents.

We hope this will not be the last attempt, as the church schools should be able to give a strong lead in this constructive action.

I would like you to listen to what follows, Mr. Speaker.

The case of a Fremantle native has roused some comment. He had paid taxes for years, yet, at 67, was not eligible for a pension. Though the Canberra conference of 1948 had said social benefits should be available to all but nomadic natives, nothing had yet been done about it.

One could go on giving instances of the work that other people are doing to uplift natives and of the disabilities with which they are putting up. If I understand the position rightly, if they have not got full citizenship rights they are not entitled to social service benefits. I have just quoted the instance of a native who had paid taxes for years and yet at 67 he was not eligible for a pension. I hope, therefore, that members on the other side of the House will support the amendment or, if they are not prepared to do that, that they will help us to amend the Bill drastically so that these natives may obtain those rights that are laid down in the Declaration of Human Rights which is accepted by all nations of the world. I support the amendment.

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

Ayes	17
Noes	20
Majority against	3

Ayes.

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

Noes.

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

Pairs.

Ayes.	No.
Mr. Needham	Mr. Wild
Mr. Kelly	Mr. Hearman
Mr. Styants	Mr. Hill
Mr. Guthrie	Mr. Mann
Mr. Panton	Mr. Perkins

Amendment thus negatived.

MR. J. HEGNEY (Middle Swan) [9.8]: I might say I have listened with great interest to this debate and the one outstanding thing is that the Minister has failed to convince the Assembly by argument as to the reasons why the Bill should be passed by this House. The Minister said that the Native Affairs Department was not responsible for the initiation of

this measure. When he was twitted and it was suggested that it came from another source, such as the pastoral or some other section of the community, he denied that that was so. Surely the Minister can tell us just who initiated the Bill and where it came from.

Hon. A. R. G. Hawke: Pinjarra!

Mr. J. HEGNEY: Was it the decision of the Cabinet?

The Minister for Native Affairs: I am going no further than I have done.

Mr. J. HEGNEY: Did it come from one of the other parties? Where did the Bill spring from? The Minister has not told us this. The member for Guildford-Midland gave us some interesting information which was contained in a couple of documents from which he quoted. I think that information was very enlightening. There is no doubt that the uplift and elevation of the native depend on education and example and things of that nature, as has been pointed out. As members who have worked in the back country are aware, many natives, full-bloods as well as half-castes, have become very competent workers and are the equal of the whites in conforming to the moral code. They have shown that they are capable of being uplifted and raised to the plane of the whites.

Let me refer to the industrial side and recall the late Mr. A. A. Wilson, a former member for Collie. On one occasion I was discussing with him the difficulties associated with the coalmining industry, and he showed me a copy of the report of an early Royal Commission appointed to inquire into the coalmining industry in England. At that time children of tender age, as well as women, were working in the mines and, when an effort was made to get them removed from the mines, there was strong opposition, notwithstanding that the Royal Commission favoured their removal. The opposition came, not only from the mineowners, who contended that they would not be able to carry on the industry without such labour, but also from parents, because they were, to a degree, dependent upon the earnings of the children.

To illustrate the need for educating white people to adopt improved hygiene, I may mention that, 50 years ago, the coalminers in England, living in tenements, had no bathrooms until the law enjoined that this amenity should be provided. But what did the miners do? Instead of the baths being used for ablution purposes, they were used for storing coal. Thus those people had to be educated to the need for adopting better hygienic conditions. Similarly, the native population has to be educated, apart from the education imparted to the children in the schools. Many natives have been educated, and anthropologists say that in intelligence many of them are the equal of the whites. We know, too, that many of them have made good in various walks of life. Thus they have shown that they are capable of being uplifted.

If, as has been pointed out, these people, under the amending Bill, have to run the gauntlet of a board such as is proposed, it is going to be more difficult for them to obtain citizenship rights, although they may be fully entitled to do so. Evidently the only reason for the introduction of the measure is that magistrates have not done the job satisfactorily and have issued certificates of citizenship to too many natives. Since the original legislation was passed in 1944, many natives have been admitted to full citizenship rights, and a scrutiny of the statistics shows that from only a very small percentage has the certificate been withdrawn. This indicates that the Act has been operating well, and sufficient reason has not been advanced by the Minister or any supporter of the Government to justify an alteration of the system.

A statement was made by the Minister that the local authority would recommend one of its members or some other person to constitute the board. That is not the provision in the Bill. The measure provides for the second member of the board to be recommended by the Minister. From my experience of road boards, I should say that many of the members are past the stage of being really competent men, particularly when it comes to passing judgment in the cases that would come before them under this measure. Many of them are swayed by prejudice, and many are incapable of disabusing their minds of extraneous matters, and basing a decision upon the facts presented to them. Therefore, I fail to see much merit in the proposal to appoint such a member to the board. The original Act has much to commend it and its provisions should be continued. For the life of me I cannot understand why the Government persists in adhering to the proposals in this Bill.

Although the question has been discussed almost ad nauseam, I should like to refer to the movement throughout Australia to improve the lot of the native population. In the past the amount of money spent for the welfare of the natives was insufficient but, since the present Government has been in office, more money has been available for the purpose. Having regard to the increased amount at the disposal of the Government, it would be a retrograde step to adopt the proposals in the measure.

The Minister has not given one substantial reason for the introduction of the Bill. He has denied that it emanated from the Department of Native Affairs or from the pastoralists, but he has not told us who was responsible for it. Speaking from my limited experience of the natives, I know that those in the back country have been used by communists to the end of get-

ting them to withdraw from their employment. If we are not prepared to uplift them by providing housing for them and inculcating higher ideals, particularly amongst the younger generation, these people will continue in the doldrums. We know that when they obtain liquor many of them become great nuisances; but I think the same applies to many whites who, with liquor in them, become a damn nuisance.

The native tells himself that this is his country and that we have usurped his rights. We should set him an example; otherwise if he continues on our level, why condemn him? The curse of this country, even so far as whites are concerned, is strong drink. If we want the aborigines to have a high moral standard, let us set the example.

The Minister for Native Affairs: You and I will start it, eh?

Mr. J. HEGNEY: I am starting it now. It is a very important problem. The matter before the House, however, does not require research into anthropology. We do not have to go into the dim and distant past and trace our ancestry and show how assimilation can take place. All we have to decide is the constitution of a board of two; that is a simple problem. I protest against this Bill and I await with interest the Minister's reply to the debate. I hope he will answer every point raised and give his reasons. If he cannot give adequate reasons, I shall vote against the third reading.

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

Ayes	20
Noes	16
Majority for	4

Ayes.

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

(Teller.)

Noes.

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

(Teller.)

Pairs.

Ayes.	No.
Mr. Wild	Mr. Needham
Mr. Hearman	Mr. Kelly
Mr. Hill	Mr. Styants
Mr. Mann	Mr. Guthrie
Mr. Perkins	Mr. Panton
Mr. Butcher	Mr. Coverley

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (3)—RETURNED.

1, Rights in Water and Irrigation Act Amendment.

2, Fremantle Harbour Trust Act Amendment.

3, Gas Undertakings Act Amendment. Without amendment.

BILL—EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT.

Message.

Message from the Administrator received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR EDUCATION (Hon. A. F. Watts—Stirling) [9.27] in moving the second reading said: This is a small Bill to amend the parent Act, which was passed in 1946 for the purpose at that time of vesting in a board to be known as the Eastern Goldfields Transport Board the transport services in the Goldfields area, particularly those in Kalgoorlie and Boulder. The board which was to be appointed was to consist of a chairman appointed by the Governor, who was not to be a member of either of the three local authorities—the Boulder and Kalgoorlie Municipal Councils and the Kalgoorlie Road Board—and six other members. One of the six members was to be elected by the ratepayers of the Municipality of Kalgoorlie; one by the ratepayers of the Municipality of Boulder; and one by the ratepayers of the Kalgoorlie Road Board. In addition to those three members, one was to be elected by the council of the Municipality of Kalgoorlie; one by the council of the Municipality of Boulder; and one by the Kalgoorlie Road Board.

I have mentioned the constitution of the board to indicate that the local authorities at Kalgoorlie are adequately represented on this board, because the Bill is to make provision to enable the authorities concerned to assist in making up the losses, if any, of the Eastern Goldfields Transport Board. The Act at present provides that if any profit is made, the local authorities are entitled to some share of it, because Section 31 says—

> The nett profits derived from the working of the undertaking in every year, after deduction of any contributions to the said reserve funds which shall include interest and sinking fund on all loans from time to time outstanding and allowances for depreciation for that or any previous year considered proper by the Board shall be be paid to and belong to the Local Authorities in equal shares and the portion so paid to a Local Authority shall form part of the ordinary income of the said Local Authority.

The unfortunate part about it is that the Goldfields Transport Board has not had an easy row to hoe. Like many other con-

cerns, where population is not advancing, but costs are, the Eastern Goldfields Transport Board has found it extremely difficult to maintain adequate transport services. A tramway system which had been in operation became worn out and effete, and in the net result the transport board decided that it should be replaced by an omnibus system. To have provided such a system with new omnibuses, under today's conditions, would have involved an expenditure, I understand, of about £70,000, and the obligations thus undertaken by the transport board would, on the figures supplied by it, have been quite beyond its capacity to meet.

The board, therefore, approached the Government to ascertain whether any way could be evolved of enabling it to carry out an efficient service but, at the same time, not involving it in an obligation which it had no apparent prospect of meeting from the revenue it was likely to derive from the fares and charges which the people using the service could reasonably be expected to pay. After a good deal of consideration and discussion, it was decided that assistance of a practical nature should be given by the Government.

To assist in maintaining the service, the Government has agreed to lend the board seven re-conditioned buses—incidentally it will involve the Government in an expenditure of something like £3,500 to recondition them—and then, if as a result of using these vehicles the board makes a loss, the Government has undertaken to make good half of any annual loss sustained providing that the three local authorities concerned will make good the other half.

The matter was discussed with a committee comprising representatives of the transport board itself and the three local authorities, and the committee has recommended that the power now contained in the Bill in regard to contributions towards losses should be given. There is no compulsion in the provision in the measure to contribute towards such losses, but it is understood that, in the event of a loss occurring, the Government will make good one moiety and the local authorities the other.

It is, of course, hoped that there will not be any loss, but he would be an optimist who would express himself as sure of that in the circumstances, and so it is deemed advisable to make provision for an adverse position, should it arise.

The matter was referred to the Crown Law Department which advised that there was no authority in the Municipal Corporations Act for either the Kalgoorlie Municipal Council or the Boulder Municipal Council to subsidise any public transport service; so, to enable them to do this, it is proposed to amend the Act along the lines set out in the Bill.

The final subclause is included to ensure that any amounts contributed by the local authorities—that is the Kalgoorlie and Boulder Municipal Councils and the Kalgoorlie Road Board—are not to be regarded in any way as loans, but straight-out contributions towards the running of the undertaking. For the reasons I have given, and to enable the project to be carried out in the terms that have been agreed on, I move—

That the Bill be now read a second time.

On motion by Mr. Styants, debate adjourned.

BILL—VERMIN ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [9.35] in moving the second reading said: The most important amendment in the Bill is that which increases the maximum of the State vermin tax, which will apply to the next financial year. The maximum rates of vermin tax which may be levied at present are 1d. in the £ on the unimproved capital value of pastoral holdings, and ½d. in the £ on other holdings. These ratings are not sufficient to meet present-day costs, and do not provide enough revenue to enable the protection board to increase its activities. It is therefore proposed to increase the maximum tax to 2d. in the £ on pastoral holdings, and 1d. in the £ on other holdings.

Approval has been given for the appointment of a research officer, and it is hoped that this position will soon be filled. Although the cost of rabbit destruction by myxomatosis will be a charge against revenue, the board intends to carry out research to see if there are other means of destroying this pest. Costs incurred as a result of research carried out by the board will be a charge on the Vermin Act Trust Fund account, and it is one reason why the tax should be increased.

The bonus at present paid for wild dogs is uniform in all States in order to prevent trafficking over the borders. However, an approach has been made by Queensland to all other States to increase the bonus from £1 to £2. At present consideration could not be given to this proposal by this State, because funds are insufficient to meet the increased expenditure involved. The protection board is anxious to expand its activities, particularly in regard to inland expeditions. The purpose of these expeditions is to try to find where the dogs are breeding and to eradicate them at the source. An expedition of this nature is soon to set out, making its headquarters at Rawlinna, and it will operate northwards from the central part of the State. It is hoped that similar expeditions will later cover other parts of the State. In addition, the protection board hopes to increase the staff of dog-

gers and trappers. However, this cannot be done at present as vermin tax collections are not sufficient to meet the extra cost involved.

At the 30th June, the balance of the Vermin Act Trust Fund was £11,798. Receipts were, July £3,802; August £5,502; and September £3,959, making a total of £13,263, while payments were July £3,318; August £2,323; and September £4,922, representing a total of £10,563, and leaving a balance of receipts over payments of £2,700. At the 30th September, 1951, the credit of the fund stood at £14,498. Taxes received over the three months mentioned were much higher than normal, evidently because of an early response to assessments. Practically all collections are received over the first six months, during which time the fund builds up, but it declines over the last six months.

The balance of £11,798 at the 30th June, 1951, was the highest for years as a result of a decrease in the number of scalps presented. However, the number of scalps which might be received is unpredictable, and that balance could be wiped off in a short time if the number increased, and if a full staff of doggers was obtainable. Advice has been received by the protection board from the Pastoralists' Association, the Farmers' Union of W.A., and the Road Board Association that these organisations are in accord with the proposed increase.

Because of the amendments made to Section 103 of the parent Act last year, the Taxation Department has found that many properties owned by public institutions, such as the University of W.A., public parks, reserves, cemeteries and commons, etc., are at present taxable. In order to remove this anomaly, an amendment is necessary to bring the rating provisions into line with those in force for the land tax, and so exclude such places as mentioned above from the vermin tax. In framing the amendment to this section last year, the advice of the Taxation Department was sought and accepted. The department was consulted because it has the necessary machinery to perform this duty for the State. When the actual assessing was commenced, the anomaly to which I have referred was revealed.

There is a further anomaly in regard to the State vermin tax, which at present is required to be paid to the Minister and to be fixed by him, whereas the same section states that the funds received are to be kept at the Treasury and applied under the direction of the protection board. This Bill provides for the tax to be paid to the protection board, and the rate is to be fixed by the board. Under the Agriculture Protection Board Act, which was passed last year, the board is subject to the Minister. There are in the Bill further amendments which have been included to correct errors in phraseology, which became apparent after the Act was amended last year. Provision is also made for consequential amendments following the handing over of certain powers from the Minister to the protection board last session. I move—

That the Bill be now read a second time.

On motion by Hon. J. T. Tonkin, debate adjourned.

BILL—PNEUMOCONIOSIS BENEFITS.

Second Reading.

Debate resumed from the 25th October.

MR. MARSHALL (Murchison) [9.44]: This Bill seeks the consolidation of several measures that for many years past have controlled the admission of men to and their prohibition from the industry, and the compensation payable to workers employed in metalliferous mines. To the extent that it does consolidate those Acts, one might subscribe to the Bill. Before dealing with the measure, I wish to compliment the member for Boulder on his maiden speech, in which he dealt with the subject-matter of this Bill. He spoke very technically and efficiently on the detailed aspects of the contents of the measure, as one with some authority, having had lengthy administrative experience on the Mine Workers' Relief Fund Board. The hon. member covered the ground fully during a speech that was particularly admirable, in view of the fact that it was his first in this House.

I feel that the Bill has been drafted by someone who, in all probability, had something to do with the administrative side of the picture but who, unfortunately, has not had the experience of those who have watched the administration of the various relevant Acts up to date, and their effects in relation to the exclusion from benefits of a large number of men whom we consider were justly entitled to compensation. I believe that whoever drafted the Bill, not having experience in the industry, made a sketchy attempt to consolidate the various Acts that at present apply.

At the present juncture, the Acts relating to the industry are the Miner's Phthisis Act, the Mine Workers' Relief Act, the Third Schedule of the Workers' Compensation Act, and the Mines Regulation Act. Those four Acts together control admission to or prohibition from the benefits applying to men working in metalliferous mines. I think the Minister was in error in accepting the Bill as drafted, without reference to those who have had lengthy experience of the operation of the Acts I have mentioned. The Miner's Phthisis Act, if my memory serves me, became law in about 1922, and it was the only statute existing in this regard until about 1932.

The Mines Regulation Act was availed of to an extent, as it is today, and the Miner's Phthisis Act provided that miners found, on examination, to be suffering from tuber-

culosis, either simple or complicated, were to be prohibited from working in mines and were to be compensated. That Act became law and was operative before the Third Schedule was placed in the Workers' Compensation Act in 1925 or 1926, and so compensation under the provisions of the Miner's Phthisis Act had to be met from Consolidated Revenue. In the early stages of the operation of that statute, it constituted a heavy liability on the Treasury, and I point this out to the Minister to show where I think the draftsman of the Bill and the Minister is under a misapprehension as to what will be its effect if it becomes law.

As years passed on beneficiaries were paid from Consolidated Revenue and the benfits paid were far better than when the Third Schedule was placed in the Workers' Compensation Act. The Miner's Phthisis Act had two or three years lead, from the point of view of operation, over the Third Schedule to the Workers' Compensation Act. It was thought that when men contracted silicosis and compensation was provided, they would take the opportunity to leave the industry and thus preserve their lives. This would have lessened the risk of their contracting tuberculosis, plus silicosis, but after a period of years we found that the miners refused to leave, even though they qualified under the Third Schedule, because the terms and conditions of the benefits offered under the Third Schedule were not as good as those that were provided under the Miner's Phthisis Act.

So, the miners used to stay in the industry until they contracted tuberculosis, and then they came under the Miner's Phthisis Act and thus received a life pension under that Act as compared with a lump sum settlement under the Third Schedule to the Workers' Compensation Act—that lump sum payment, by way of comparison, was insignificant. The Labour Government lost office in 1930 and in 1932 the present Mine Workers' Relief Act first saw the light of day.

Although the Minister at that time had had a good deal of experience in the mining industry, before he introduced the Bill he called a conference of all Goldfields members, plus two doctors. Strange to say, both of these doctors were named Mitchell; one was Dr. Robert Mitchell of the Wooroloo Sanitorium and the other was Dr. Paul Mitchell, a Commonwealth medical officer. All the ramifications of the proposed Bill were discussed at that conference and as a consequence the Mine Workers' Relief Act, as it now stands, emerged.

Under the Third Schedule to the Workers' Compensation Act premiums up to the rate of £4 10s. per cent. were being paid by the employers to the State Insurance Office. As I have already pointed out, the miners refused to leave the industry and accept payment under the Third Schedule; they preferred to remain in the industry until they contracted tuberculosis, and thus steadily increased the liability on the Treasury and accumulated a given sum annually in the State Insurance Office. That money was never used because the men refused to accept benefits under the particular section of the Workers' Compensation Act. Speaking from memory, I think that the State Insurance Office recouped the Treasurer to some extent by contributing fairly large sums annually to the Treasury.

It was realised that much of the liability being carried by the Treasurer was due to the fact that the men were refusing to come out and accept the benefits for which the companies were paying.

I want the Minister to understand that point clearly because he believes that the provisions of this Bill will induce men to leave the industry. I want to tell him that that is a pious hope because its provisions offer no inducement to a miner to leave the industry even though he has been notified that he has silicosis. Quite a good deal has been left out of the measure which might have been put into it, and there is a good deal in it which could well have been left out.

As this is a consolidating measure it would be interesting to know why the Minister did not embody two other pieces of legislation in it. As far as I can see there is nothing to prevent the inclusion of these two measures, one of which was passed in 1940 and the other in 1945. One of these Acts provided for men who joined the Army and enabled them to be classified as mine workers, within the meaning of that term as it appeared in the Mine Workers' Relief Act, even though they were serving in the Army. The other Act provided for men who joined the Commonwealth Constructional Corps. A good number of men were called up and many volunteered to join both these services, and the two Acts to which I have referred provided for the right of these individuals to return to the industry within six months after their discharge—that is providing, of course, that they had not contracted tuberculosis during the time they were absent from the industry. The men could return to the industry any time after their discharge providing the period did not exceed six months. Therefore, I do not know why those two Acts were not included in this consolidating measure.

When the present Mine Workers' Relief Act was before this Chamber originally I strongly opposed it because it contained a provision—and still contains it—to the effect that miners have to contribute. The passage of this Bill will not remove that particular section. I have always opposed the principle, because I do not think it is right that one section of workers should have to make some contribution in the

form of insurance to receive compensation while no other section of workers is called upon to perform a like act. I opposed that provision in 1932, and I intend to oppose it more strongly now because of the changed circumstances which appear in the provisions of this Bill.

Whatever argument could have been advanced before making it obligatory for miners to provide some contribution towards the cost of compensation, there could certainly be no justification for calling upon them to make contributions under this Bill, because the benefits they are to receive are not, in my judgment, as good as the benefits they have been receiving and will be receiving until this measure becomes law. If the Bill does pass the miner will receive no lump sum whatsoever, while today he can get compensation up to £1,250 and then go on to the Mine Workers' Relief Fund and receive the same contributions as he will under the Bill.

The Attorney General: He gets a little more under the Bill.

Mr. MARSHALL: No, he gets less, because he receives no payment whatsoever under the Third Schedule to the Workers' Compensation Act.

The Attorney General: I agree with that.

Mr. MARSHALL: The only man who would get anything more would be a family man.

Mr. Styants: They would get more from the old fund, would they not?

Mr. MARSHALL: Some of them would. The point raised by the member for Kalgoorlie is something to which I will refer later. I will be dealing with a number of amendments in the Committee stage and will thrash the points out more thoroughly then. I only wish to deal with the more important provisions now. I do not agree, nor does any mining organisation, nor the miners themselves agree, that they should be specially selected to pay contributions towards the payment of compensation which no other worker, under any other legislation, is obliged to do.

It is true that, in certain circumstances, increased benefits would be forthcoming under the Bill if it becomes law, but I also want to point out to the Minister that by this measure he is denying and depriving all those who leave the industry of a lump sum, according to the percentage of incapacity, up to £1,250. He is taking that benefit away from them and is therefore denying many men the benefits they are now receiving; but a few will receive increased benefits. What the Minister has to consider is that no man will be induced to leave the industry—as I have illustrated by referring to men who have remained in it—knowing full well that the only thing that could occur to him would be that from a state of silicosis he could advance to a state of silicosis plus tuberculosis, and so he prefers to remain where he is.

The Attorney General: But that is extremely foolish.

Mr. MARSHALL: It does not matter how foolish it is. The Minister ought to know that when men become affected almost to the point of incapacity—as has been the case with many of them—they sort of give up hope and say, "We might as well be hanged for a sheep as for a lamb; we are too bad now to leave the industry. We will get only £600, and we have just as much chance of contracting tuberculosis if we leave the industry as we would if we stay in it. However, if we stay in the industry we get a pension for life and so do our widows and children up to 16 years of age." Therefore they considered it was not worth while for them to leave the mines because they were so badly affected and incapacitated—to a certain extent because of their lack of physical fitness—that they would not be able to resist contracting tuberculosis, and that they would probably contract it just as quickly by remaining in the industry as by leaving it. So they carried on for the rest of their life in order to receive the pension, or so that their widow may receive a pension and that their children up to 16 years of age would also receive benefits. This Bill is far worse in its implications. What single man would leave the industry in order to get 30s. a week?

Mr. Styants: Take £1,250 from him and give him 30s. a week.

Mr. MARSHALL: Yes, any sum up to £1,250 is denied him, and the Minister actually believes that by the passage of this measure he will induce a single man to leave the industry, because he is suffering from silicosis, in order to receive a pension of 30s. a week. The point is that he can remain in the industry until he is notified that he is suffering from tuberculosis and still get 30s. a week when he leaves it, and £1,250. That is the position. So what inducement is there for a man to forego big money—and they do earn big money in the mines—and leave the industry knowing that he will get only 30s. a week as a result? Then again, under the Bill, if he does leave the industry and in his second avocation earns the same amount of wages as he earned in the mining industry, he receives nothing because there is a provision in the Bill which states that he will receive benefit from the fund so long as he does not earn more per day or per week, whatever the case may be, than the rate which he obtained when he was in the mining industry.

Mr. Moir: That is laid down in the award.

Mr. MARSHALL: So the Minister has not a complete grip of the situation. He does not understand the mental outlook of the miner and those who drafted the Bill did not understand the situation, although they should have done. What the Minister should have done was to have

had a draft of the measure made, called all the goldfields members together, and also to have had doctors to certify to it while there, if necessary, when I think we could have made a far better measure than this is. The Minister's estimate on what the outgoing from this particular fund will be, if it becomes law, is altogether wrong.

The Attorney General: I did consult the Mine Workers' Relief Board, and one member of Parliament.

Mr. MARSHALL: I do not deny that the Minister did do that but he will find, as we progress with the passage of this measure, that there are some very drastic provisions in it that should never be there.

I tell the Minister again that the £70,000 a year will never be reached under the provisions of this measure, because a man will not come out under it. He might induce a family man to accept these provisions if that man could find suitable work. He only gets a maximum of £4 10s. under the Bill if he can qualify, but he knows full well that if he comes out and takes the £4 10s. a week and goes into another job in which he gets as much money per day as he got while working in the mining industry, he would get nothing at all. There would be no chance of any great number of men coming out of the mining industry, as the Minister imagines will happen, so the spirit of the Bill is of no value at all. That is to say, if the Minister imagines that he is going to encourage men to leave the industry by giving them a so-called life pension, then his estimate is entirely astray, for it will not eventuate.

The point mentioned by the member for Kalgoorlie is also a logical one. There is a provision in this Bill which would—but then I think it is at the discretion of the board—permit a man who probably had worked in the industry for a great number of years, had received compensation and had absorbed all compensation payable to him under the Third Schedule of the Workers' Compensation Act, and who could not qualify to go on to the Mine Workers' Relief Fund as a beneficiary because under Section 50 of the Mine Workers' Relief Fund Act, as it is now, he was not notified, and therefore if he was not notified he got nothing more than was given to him as a beneficiary under the Third Schedule to the Workers' Compensation Act, to be taken in as a beneficiary. But the Minister cannot say that this provision is actually a blessing to these individuals because they paid in and contributed to this fund for many years, and are justly entitled to anything they may ultimately secure in the way of benefits under the provisions of this Bill.

There is another section of miners who are the individuals receiving benefits under the Mine Workers' Relief Act, as incorporated. I think we can justify the anomaly of miners contributing towards their compensation cost by weekly deductions of 2s. from their wages, because of the inauguration of this particular fund which eventuated in 1915 and was then only a voluntary fund. It was mutually agreed to by the mining union, the Government and the employers, because in those days there was no Third Schedule in the Workers' Compensation Act at all and there was no Mine Workers' Relief Fund Act either or Miner's Phthisis Act. So it was mutually agreed between the three parties that they would all contribute a like sum and then, to the extent that the fund was capable of doing it, they would help the miners who had reached a state of physical incapacity and would give them some relief from this particular fund.

That went on from 1915 to 1932 until the Mine Workers' Relief Fund Act, as we know it now, became law. In this Act it was made compulsory, and that was the basis of the institution of the practice of compelling miners to contribute a weekly amount towards the cost of their own compensation. Now the Mine Workers' Relief Fund Board—after the Mine Workers' Relief Fund Act became law in 1932—found men who had been working in the industry and had been contributing to the voluntary fund, but were out of the industry before 1932 and had become what we referred to then as "worn out." These men rightly applied to the secretary of the fund for some contribution towards their personal maintenance.

The Mine Workers' Relief Fund Board, as it is now, has been making contributions to these individuals on a pro rata basis and some of them receive a mere pittance. The pro rata system is based upon the amount of proof a miner could submit as to the period he worked in the industry between 1915 and 1932 for any number of years. Those miners who had worked for a lengthy period and could prove it, got more than those who could only prove that they had been employed in that industry for a year or two. Under the provisions of this Bill I feel that this section of the mining community will get a lift up because the 4s. and 5s. a week, that some of them are now receiving, will be raised to 30s. a week—that is if I interpret the clauses correctly. But I do not want the Minister to imagine that there is likely to be any great sum involved here. These men have been receiving contributions from this fund over a period of many years and they must all be well on the way to departure from this planet. Apart from their being well on in years it is likely they have been affected with silicosis and probably tuberculosis for many years. I suppose it can be truthfully estimated, therefore, that they cannot last long enough to be very much of a burden upon this fund.

I think the Minister can see what he is doing. Those few who will receive benefits in consequence of the Bill will in-

volve only a very small increase in expenditure. On the other hand, in respect of those who will be denied benefits or whose benefits will be restricted under the provisions of this legislation, the sum involved will be colossal. I feel confident that if there is any actuarial doubt about the solvency of the fund at this juncture, there will be no such doubt at the end of 12 months if the Bill becomes law.

The Attorney General: The actuary does not quite agree with you.

Mr. MARSHALL: I want the Minister to understand that whoever drafted this Bill, or was responsible for putting it together, seemingly overlooked the fact—why it could have been done or how it could have been overlooked seems strange to me—that there has been no change. The Bill has been drafted along the lines of the original Acts, and I point out to the Minister that, when those earlier Acts became law, we had very little experience with regard to pneumoconiosis.

The legislation in those days was drafted in order to deal with the position respecting men who might come from other States or countries such as South Africa and enter the mining industry, and whose lungs were in a silicotic condition. The object was to safeguard the State against being obliged to pay compensation to individuals who had contracted the disease before coming to Western Australia and entering the mining industry here. Naturally, specific provisions had to be included in the original measures to deal with that phase and they were largely based upon anticipation, expectation or probability. Today that is not the position. For almost 26 years records have been kept of the condition of every individual engaged in the industry, embodying particulars of the state of his health while he was in the industry and when he left it.

In those circumstances, the provisions included in the Bill are not justified in many respects. For instance, take the reference to readmission certificates? Why should we have a provision in the Bill today to say that if a person has been out of the industry for over two years, and is suffering from silicosis or pneumoconiosis to the extent of 40 per cent. or over, he shall not be readmitted to the industry? Had such a clause been placed in the legislation when it was first introduced 25 years ago, there would have been justification for it, because at that stage we did not know the condition of a man's lungs when he left the industry. But that does not apply today, because records showing the state of the individual's health when he left the industry are readily available. Therefore the Minister cannot justify the provision in the Bill that seeks to prevent such men from re-entering the industry again. He is not justified in doing that because it is quite possible for the individual while in the industry to have contracted silicosis to the degree that a present-day examination would prove him to be suffering from it, and that the records would show the degree of silicosis from which he suffered prior to leaving the industry.

Surely a medical officer could testify on the records regarding the man's condition when he left the industry by using his commonsense and expert knowledge, to determine whether the man contracted silicosis while absent from the industry or not! I do not agree with that provision at all. There is another aspect regarding the 40 per cent. stipulation, which is repeated right throughout the Bill. It is that we could never get two medical practitioners to agree on the exact percentage of incapacity of an individual with respect to the condition of his lungs. It is practically an impossibility for doctors to do so. Therefore to base the right of an individual to compensation, or readmission to the industry on the basis of the 40 per cent. disability, is asking something from medical practitioners which would be based on a mere guess, from the standpoint of the unfortunate victim.

I disagree entirely with the stipulation for any percentage at all. If a man has contracted silicosis in the industry he should be compensated accordingly, and under the existing law he receives compensation irrespective of the percentage of incapacity. He would receive compensation under the Third Schedule of the Workers' Compensation Act. On the other hand, under the Bill he will not be in that position. It does not matter to what extent the man's health is undermined, under the provisions of the Bill he will derive no increased benefits whatever unless 40 per cent. affected. In that respect the legislation differs materially from the various Acts applying today.

Then again, I notice from my perusal of the Bill that provision is to be made for holders of special certificates to contribute to the fund, and to receive benefits under the measure should it become law. I do not want the Minister to advance the argument that here again there will be any great cost to the State. There are very few men working in the mines who hold special certificates. I know there are some, but their number is very few. The special certificates have a currency on an annual basis. While I agree with the proposal in the Bill, I readily confess that in my estimation it will not be very costly.

One of the provisions of the Bill which I strongly oppose is that containing the definition of tuberculosis. I have had a conversation with the Minister about the wording of the definition and pointed out the situation when the miner's phthisis legislation was first introduced, and again when the Third Schedule to the Workers' Compensation Act was being discussed. It is true that tuberculosis cannot be placed

in the category of industrial diseases because it may be contracted almost anywhere, but the arguments advanced in those days still apply, namely, that a man who is affected with silicosis and whose physical condition has been weakened thereby is more likely to contract tuberculosis than a healthy, vigorous person would be.

Although the late John Scaddan vigorously opposed the inclusion of tuberculosis in the Third Schedule to the Workers' Compensation Act, and also opposed it when dealing with the Mine Workers' Relief Act, he was humane enough to provide that miners who had received their initial certificate and were suffering from simple tuberculosis—that is, uncomplicated by silicosis—should receive compensation from the Mine Workers' Relief Fund. The definition in this Bill alters the wording materially and it would be left entirely to the opinion of one doctor.

The Attorney General: With the right of appeal.

Mr. MARSHALL: Perhaps the Minister is correct in that, although an amendment of which I have given notice may be necessary. But why does the Minister wish to alter the wording of the definition as it appears in the Mine Workers' Relief Act? The draftsman must have had something in view; it must have been done for a purpose, because elsewhere the exact wording of the Mine Workers' Relief Act, wherever possible, has been adopted in the Bill. The proposed definition will leave it entirely to one doctor to say whether the man contracted tuberculosis in a hotel, a butcher's shop a baker's shop or a mine.

I defy any doctor to say where a man suffering from tuberculosis contracted the disease. The Minister should be as humane as was his predecessor and restore the original wording. It would be grossly unfair at this late stage to alter the wording in a way that would exclude men who should be entitled to benefits. A miner works in an environment conducive to his contracting the disease and, if his lungs are affected by silicosis, he is definitely more susceptible to the disease than are workers in other industries. It is doubtful whether a doctor could say in more than one case out of a hundred whether the disease had been contracted in the course of the man's employment, or outside the industry, and in that one case it would be a mere guess.

The provisions to which I have referred lead me to suggest that the Minister would be well advised to allow the measure to stand over for the time being. Then, during the recess or at some time suitable to the Minister, we could get together in conference, as has been done before, and thrash out the question from all angles. In many particulars the Minister might not agree with us, and we might not agree with him, but the adoption of that course would be the best way of consolidating these measures and giving satisfaction to the parties concerned. If the Minister endeavours to get the measure passed in its present form, it will be strongly opposed by all Goldfields members, because we could not possibly accept it without material amendments.

Another proposal under the Bill is to remove these industrial diseases from the Third Schedule to the Workers' Compensation Act. It is proposed to delete Subsections (13), (14), (15) and (16) of Section 8 of that Act. Those subsections provide for prohibition and for the payment of compensation to men found suffering from industrial diseases. The effect will be to leave a large number of men employed in quarrying, stonecutting and similar industries without any provision for compensation. All that is being provided will be benefits for those who are employed in, on or about a mine, and the definition of "mining" relates to all mining activities in the process of producing gold or minerals. A worker in a quarry would be looking for stone, not mineral, so such workers who are now entitled to benefits under the Workers' Compensation Act would be excluded, because no provision is made for them in this Bill. I do not know why whoever drafted the measure did not include those diseases which are peculiar to mining. I assume it is because there have been no claims for compensation under some of the headings.

There is one disease, ankylostomiasis, which consists of a crookedness or bend in a limb in which the joint of the knee and hip grow together, or there is an adhesion brought about by a man's kneeling and working in awkward places. I do not know how many have claimed compensation for that, but I want the Minister to understand that cases could occur, even though the possibility of the complaint being contracted may not be as great as in the olden days when mining was referred to as "hammer and tap," because men knelt and beat the drill with their hands. Miners still have to work in circumscribed areas in mines and are constantly pushed into different positions in rises and winzes. So placed are they for hours on end at times that it would not surprise many of us if there were a number of applications for compensation for that complaint.

But the Minister proposes to remove that disease from the list, and nothing is being substituted. All of the complaints that are being taken out could unfortunately affict some miner. There is, for instance, mystagmus which is a sort of oscillation of the eyeballs due to bad light or gases, or a combination of both. Why has that been removed from the list? Why are these diseases being taken out? No harm would be done by leaving them in

If a miner should contract one of those complaints now, there is no provision for him to be paid any benefits at all.

The Attorney General: I do not think that is correct. If they arose out of the man's work he would be protected.

Mr. MARSHALL: But the Minister is taking those diseases out of the Third Schedule.

The Attorney General: But the men would be protected under the First Schedule.

Mr. MARSHALL: No!

The Attorney General: Yes!

Mr. MARSHALL: If they were protected under the First Schedule, the Third Schedule would not be needed.

The Attorney General: They are protected under the First Schedule.

Mr. MARSHALL: No!

The Attorney General: That is my advice.

Mr. MARSHALL: That is not so.

The Attorney General: That is so.

Mr. MARSHALL: None of the diseases the Minister is talking about, apart from miner's phthisis, pneumoconiosis and silicosis is provided for. All the others are being taken out and left out. That would leave no possibility of compensation being payable under the Third Schedule. Why repeal all those diseases?

The Attorney General: Because they are protected under the Third Schedule.

Mr. MARSHALL: Why does the Attorney General submit such a futile argument? Is it likely that in an Act covering compensation there would be provision in two different schedules for compensation for the same disease?

The Attorney General: Yes.

Mr. MARSHALL: When we get to the Committee stage, the Minister will have to get the compensation laws and run through them, and show me where there is any provision that will permit a man to receive compensation under the Workers' Compensation Act once these specially mentioned complaints are removed from the Third Schedule. I am sure he cannot do so. There are other anomalies or omissions which I noticed in the Bill. In one provision the married man is treated quite differently from the single man.

Mr. J. Hegney called attention to the state of the House.

Bells rung and a quorum formed.

Mr. MARSHALL: Under this Bill, if a single man comes out of the industry on £1 10s. per week and a married man on £4 10s., and they both commence to work in another occupation, the married man will be penalised much quicker than the single man; because, as he is in receipt of £4 10s. per week, and as the wage catches up to equality with the earnings he received when he went out of mining, he will be the first to be affected by leaving the industry. That is one provision the Minister cannot justify. The clause should be so amended as to provide that the amount which the married man receives by way of benefits for his dependants is excluded from his earnings altogether, to put him on the same footing as a single man.

There is another provision I do not like, although it will not affect such a large number of individuals. There are men who have left the industry on a compensation of £750. They have taken their compensation in a lump sum, and did that prior to the increase in the allowable amounts under the Workers' Compensation Act. That is to say, when they came out under the £750 provision the maximum weekly payment was £4 10s., but they took their compensation in a lump sum. There have probably been some individuals who have come out since the increase of the weekly payment to a maximum of £6, and they have also taken a lump sum payment.

The provision is that where a beneficiary accepts a lump sum settlement he cannot become a beneficiary under this measure until such time as the amount taken as a lump sum would have been absorbed in weekly payments. That will mean that it would take those individuals who came out when the maximum amount allowable was low—£4 a week—nearly twice the time that it would take a man who came out on £6 a week. So, one prospective beneficiary would have to wait twice as long as the other. We do not think that is fair or just. We believe there should be no discrimination and that all should be placed on the same footing, namely, the present amount, the £6 a week basis. It should be all on that basis, and then the time absorbed in eking it out in weekly payments would be the same in every instance.

As we shall discuss the Bill fully in Committee, and as the hour is late, I do not propose to delay the House much longer. One could speak for a long time on some of the other provisions, but I shall content myself with saying that, as there is no urgency in regard to the matter, I would like the Minister to get the consensus of opinion of those who are interested in the measure. If we have some conferences during the recess we might be able to arrive at something that is just

and satisfactory to everyone, because, after all, we are all very interested in the Bill. We do not wish to exploit the Treasury, but we definitely do not want to do a wrong to the unfortunate miner.

People like myself, who have watched the development of the disease and the transit of young men into an early grave, speak feelingly on the subject. We cannot be too generous to the men who contract this complaint, because after all there is no cure for it. As doctors have shown, it will steadily progress for years even after the patient has left the industry. So, a victim has no hope, as regards health, for the future. We should, therefore, do all we possibly can, having regard to our financial capacity, to see that these people get justice. We should do that by having a round-table conference, and when we find we cannot agree on certain points they can be submitted to the Legislature, and that august body can make a final decision on them. I cannot subscribe to the Bill as it is, because I feel that the little good it will do will be over-shadowed by the great harm that will accrue to the many beneficiaries.

HON. E. NULSEN (Eyre) [10.53]: The title of this measure is "Pneumoconiosis Benefits Bill." If it is to be a benefit Bill it will have to be looked into very carefully as far as the miners and the industry are concerned. I want the Minister to consider carefully the amendments on the notice paper because without them the measure will not be acceptable to the workers in the metalliferous industries, especially the goldmining industry. The member for Boulder gave a clear exposition of the Bill and I want to congratulate him on his fine speech. The member for Murchison is also a creditable exponent of the goldmining industry. These two members have given a great amount of time to considering the Bill. As a matter of fact, all the Goldfields members have thoroughly studied the measure and have had many conferences on it, because they realise how important it is to the workers and to the industry generally.

The Bill contains many objectionable features that will have to be cleared up. I feel that the Minister will do his best to make it workable so that it will be conducive to the welfare of those working in the industry. When all is said and done, as was pointed out by the member for Murchison, there is no cure for the complaint, and a man's health is his greatest wealth. I am quite certain that no mine workers will desire to come under the Bill when it becomes an Act, but unfortunately quite a number will, and they will receive only a small pittance—especially the single men. They will not get half of £1,250, to which they would be entitled under the old Act without this Bill being introduced.

I agree with the member for Murchison that if the Minister calls a conference of the Goldfields members, and others directly interested, we might be able to iron out our differences and arrive at something acceptable to the workers, the metalliferous industries, and those members who have witnessed the suffering that has been brought about by this complaint. I myself have seen men die from silicosis. No-one has any idea of the suffering it causes without seeing some of the poor unfortunate victims. The member for Murchison has a great feeling in this matter because he lost his father through silicosis which he developed from working in the mines. It would not be of any use my going over the whole Bill because it has been freely explained by the members who have spoken. It has my blessing, but only subject to the acceptance of most of the amendments that are now on the notice paper.

MR. STYANTS (Kalgoorlie) [10.59]: I do not propose to speak for more than a few minutes on the Bill, because the members for Boulder and Murchison have dealt in detail with the objections that we have to its provisions. The measure is essentially one for the Committee, and the Minister will need to favour quite a number of the amendments on the notice paper before the Bill will be acceptable to me. Generally speaking, its provisions will worsen the conditions and lessen the compensation that will be received by the miner who is unfortunate enough to develop silicosis or contract tuberculosis. The Minister's statement that the intention behind the Bill is to encourage men to leave the industry is definitely contradicted by the provisions of the measure, and also by the action of the Government under the Workers' Compensation Act amendment of 1948 when it decided, instead of paying the full amount of compensation to a man, to give him only a proportionate amount according to the percentage he was affected by the disability.

That was a deterrent to men leaving the industry, because where they were previously able to get a lump sum of anything up to £1,250, which would enable them to set up a small business, buy a poultry farm or perhaps purchase a home away from the Goldfields, the Government decided, by the 1948 amendment to the Workers' Compensation Act, that unless a man was affected to an extent greater than 60 per cent., he should be paid a proportionate amount of compensation only. Imagine the effect of the provision in this Bill which would allow a single man, affected by silicosis to an extent where he could not earn anything for himself elsewhere, the magnificent sum of 30s. per week! That is what the Government proposes to pay the man who

is so affected that he cannot earn a living in any other industry. Imagine the purchasing power of 30s. today!

We were informed by the Press recently that as compared with pre-war the pound note had a value of 8s. 3d. today. What would that mean to the unfortunate miner who would be paid 30s. per week? If the Bill were to provide for that man what he was entitled to on that basis the payment would be increased to about £3 10s. per week. Unless the Bill is amended drastically it will not receive my support. In its present form it will, if passed, mean a worsening of the conditions under which the miner works, and the payment to him of less compensation. One redeeming feature is that it seeks to consolidate the four measures under which miners were previously compensated, and will allow them more simply to calculate what they are entitled to. Apart from that the measure has little to commend it and I do not propose to support it in its present form.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley—in reply) [11.2]: Most of the comments that have been made on the Bill can be dealt with better in Committee. It must be remembered that this measure deals with what is at the moment a contributary pension scheme, because certain moneys are contributed to the fund by each of three separate bodies, the miners, the employers and the Government. In that way a trust fund has been built up over the years to meet claims under the Mine Workers' Relief Act.

Mr. Yates: What is the extent of the fund?

The ATTORNEY GENERAL: I have not the figure here but it is a large sum of money.

Mr. Styants: I think it is about £300,000.

The ATTORNEY GENERAL: It was necessary so to frame this legislation that the trust fund would not be exhausted. The Government therefore sought actuarial advice, which was to the effect that the benefits proposed under the scheme would absorb the whole of the fund and that the fund would in the course of time have no surplus, but rather the reverse. My advice was that in all probability, even if the mining industry continued as it is today, the fund would be short by about £70,000 per year.

Mr. Styants: But it has shown a profit each year.

The ATTORNEY GENERAL: It might show a profit now, but that is only because many of the claims that will be made under the Mine Workers' Relief Act have not yet come into being. I am advised that under the new provisions the fund as at present constituted is unlikely to be sufficient and, in that event, unless there is to be repudiation, the money will have to come from somewhere, and in due course it will be necessary for the Government to contribute this considerable extra sum per year—a sum which I am advised will amount to about £70,000 per annum.

Mr. May: Was that the advice from the actuary?

The ATTORNEY GENERAL: Yes. I am not going to argue whether or not that advice is correct, because I cannot.

Mr. Moir: Does that take into consideration the contributions by the employers?

The ATTORNEY GENERAL: It takes all the contributions into consideration. This Bill arose out of the recommendations of the Royal Commission and includes all the benefits recommended by that body, together with some slight increases. This measure was recommended as being an advance on existing conditions.

Mr. Styants: But the cost of living has increased 100 per cent. since then.

The ATTORNEY GENERAL: Yes, but the fund has not increased by 100 per cent.

Mr. Styants: What is 30s. per week today?

The ATTORNEY GENERAL: I agree that is not a very large sum, but this is a trust fund belonging to certain people and it is available only to meet the benefit payments provided by the Act.

Hon. E. Nulsen: Sixty per cent. of the workers in the industry who suffer from disabilities would be better off under the Workers' Compensation Act.

The ATTORNEY GENERAL: I do not agree. I know that some of the people concerned will not be so well off under this measure as will others, but, taking them all round, they will be infinitely better off.

Mr. Marshall: Never.

The ATTORNEY GENERAL: Under the Mine Workers' Relief Act no worker is entitled to compensation until he is unfit for work in the industry, and so he remains there until he is really badly affected before he is entitled to any compensation under that legislation. I admit that under that Act as soon as he is dusted he is entitled to a percentage of the total amount payable under the Workers' Compensation Act. If he were dusted to the extent of 40 per cent. he would at present be entitled to £500.

Mr. Styants: That is so.

The ATTORNEY GENERAL: And under this legislation he will be entitled to a pension for life.

Hon. E. Nulsen: Yes, 30s. per week.

The ATTORNEY GENERAL: It is for life.

Mr. Marshall: And how long will his life be, if he is badly affected?

The ATTORNEY GENERAL: If he is a married man he can leave the industry and get the benefit of £4 10s. a week, if it is not possible for him to earn a wage equivalent to that which he was earning in the industry. He can receive that sum for life and that is not an inconsiderable amount. Actuarially it is infinitely of greater value than £500.

Mr. Moir: If he is totally disabled at the moment he is entitled to £6 a week until £1,250 has been paid out.

The ATTORNEY GENERAL: But the whole object of the Bill is to try to help people who want to leave the industry before they become totally disabled. Who wants a totally disabled man? The whole object is to try to assist these men who were on high wages to leave the industry, even though the wages outside the industy are lower.

Hon. E. Nulsen: But a man must have a disability of 40 per cent.

The ATTORNEY GENERAL: Yes.

Hon. E. Nulsen: That is pretty high.

The ATTORNEY GENERAL: I understand that it is not.

Mr. Marshall: Nonsense!

The ATTORNEY GENERAL: However, I am not going to argue about it.

Mr. Marshall: Read Dr. Outhred's report on it.

The ATTORNEY GENERAL: That is what I am told and this Bill has been based on expert advice. It would not be fitting for me to argue the merits on an individual basis, because I admit that members who have spoken to the Bill know infinitely more about the industry than I do. I am not expressing a personal opinion but the opinions I give are those of my advisers, and I have had the best advice I can get.

Mr. Styants: Most of your advice was received from the manager of the State Insurance Office.

The ATTORNEY GENERAL: Not at all.

Mr. Styants: Yes it was.

The ATTORNEY GENERAL: I had the best actuarial advice that could be obtained.

Hon. E. Nulsen: The average life of a person suffering from miners' disease is only eight years.

The ATTORNEY GENERAL: But not when they are dusted to the extent of only 40 per cent.

Hon. E. Nulsen: Yes.

The ATTORNEY GENERAL: Do not give me that.

Hon. E. Nulsen: That is the average.

The ATTORNEY GENERAL: Only the average of those who are badly dusted.

Hon. E. Nulsen: To a degree.

The ATTORNEY GENERAL: I am told that if they leave the industry when not more than 40 per cent. dusted they may live to the ordinary normal span of expectant human life.

Mr. Moir: No.

The ATTORNEY GENERAL: That is what I have been told.

Mr. Moir: That is wrong.

The ATTORNEY GENERAL: That is if they leave when dusted only to the extent of 40 per cent.

Mr. Moir: I hope you are right.

The ATTORNEY GENERAL: I hope so too. I do not want members to think that I am not sympathetic towards the dusted miners. My own view is that we should not let them work in the mines at all. However, that is not the Government's view. If we are going to ruin men's lives and let them contract this disease, which eventually kills them on an average at the end of eight years after they have contracted it, then the sooner they cease this work the better it will be.

Mr. Moir: Many men have died from this disease.

The ATTORNEY GENERAL: I know that, and the Government is anxious to have the men leave the industry as soon as they contract the disease to the extent of 40 per cent.

Hon. E. Nulsen: Why have 40 per cent.? Why not immediately they contract it?

The ATTORNEY GENERAL: For this reason: The 40 per cent. was the basis recommended and, after all, there is only a certain amount of money available. The Royal Commissioners' recommendation was that they—

Mr. Moir: As soon as they had early silicosis. That is different from 40 per cent.

The ATTORNEY GENERAL: My advice is that 40 per cent. is considered early silicosis.

Hon. J. T. Tonkin: It would not want to be much later.

The ATTORNEY GENERAL: The Government does not want to cut down on the miners' benefits; rather the reverse. It wants miners suffering from silicosis to get the maximum benefits possible.

Mr. Marshall: They will not get it with this Bill.

The ATTORNEY GENERAL: The Government's contribution under this scheme will have to be increased sooner or later. At the moment it will be paying about £30,000, but eventually that will have to be bumped up to about £70,000 or so. The Government is not trying to take something away from the miners; it is trying to give them something more. My advice, which has been given to me by experts, is that this scheme will give the miners much more than they receive today. I do not propose to comment further on the individual remarks made during the debate, because most of them referred to specific clauses which will be dealt with during the Committee stage.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Yates in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Interpretation:

Mr. MARSHALL: I move an amendment— .

> That after the word "mother" in line 43 the following words be added:—"and the term shall include a woman who, for not less than three years immediately prior to the time when the mine worker commences to receive or would, but for the death in the case of a deceased mine worker referred to in subclause (6) of clause 6 of the Second Schedule to this Act, have commenced to receive benefits pursuant to the provisions of this Act and the regulations, was wholly or mainly maintained by him and, although not legally married to him, lived with him as his wife on a permanent and bona fide domestic basis."

The definition should include such a woman. I know of several cases where couples are living quite happily together although the woman is not the man's legal wife. In Wiluna there were two such cases, and one of the men lost his life and another man living in similar circumstances was killed at Big Bell. In some of these cases, the couples have had families; I know of one couple who had five children. Couples live in such conditions because one or the other party is not in a position to marry lawfully. It should be noted that the Commonwealth Social Services Act provides for such a position. Any pensioner who can show that he has a woman living with him, bona fide as his wife, can draw a pension for her. I therefore think the Committee should give thorough consideration to the amendment in order to provide for such women.

The ATTORNEY GENERAL: The amendment will introduce into the Bill something entirely new. A de facto wife has not so far been recognised in our legislation. The amendment might create great hardship on the lawful wife of a man. We know that, for domestic reasons, some men will not live with their lawful wives, and in such cases a woman may be impelled by her religion to earn her living apart from her husband. I do not think she should be deprived of her benefits as the man's lawful wife.

Hon. E. Nulsen: Suppose he does not have a lawful wife?

The ATTORNEY GENERAL: Then he could marry the woman. I am not prepared to recognise de facto wives to the prejudice of legal wives. Such a provision is not included in the Workers' Compensation Act or the Mine Workers' Relief Act, and it is something which cannot be encouraged in the circumstances.

Mr. MOIR: The Committee should agree to the amendment. I cannot agree with the Attorney General's argument that such provision is not contained in any existing legislation. If we adopted that attitude, we would never break fresh ground with our legislation. We have the example of a similar provision being included in the Commonwealth Social Services Act, which sets out that a woman can receive a widow's pension upon proof that she has lived with a man as his wife for a certain period. It must be borne in mind that the definition commences—

> "dependants" means such members of a mine worker's family—as are wholly or in part dependent upon, or wholly or in part supported by, the earnings of a mine worker. . .

I have found, in almost every case I have encountered, where a man and woman have been living together for two or three years, that the man is wholly supporting his de facto wife and is not supporting any other woman. In some cases they have good reasons for living in such circumstances. Further down, the definition includes children who are born out of wedlock and the—

> . . . . grand-son, grand-daughter, step-son, step-daughter, brother, sister, half-brother, half-sister, and with respect to an ex-nuptial mine worker includes his mother and his brothers and sisters, whether legitimate or ex-nuptial by the same father and mother.

Therefore, whilst provision is made for her children, there is none for the mother. If the mother's son comes under the provision, then the mother will be provided for but, without the amendment, she will not be provided for in the case of her husband becoming affected.

Mr. MARSHALL: Whatever objection might be taken to the proposed amendment, I certainly cannot subscribe to the theory advanced by the Minister. What injustice can be done to any lawful wife in the circumstances? If there had been any injustice, it would have been inflicted upon her long before the expiration of three years. It may be true that there is no similar provision in any of our Acts, but I would remind the Attorney General that, if we were to consider all Bills along those lines, we would not have any. We would not have the Workers' Compensation Act or the Mine Workers' Relief Act. They were strongly opposed, and it was not until 1912 that the Workers' Compensation Act was put on the statute book. I consider an injustice would be done to a woman who had lived happily with a man as his wife for years, and under this amendment it must be a minimum of three. It is not always the man that deserts the wife.

The Attorney General: If a woman deserts a man he can get a divorce.

Mr. MARSHALL: So can the woman and at the husband's expense, too. There are also unfortunate happenings when a woman joins forces with another man.

The Attorney General: Then the lawful husband can divorce her.

Mr. MARSHALL: So can the lawful wife divorce the husband if she wants to. No distinct favour is granted to a man in petitioning for divorce.

The Attorney General: If a man is prepared to live with a married woman he is not of a particularly religious type.

Mr. MARSHALL: I do not know much about religious types, but I do know that it is not always possible for a married couple to get along happily together; it might be the wife who is responsible and not the man. What applies to a man applies to a woman. The Attorney General is completely out of touch with Commonwealth legislation because, under that, a soldier who had a de facto wife received an allotment; and that applied also to social services.

The Minister for Education: And some nice problems it created.

Mr. MARSHALL: I do not know of any problems; there is only one problem that I know of and that was quite unjust.

The Attorney General: I think it is very doubtful whether it was satisfactory.

Mr. MARSHALL: There has been nothing unsatisfactory about it under the Social Services Act. Evidence has only to be submitted that they have lived together as man and wife for a period of three years and they can receive a pension, and the spouse enjoys her share of the pension under that Act. In one case there were five children and if the wife wanted to get a divorce she could have done.

Mr. Griffith: Do not you think it would be encouraging immorality?

Mr. MARSHALL: No, because it will go on anyhow by natural inclination. I do not suppose a woman would live with a man hoping that he would get killed and so enable her to receive compensation. As they get on in years it is only natural for women to join forces with men if they desire a home life. There was the case of a couple in Wiluna with five children; I was able to get compensation for the children but not for the wife, because she was a de facto wife.

The Attorney General: It would increase the burden on the fund, would it not? It might be that both the de facto wife and the real wife would have to be paid.

Mr. Styants: You ought to pay the legal wife.

The Attorney General: The suggested amendment would provide for payment to both of them.

Mr. MARSHALL: In all the cases I know of the legal wife cannot claim compensation because she is not being maintained by her husband.

Mr. Styants: She might have an order against him.

Mr. MARSHALL: It would be very rare to find a man maintaining two wives. He would require a fair income to do that. There is no precedent so far as Commonwealth legislation is concerned, because it is there. We are in the habit of copying Commonwealth legislation. This matter was argued here many years ago and by a very narrow majority this provision was excluded. Circumstances have changed since then. The gravest injustice would be done to the de facto wife if she had played the part of a wife for many years, and was then left high and dry. This provision states that she should live with the man for three years.

Mr. STYANTS: I cannot agree with the member for Murchison that the greatest injustice is going to be done to the de facto wife—at least in some cases. If the Minister is agreeable to providing for the lawful wife and her issue and the de facto wife and her issue, I have no objection to it. It is not on moral or religious grounds that I object, but I can see that there will be many instances where the legal wife and her offspring will be placed at a disadvantage compared with the de

facto wife and any offspring she might have. A man might live with his legal wife and have three or four children; he might then deliberately live with another woman and beget another three or four children; and in the event of his being killed or affected by silicosis the de facto wife and her issue are going to get the benefits whilst the legal wife and her children are going to be outside the ambit of the Act. I certainly will not subscribe to that.

The Attorney General: The maximum amount payable is £4 10s. a week.

Mr. STYANTS: I want to safeguard the position of the legal wife and her offspring.

Hon. E. NULSEN: Some consideration should be given to the point raised by the member for Kalgoorlie, but there will be times when there is a de facto wife and no legal wife. The Minister will find precedents in other Acts for dealing with de facto wives.

The Attorney General: What Acts?

Hon. E. NULSEN: I shall not tell the Minister, but will leave that to someone else. I would not agree to the de facto wife superseding the legal wife under this legislation. Where only a de facto wife is concerned, I do not know why she should not receive the benefit of this measure. It will not set up any precedent, and only a few will be affected. I ask the Minister to report progress and give consideration to this point.

Mr. Marshall: Yes. Give us a spell!

The Attorney General: I cannot agree to report progress on this clause.

Hon. E. NULSEN: You have not gone into the point at all.

The Attorney General: I have.

Hon. E. NULSEN: The Minister said there was no precedent, but there is one in the State law.

The Attorney General: Where?

Hon. E. NULSEN: The Minister will be told in a few minutes. If the legal wife is not adversely affected I see no reason why the consideration sought for the de facto wife should not be available, because consideration has been given in our legislation to illegitimates.

Mr. MAY: The Minister is inclined to be a little hard because he claims there is no precedent in our laws.

The Attorney General: I did not claim that as an argument, but I said there was none.

Mr. MAY: Even if there were no precedent, why should we not improve our laws?

The Attorney General: I do not say that we should not.

Mr. MAY: If a de facto wife has lived long enough with a man to have a family, as mentioned by the member for Murchison, she should be entitled to consideration if it does not affect the interest of the real wife. I do not think religion should enter into this matter, and I was sorry to hear it mentioned. We should deal with this question in a broad sense. If a de facto wife has reared a family, she is worthy of recognition by the State. That recognition has been given. In the Coal Mine Workers (Pensions) Act Amendment of 1950, the following appears:—

> Where the tribunal is satisfied that a female is recognised as the wife of a mine worker although not legally married to him, the tribunal may, in its discretion, award—

And then it goes on to set out what the tribunal may do. Therefore, the Minister is not without a precedent, and he would be well advised to give this matter some thought. Not many people will be affected, and the member for Murchison has informed the Committee that in all his experience he has known of only three instances. Thus the fund will not be seriously affected.

Mr. GRIFFITH: I understand that the maximum payment from the fund is £4 10s per week. I join with the member for Kalgoorlie in expressing the hope that a legal wife will not be adversely affected by the existence of a de facto wife. The member for Eyre said there would be instances of de facto wives and no other wives. What did he mean by that? What circumstances would prevent a man from making his de facto wife his legal wife?

Mr. Styants: She might have a husband from whom she had cleared out.

Mr. GRIFFITH: If a man leaves his wife and goes to live with another woman, surely the latter woman knows what her situation is?

Hon. E. Nulsen: But his wife may have left him and he does not know where she is.

Mr. May: And there may be a de facto wife in that position.

Mr. GRIFFITH: How many such cases would there be?

Mr. May: The member for Murchison said that in his experience there were only three.

Mr. GRIFFITH: Legislation cannot be brought down to suit a few people only! With the member for Kalgoorlie, I feel that there should be no reason for the

legal wife and her children being adversely affected because of consideration extended to a de facto wife.

Mr. MOIR: Under the Workers' Compensation Act, if a man has not supported his wife and family and is killed in an accident, the wife and children get nothing.

The Attorney General: But if dependent upon him, they do, and if they have no other source of income.

Mr. MOIR: But if he has not been paying anything for them, they do not.

The Attorney General: You have to go further than that.

Mr. Griffith: What about the case of a man who has a court order against him for maintenance, and he has not paid?

Mr. MOIR: That man had not paid anything and, even though a court order was out against him, they are not dependent on him.

The Attorney General: You are not correct there.

Mr. MOIR: Last year I had an instance where five children whose father was killed, were involved. I succeeded in that case because although the man had not made any payments towards their support for six months, they had been successful in bringing pressure to bear on him and a cheque had been paid by him the week before his death. Had the money not been forthcoming, they would have been left out in the cold. Whether my information is correct I do not know. If a wife is not receiving maintenance at the time of the death of the worker, she does not get compensation under the Workers' Compensation Act, and that would apply under this measure.

Mr. MAY: I suggest that provision be made that, where there is no claim by the wife of a man who has a de facto wife, the latter should be provided for. That would be a safeguard.

Mr. MARSHALL: I cannot see how the suggestion of the member for Collie could be embodied in the amendment. In the three cases I handled, there were no dependants. It is of no use talking of court orders in favour of the legal wife, because she is provided for. We are dealing with cases where no payments are made to the legal wife and, if the worker is killed, nobody receives compensation. It was fortunate that provision had been made for illegitimate children, because there were five in the case at Wiluna.

I do not hold with all the talk against the men of today. In my opinion women are as wayward as the men, and are often the cause of domestic unhappiness. We find them sitting in hotel lounges, legs crossed, lapping cocktails and sucking cigarettes. I am trying to provide for a woman who has lived happily with a man even though she was not his legal wife. When such a woman has had five children by the man, no-one would suggest that they had not lived happily. Surely we can provide that where a woman has lived with and cared for a man for years, she should receive compensation! I get annoyed when I hear talk of a man who has cleared out and left three or four children. I know of women who have done the same thing.

Mr. Styants: Not often do women leave their children.

Mr. MARSHALL: I know of several cases where it happened.

Mr. May: In the long run the Government would have to keep the children.

Mr. MARSHALL: In dealing with this matter we should consider men and women as being on an equal footing, and not blame the man all the time.

Progress reported.

House adjourned at 11.58 p.m.