Legislative Assembly

Tuesday, the 25th November, 1958.

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

BILLS (2)—ASSENT.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

1, Legal Practitioners Act Amendment (No. 2).

2, Totalisator Duty Act Amendment.

QUESTIONS ON NOTICE.

LAND TAX.

Revaluations.

1. Mr. COURT asked the Treasurer:

With reference to my question of the 11th November, 1958, in respect of revaluations for land tax purposes in 1956, 1957, and 1958, would he make the same information available in respect of districts within the metropolitan area, as that given in respect of country towns and districts?

Mr. HAWKE replied:

Metropolitan Areas Revalued.

	Value for Year ended 30/6/55 (before revaluation). £	Value for Year ended 30/6/56 (after revaluation). £
Perth Road Board (part)	1,294,752	8,979,119
Fremantle Municipality	1,030,271	6,532,015
Armadale-Kelmscott	222,761	1,444,461
Perth Municipality (part)	11,125,683	31,679,033
Peppermint Grove	182,995	999,835
Nedlands Road Board	979,563	7,011,760
Belmont Road Board	271,182	2,458,180
Bassendean Road Board	106,541	810,815
Bayswater Road Board	239,152	2,157,365

	Value for Year ended 30/6/56 (before revaluation). £	Value for Year ended 30/6/57 (after revaluation). £
Claremont Municipality	1,246,637	2,304,715
Cottesloe Municipality	877,560	1,708,660
Gosnells Road Board	421,895	1,868,510
Melville Road Board	4,481,170	7,928,240
Midland Junction Municipality	988,725	1,077,855
Mosman Park Road Board	2,211,810	2,277,590

Metropolitan Areas Revalued.

	Value for Year ended 30/6/58 (before re-valuation). £	Value for Year ended 30/6/57 (after re-valuation). £
North Fremantle Municipality	133,178	674,240
Perth Municipality (part)	2,742,955	4,650,515
Perth Road Board (part)	682,448	1,804,975
Victoria Park	1,869,750	4,872,212
Wanneroo Road Board	61,865	161,670

	Value for Year ended 30/6/57 (before re-valuation). £	Value for Year ended 30/6/58 (after re-valuation). £
Belmont Road Board	2,458,180	2,897,978
Canning Road Board	1,725,447	3,548,360
Darling Range Road Board	517,855	1,368,473
Leederville (part)	2,222,600	3,486,844
Perth (part)	3,395,306	6,576,040
South Perth	2,422,740	6,391,427

Metropolitan Areas Listed for Revaluation Year to End 30/6/1959.

Bayswater Road Board.
Leederville (part).
Mundaring Road Board includes:—
Beechina.
Boya.
Darlington.
Greenmount.
Glen Forrest.
Hovea.
Mundaring.
Mt. Helena.
Mahogany Creek.
Nyaania.
Parkerville.
Sawyers Valley.
Stoneville.
Swan View.
Wooroloo.
Zamia.
Wanneroo Road Board includes:—
Marmion.
Sorrento.

ATTENDANCE MONEY.

Cost of Payment to Ship Painters and Dockers.

2. Mr. COURT asked the Minister for Labour:

(1) With reference to the answer he gave to the first part of my question of the 12th November, 1958, regarding the Government's current estimate of the annual cost of attendance money and administration thereof in respect of the ship painters and dockers under the Fremantle Harbour Trust Act regulations, will he advise when the original estimate of £12,550 was made, and in what way and at what time was this information conveyed to Parliament prior to his answer to my 12th November question?

(2) How is the estimate of 1s. 8d. per man hour arrived at on an estimated annual cost of £12,550?

Mr. W. HEGNEY replied:

(1) June, 1958: The information was first made available in reply to the hon. member's question of the 12th November.

(2) By dividing the estimated cost by the normal man hours of employment for the previous 12 months.

STATE SAW MILLS.

Dwellingup—Cost of Construction, Estimated Output, etc.

3A. Sir ROSS McLARTY asked the Minister for Native Welfare:

(1) What was the estimated cost of the construction of the State mill at Dwellingup?

(2) Has the original estimate been exceeded. If so, by what amount?

(3) What is the final estimate for the construction of the mill?

(4) When is it expected that the mill will be producing; and what will be its daily load output?

Mr. BRADY replied:

(1) £150,000 for mill and all services including £25,000 for housing.

(2) Yes, by £17,200 to the 31st October, 1958.

(3) £187,000 with no additional expenditure on housing.

(4) Target date is the 16th February, 1959. Production is expected to reach 20 loads daily within six weeks of commencing operations but will rise to 28 loads daily depending on method of working.

Holyoake—Output.

3B. Sir ROSS McLARTY asked the Minister for Native Welfare:

What is the daily output of the Holyoake mill?

Mr. BRADY replied:

Current output: 20 loads daily.

HOUSES.

Numbers Constructed under State Housing Act.

4. Mr. HEAL asked the Minister for Housing:

(1) What number of homes under the State Housing Act (freehold type of home) were completed by the McLarty-Watts Government during its six years of office?

(2) What number of similar type homes will be completed by the present Government for the year ending June, 1959?

Mr. GRAHAM replied:

(1) 596.

(2) To the 30th June, 1958		2,675
1958-59 (estimated)		325
Total		3,000

The above figures include all houses sold under the State Housing Act, but do not include rental houses. In addition, the present Government has made available for sale 905 new homes under the Commonwealth-State Housing Agreement, 1956.

QUESTIONS WITHOUT NOTICE.

WEST PROVINCE.

By-election.

1. Mr. BRAND asked the Minister for Justice:

(1) On what date was the seat for West Province in the Legislative Council declared vacant?

(2) Having regard to the following section of the Electoral Act:—

> 68. (1) The Clerk of the Writs, shall, forthwith after the receipt of a warrant under the hand of the Governor, President, or Speaker, issue the writs or writ for the election,

will he state whether a writ for the vacancy in West Province has been issued?

(3) If so what day has been fixed for polling?

(4) If no writ has been issued, when will a writ be issued and what day will be fixed for polling day?

(5) In view of the clear requirement of the relevant section of the Electoral Act, what is the reason for the delay in issuing a writ?

Mr. NULSEN replied:

(1) The 11th November, 1958.

(2) A writ has not been issued.

(3) Answered by No. (2).

(4) A writ will issue on the 26th November, 1958. Polling day will be the 7th February, 1959.

(5) Because of the proximity of the Federal elections, which were held on the 22nd November.

STATE ELECTIONS.

Proposed Date.

2. Mr. BRAND asked the Premier:

I can readily understand part of the answer given by the Minister for Justice regarding the proximity of the Federal elections. Is it intended to hold the State elections on the same date as the West Province by-election, on the 7th February, 1959?

Mr. HAWKE replied:

No decision has yet been made as to the date on which the general elections for the Legislative Assembly will be held. However, as soon as the Government is in a position to make a decision it will do so, and pass the information on to the Leader of the Opposition and the Leader of the Country Party as soon as possible thereafter.

Mr. Brand: Don't leave it too long!

MILK BOARD.

Advertisement in Newspaper "Labor."

3. Mr. ROBERTS asked the Minister for Agriculture:

What amount was paid, and by what Government authority, for the full-page advertisement on milk inserted in the special issue of the newspaper "Labor" which contained party political propaganda issued by Trades Hall in connection with the recent Federal election campaign?

Mr. Court: Didn't do them much good!

Mr. KELLY replied:

The quotation for the advertisement was £100, and the advertisement was authorised by the Milk Board.

4. Mr. ROBERTS: In view of the reply the Minister just gave to my question, do I take it that the producers of milk paid that £100?

Mr. KELLY: I think that probably the consumers would be paying the amount; but for a more detailed answer, I would ask that the question be put on the notice paper.

Extension of Advertising to Other Political Organs.

5. Mr. BRAND asked the Minister for Agriculture:

Further to the question asked by the hon. member for Bunbury in regard to the £100 advertisement in the paper "Labor", would he approve of the Milk Board expending the same amount of money on political advertisements in every paper which is the organ of a political party in Western Australia?

Mr. KELLY replied:

In the first place, I have not seen the advertisement to which the Leader of the Opposition is referring. Secondly, I would say it is not a political advertisement at all.

Mr. Hawke: It is an advertisement for milk.

Mr. KELLY: It has nothing to do with the political side at all. It is the same as is done by any organisation with a programme, or publication, or paper of any kind which caters for advertisements; and

whilst I say I have not had the opportunity of perusing this one, I would say it is perfectly in order.

Mr. BRAND: This paper carries purely political propaganda for the Federal election.

Mr. O'Brien: What is the name of it?

The SPEAKER: Order!

Mr. O'Brien: This paper: what is the name of it?

The SPEAKER: Order! I would ask the hon. member to keep order. This is question time only.

Mr. BRAND: This paper is the political organ of the party to which the members of the Government belong. I want to know whether the Minister would approve of the Milk Board paying £100 for an advertisement in any political paper—and this is the only advertisement in this particular paper—for any political party in Western Australia.

Mr. KELLY: The Milk Board has such advertisements in many papers and periodicals—and in some cases even in sectarian papers—so I think that as far as this advertisement is concerned it would be perfectly within its rights.

Mr. Brand: Certainly not! There is a very bad principle involved.

Authorisation of Advertisement.

6. Mr. BOVELL asked the Minister for Agriculture:

Would he inform me whether he, or any of his departmental officers, directed the Milk Board to have this advertisement inserted; and how the Milk Board came to advertise in this party-political paper in its "Special Federal Election—Family Policy" issue?

Mr. Graham: The family must have milk!

Mr. BOVELL: Did the Minister, or his senior officers, authorise this advertisement; and if not, will he make a full inquiry into the matter and report to the House tomorrow?

Mr. KELLY replied:

The Milk Board is an authorised body—authorised by this House—and has, over a period of years, conducted its own advertising campaign without reference to the Minister; and I say again, in reply to the question, that—as I told the Leader of the Opposition—how its advertising shall be done is purely a matter for the Milk Board to decide.

Source of Finance for Advertising.

7. Mr. I. W. MANNING asked the Minister for Agriculture:

Could he tell us from what source the Milk Board obtains its finance for the purpose of advertising?

Mr. KELLY replied:

It is remarkable that the hon. member, coming from the centre of a milk-producing area, should want information of that kind. I would think that he would be perfectly well qualified to know where the funds come from. Naturally, they come from the producer. The question is completely superfluous.

HOUSING LOAN GUARANTEE ACT.

Advances Since Proclamation.

8. Mr. WILD asked the Minister for Housing:

(1) On what date was the Housing Loan Guarantee Act, 1957, proclaimed?

(2) What is the total amount of money for home purchase guaranteed by the Government since that date?

(3) How many individual guarantees for housing advances have been entered into by the Government?

(4) What financial institutions are prepared to advance money with guarantees under the Act?

Mr. GRAHAM replied:

(1) The 19th May, 1958.

(2) £4,435.

(3) Two.

(4) Fourteen "institutions" have been approved.

COAL.

Supplies at South Fremantle and Midland Junction.

9. Mr. WILD asked the Premier:

In view of the trouble that has arisen at Collie, is he satisfied there is sufficient coal in the bin at South Fremantle and in the underwater bin at Midland Junction to last over the stand-down period at Christmas?

Mr. HAWKE replied:

I understand the production of coal at Collie is proceeding normally.

Mr. WILD: That was not the answer I required. I asked whether there is sufficient coal in those two bins to allow for the stand-down period that normally takes place at Christmas.

Mr. HAWKE: Yes; I understand so.

CLOSE OF SESSION.

Premier's Forecast.

10. Mr. BRAND asked the Premier:

Seeing that he is co-operating with the Opposition in respect of information, could he give any indication as to when this session will end?

Mr. HAWKE replied:

It is the intention of the Government to ask hon. members of the Legislative Assembly to sit on Friday of this week, commencing at 2.15 p.m. and probably sitting on during Friday until exhaustion point is reached—but not later than midnight. In regard to a possible date on which the session would finish, I see no reason why both Houses of Parliament should not conclude their business on or before Friday week.

BILLS (4)—FIRST READING.

1, Reserves.

2, Road Closure.

Introduced by the Hon. L. F. Kelly (Minister for Lands).

3, Mine Workers' Relief Act Amendment.

Introduced by the Hon. A. M. Moir (Minister for Mines).

4, Rents and Tenancies Emergency Provisions Act (Continuance).

Introduced by the Hon. A. M. Moir (Chief Secretary).

LICENSING (POLICE FORCE CANTEEN) BILL.

Third Reading.

Bill read a third time and transmitted to the Council.

SWAN RIVER CONSERVATION BILL.

Third Reading.

THE HON. J. T. TONKIN (Minister for Works—Melville) [4.54]: I move—

That the Bill be now read a third time.

MR. WILD (Dale) [4.55]: I rise to protest on behalf of the settlers on the Southern River and the upper reaches of the Canning River, about the introduction of this Bill in the form in which it was brought down. I protested during the debate at both the second reading and Committee stages, the week before last. I have had only a limited opportunity of discussing the measure with some of the people who could be vitally affected by it, but I can assure the House that they are very far from satisfied that their interests will be safeguarded.

The body proposed to be set up will be composed, in the main, of people in the metropolitan area—departmental officers largely—who, whilst they are approachable and amenable to any suggestions put to them, might not always be so. There might be some section of that committee which would not see eye to eye with the settlers higher up above the Kent-st. weir. I am not suggesting—nor do the settlers—that there should be an open go in regard to the water coming down the Canning River or the Southern River. Over the years, due to restrictions higher up, there has been a limitation on the water coming down; and I do not for one moment suggest—nor do the settlers—that there should be any increase in the number of licences granted to people to draw water from the Canning River. But there is a danger that, if anyone interferes with the lower reaches, that might impede the water which could come down, and then those people will suffer.

I was speaking to one of the larger drawers of water from the Southern River. He is a man who, in the past five or six years, has outlayed probably £20,000 or £30,000 in an industry which today employs 23 people. Only 12 months ago I led a deputation to the manager of the State Electricity Commission in order to get a supply of electricity for this man's market garden, in order that he might have alternative power in place of the engines which had so far pumped the water from the river. This person has built up a very large business but is now fearful that, if there should be any interference with the water lower down, the day might come when he would not be able to get sufficient water with which to carry on.

The Southern River is in a position different from that of the Canning. I do not think it would be possible for any water to be released higher up, to come down the Southern River. It can come down the Canning River; but even although the present Minister and his predecessors have always been co-operative, and we have been able to get a couple of million gallons of water for those settlers two or three times a week when the river runs dry, we may not always have a Minister who is co-operative; and so those settlers are fearful of their future.

For those reasons I desire, on the occasion of the third reading of this measure, to express, on behalf of those settlers, their dismay at what could be their fate. They have had only a few days in which to study the measure, as I was able to give them a copy of the Bill only a week ago, and so there has not been opportunity for any concerted action to ascertain whether their interests will be looked after. I repeat that the settlers on the Canning River and the Southern River are very fearful of what might happen; and it is for that reason that I wish, at this stage, to protest emphatically on their behalf.

Question put and passed.

Bill read a third time and transmitted to the Council.

LICENSING ACT AMENDMENT BILL.

Returned from the Council with amendments.

INDUSTRIAL DEVELOPMENT (RESUMPTION OF LAND) ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 13th November.

THE HON. A. F. WATTS (Stirling) [4.59]: I propose to support the second reading of this Bill, although it seems to me to cover a great deal more ground than was indicated when it was introduced. The first amendment contained in the measure deals with the dedication of Crown lands, and I regard that as completely unobjectionable. I do not think there is anything that can be said against the measure in that regard.

However, when we come to the proposal in the Bill giving the Governor-in-Council the right to purchase land by agreement with the owner of the land and upon such terms, conditions, and prices as the Governor-in-Council and the owner of the land agree upon, and the other amendments in the Bill which deal with that particular aspect, I think we are entitled to have a closer look at it than we have yet had.

I do not doubt for a minute that the genesis of this measure is the desire of the Government to be able to implement, when necessary, the suggestions it has made in regard to the provision of land for a new industry that may come to this State. Those promises have been made more particularly during and since the trade mission to Great Britain and elsewhere in the earlier part of this year, which mission was headed by the Minister for Works.

On the proposal for the making available of land to such industries, I believe there are circumstances whereby that would be quite justified. Therefore, I am quite prepared to offer no objection to the principle of land being made available for such purposes; although hitherto, I think, when any major grant of land has been made to any industry in Western Australia the matter has been brought before Parliament for consideration in some form or other.

However, under the parent Act, a committee was set up to deal with the allocation of land to industry. I would like to remind the House that the Bill which eventually became the parent Act was originally introduced by the Premier when he was Minister for Industrial Development in 1945. In 1953, an amendment was made to the parent Act which increased the personnel of the committee from four to six. Again, if I recollect aright, that measure was introduced by the Premier at that time when he was Minister for Industrial Development.

It is therefore quite obvious to me that, as he was responsible for the creation of this committee in the first place, and subsequently responsible for the addition of two more persons to it in 1953, he must have attached considerable importance to the deliberations of the committee on the making available of land to industry.

Under the Act, land can be purchased only on the recommendation of the committee; but, as this Bill is worded, I suggest that it leaves the committee the right to operate only in regard to land which has been compulsorily acquired under the provisions existing or similar to those contained in the Public Works Act for the resumption of land.

The rights of the committee to deal with land which has been purchased are, as I see the position, completely abolished by this Bill, and the committee ceases to function except in regard to such land as might be resumed. Broadly speaking, I believe the position has been that little or no land has been resumed since the Act came into operation and therefore the functions of the committee would be almost non-existent.

I think, however, there is a greater objection than that, even in the way this Bill is worded, unless my interpretation of it is incorrect—and I do not think it is—because it does away with the need for notice being given to the local authority and the Town Planning Board and cancels all rights of objection in regard to land that is purchased under the new proposal in this Bill, which is a matter entirely for the Governor-in-Council and the Minister which, broadly speaking, and as everyone knows, means the Minister himself, because the committee will no longer function; and, as the Bill goes on, it provides that the provisions of Subsection (4) of Section 12 of the Act shall not apply to an application made under Subsections (2) and (3) of that section. Section 12 of the principal Act reads as follows:—

> (2) Any person referred to in subsection (1) of this section who desires to acquire land under this section may make application in writing in the prescribed form to the Minister.
>
> (3) Every application shall be accompanied by a statement, verified by the statutory declaration of the applicant furnishing full particulars of the particular land required, and establishing the following facts, that is to say:—
>
> (a) It is in the interest of the industrial development of the State that he shall be enabled to establish or carry on his business; and
>
> (b) the locality in which the dedicated land, which he requires, is situated is, in relation to the industrial development of the State, a suitable locality for the establishment or carrying on of his said business; and

(c) he is unable to purchase land suitable for the purpose of his said business in the said locality for the reason that the owners of such land are unwilling to sell, or to sell at a reasonable price the said land.

The Bill provides that the provisions contained in Subsection (4) of Section 12 shall not apply to the purchase of land; and Subsection (4) reads as follows:—

> On receipt of an application under subsection (3) of this section the Minister shall refer the same to the Committee for consideration, and thereafter the following provisions shall apply, that is to say:—
>
> (a) The Committee shall examine the application and determine whether the same shall be rejected or recommended for approval.

And so on and so forth. I do not propose to read the whole of this subsection, because it is very lengthy; but it does give the committee considerable powers of examination and recommendation on the making available of this land to industry.

If this Bill is passed, it is quite clear that land which is purchased by the Governor under the proposals contained in this Bill will not be referred to the committee in any way, but will be dealt with entirely by the Minister and Executive Council and will undermine completely the structure of the existing legislation.

If I could see any sound reason why the committee should be undermined in that manner I would be prepared not to make the objections I am now voicing. But I can see no such reason. I can agree that it is desirable for the Governor to be able to acquire land by purchase. I suggest it is more desirable, where it is practicable, to acquire land by purchase than it is to acquire it by resumption. Accordingly, I do not object to the provision which enables the Governor, when he thinks it desirable to do so in the interests of the future or present development of the State, to acquire land by purchase, by agreement between the Government and the owner of the land.

But having done that—having admitted to the reasonableness of the proposal that land should be acquired by purchase by that simple means, rather than by resumption, dedication, and the other things in the parent Act—I completely fail to see the necessity for doing away with the authority of this committee so entirely as is proposed by the last clause of the Bill.

As I said, the committee is virtually the child of the Premier, who introduced the measure. He introduced the committee first of all in 1945; he added to it in 1953; and now he proceeds to come to us and say the committee has no longer any right to function—which, as I have said, I understand will be the position under this measure if it is passed in its present form.

I cannot for the life of me see the reason why such a sweeping alteration should be made. For example, if it were considered that there were too many stages in the operations of the committee between the time it began its considerations, and the time a final decision was made as to the allocation of the land, then it could have been explained that it is desirable to reduce those operations; and I daresay there would have been no opposition to that, because it seems to me that this committee has been designed for a specific purpose.

Mr. Brand: Did the Premier give any reason?

Mr. WATTS: He gave no reason that I can appreciate in regard to this matter; but the committee consisted of a number of very important people. The first four members of the committee were the Surveyor-General, the Director of Industrial Development, the Chairman of the Town Planning Board, and a representative of the Chamber of Manufactures. Subsequently, in the 1953 amendment to which I referred—also fathered by the hon. gentleman—two other members were added to the committee: namely, a representative of the local authority, and a medical officer of the Public Health Department. Accordingly the committee numbered six instead of four. Undoubtedly, those persons added to it in 1953 were also very important in the public life of this State, and there was ample justification for their being included on the committee.

The parent Act also involves, of course, the consideration of matters regarding town planning and other statutory requirements. I think there is even a requirement for a local authority to consider the position in regard to noxious trades. If this measure is passed, and as it obliterates, as I understand it, the need for notice to local authorities of the intention to make this land available for industry—that is, purchase by the Governor by agreement with the vendor—then it would appear to me that in all probability the powers of the local authority to object are also jeopardised.

I hope the hon. gentleman will agree that all this is not necessary. I am quite happy to agree with him, as I have said, that the first amendment in the Bill should be carried; and that the second, giving the Governor power to purchase land by agreement with the vendor, should also become the law of the country.

But I fail to see why the third and last set of amendments in this Bill should be accepted by the House when, as I have said, it jeopardises the position of local authorities and town planning under the parent Act; obliterates the authority of the committee to make any recommendation

whatever; and leaves the matter virtually in the hands of one person without any reference to Parliament or elsewhere, and does not appear to me to be necessary; because the land could be equally well made available to those desiring to establish industries here with the intervention of the committee. If it is considered that the operations of the committee, as they are regulated under the parent Act, are too cumbersome, that could have been amended to make them less so.

So while I am prepared to support the second reading of this measure, I shall be moving an amendment or two in Committee which will, I believe, put the Bill in a state in which I think it ought to be, while at the same time not preventing from being carried into effect that part of the measure which I consider wise.

THE HON. D. BRAND (Greenough) [5.18]: When the original Act was introduced into Parliament, the Premier—then the Minister for Works and Industrial Development—placed great stress on the importance of the committee. No doubt he had in mind the need for advice on what is a very touchy and difficult problem; namely, the resumption of land for special purposes. On that occasion I think he had in mind the demand of industry to expand in one way or another, and the need, of course, to obtain private land adjacent to it.

Accordingly he felt the Government, or he as Minister, should have the backing of an advisory committee; so much so that he thought fit, after a number of years, to expand the number on the committee, no doubt to give it better representation. I daresay he felt that a more just case would be presented, and there would be less trouble by way of protestations from those concerned, if all possible representatives of the interests likely to be involved in such resumptions were on the committee. As the Leader of the Country Party has said, it is strange that the Premier should introduce this Bill and set about, in a very direct way, to by-pass them altogether.

Mr. Hawke: I think you have missed the point completely.

Mr. BRAND: It would appear to me that the Minister has great powers, and that the value of the advisory committee will be disregarded entirely if this Bill becomes law. I am reminded that when on this side of the House, it is very easy to make worth-while suggestions. I recall that when the Leader of the Country Party, who was then the Minister for Industrial Development, introduced a Bill in 1945—I think it was the Industrial Development (Kwinana Area) Act—designed to give the Government some power to place a blanket over the land in that area and to keep a limit on the value of the land in order that industry, in due course, could purchase it at a reasonable price, the Minister for Works—then the hon. member for Melville—suggested an advisory committee. Hon. members of this House were so impressed with the argument he put forward at that time that the Bill was passed containing a provision for the setting up of an advisory committee.

However, we believed then—and know now, as a result of experience—that such an advisory committee can be difficult if direct and positive action is required by the Government. Now that sweeping undertakings have been given to grant land anywhere to investors and private companies—I think that was said in one statement—free of charge, if those companies and investors desire it; and now that inquiries are being made, the Government can see certain problems arising from that undertaking, and is seeking to eliminate any machinery which may hold up the process of such a decision. If the Premier can explain the reason for the amendment, we will be so much the wiser. Seeing that he did not explain it when introducing the Bill, the House would be pleased to hear his views.

THE HON. A. R. G. HAWKE (Premier —Northam—in reply) [5.23]: I did explain clearly, when I introduced this Bill at the second reading, the reason for the introduction of this proposed new principle. If hon. members have a look at the title of the Act they will see it is one to authorise the Government to resume land compulsorily and subsequently to make it available for purposes associated with industrial development. This Bill does not propose to alter that part of the Act in any shape or form.

If, in the future, the Governor-in-Council, following an application to this committee; following inquiries by this committee; and following a favourable decision by this committee, decides it would be desirable to resume land he proceeds to resume it, but only after an application has been made to the committee; only after the committee has investigated the matter thoroughly; only after the committee has made a favourable recommendation; only after Parliament has been consulted, and all the rest of it. That procedure will continue in regard to any land proposed to be resumed compulsorily. This Bill will not affect that in any shape or form.

The Bill proposes to introduce into the Act a new principle, which is to give the Governor-in-Council authority to buy land by negotiation and on a basis of voluntary agreement by the owner. Should the owner of the land which the Governor-in-Council is seeking to purchase from him on a voluntary basis refuse for any reason to sell, then the whole of the negotiation is at an end.

Mr. Brand: Does that power exist in the Public Works Act?

Mr. HAWKE: Not for industrial purposes. It exists for public works purposes, but not for industrial purposes. Therefore, there is clearly a great difference in principle between resuming land compulsorily under this law and purchasing it on a completely voluntary basis.

The reason for wishing to give the Governor-in-Council authority to purchase land on a voluntary basis is to enable the Government to obtain land for industrial purposes which may be required urgently; and surely if some industrial concern wishes to obtain land for industrial purposes quickly, and the Government is in a position to negotiate and purchase the land on a voluntary basis, it would be foolish in the extreme to force the Government, or the Governor-in-Council, by law, to go through all these long and tortuous processes. This committee was set up, and the involved processes were put in the original Act in regard to land being resumed compulsorily against the wishes of those who owned the land.

Mr. Watts: They were also put into the Act in respect of land to be purchased by the Crown for industrial purposes.

Mr. HAWKE: That may have been so; but the main intention of this law was to resume land compulsorily for industrial development purposes.

Mr. Watts: For purchase or acquisition of land. Subsection (2), Section 11.

Mr. HAWKE: The object is proved abundantly by the name of the Act.

Mr. Brand: If, as the Leader of the Country Party states, it does exist in the Act—and he has studied it—why is the amendment necessary?

Mr. HAWKE: It is necessary, because—as I explained at the second reading stage, and again a few moments ago—those who wished to obtain land urgently would not be very happy about waiting nine months probably to get an application before the committee; to get the committee to go through the necessary processes set down in the Act; and make all the necessary consultations, and so on. I think, in this matter, where land is to be bought on a voluntary basis, we should use some commonsense and business sense and say that where the owner is prepared to sell land voluntarily to the Government for industrial purposes, the Government should be in a position to buy the land quickly and to make it available with the least possible delay to the person who wishes to use it to establish a factory or workshop.

If there is any real fear in the mind of the Leader of the Country Party regarding a possible overriding of town planning laws and local government town planning by-laws, by the passing of this amendment, I would most certainly agree that there should be no such overriding of those provisions. I quite agree that where land would be bought, under this amendment, for industrial development purposes, the person for whom it was bought and the person who would obtain possession of it and use it for industrial purposes, should come under the existing town planning laws and the local government town planning by-laws. I thoroughly agree with that. I do not for a moment consider that any amendment of this kind should give to anybody the right to bulldoze the town planning laws, the local government town planning by-laws, or other by-laws.

I agree entirely that all of the existing laws in regard to health, and the by-laws in regard to town planning, health, and so on, should apply equally to land which would be purchased voluntarily by the Governor under this proposed amendment, and made available to some industrialist, as it would apply in the normal way. If the Leader of the Country Party considers that something should go into the Bill to safeguard that situation, then I would agree to it without any argument.

Mr. Watts: I think I can convince you.

Mr. HAWKE: I would not say the Leader of the Country Party has convinced me.

Mr. Watts: I think I can.

Mr. HAWKE: Whether the Leader of the Country Party can convince me or not, I am still prepared to agree to something of that kind going into the Bill, to make the position doubly sure. That, I think, should prove beyond any shadow of doubt that there is no intention on the part of the Government, in connection with this proposed amendment, to try to get around any existing town planning laws or local government by-laws of any description.

I give the Leader of the Country Party, and other hon. members of the House, a complete assurance that we would, either in the Committee stage in this House, or in the Committee stage of the Legislative Council, accept without any question or argument an amendment of that character.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sewell in the Chair; the Hon. A. R. G. Hawke (Premier) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 11 amended:

Mr. WATTS: I wish to deal with the point concerning the position of local authorities' town planning by-laws and the like, which was mentioned by the Premier. If he will turn to the provisions of Clause 3 of the measure, which has relation to the clause we are now discussing, he will find that where the Governor approves the application, the provisions of paragraph

(b) of Subsection (5), and of Subsection (6), of Section 12 of the principal Act, shall apply. The principal Act provides by Section 12 (5) (b)—

> If the Governor approves of the application he shall direct whether the land applied for shall be sold as for an estate in fee simple to the applicant or whether the applicant shall be granted a lease of such land.

Subsection (6) (a) of the same section provides—

> Where the Governor elects to transfer or convey the freehold estate in any dedicated land to an applicant therefor, the price to be paid and the conditions of sale shall be fixed and determined in accordance with regulations under this Act.

Under the third clause of the Bill, that provision is going to apply to land purchased under the second clause of the Bill. Section 13 of the principal Act provides—

> When any person becomes the registered proprietor for an estate in fee simple, or the purchaser under contract of sale, or the lessee of any land, whether resumed under section nine of this Act or dedicated under section eleven of this Act he may, whilst he continues to be such proprietor or purchaser or lessee, use the said land for the purpose of the establishment and carrying on of his business in the industry for which purpose he has obtained such land or lease thereof notwithstanding anything to the contrary contained in any town planning scheme or in any by-law of any local authority made in connection with any of the matters prescribed in the Second Schedule to the Town Planning Act.

The Governor can grant a freehold or lease in respect to any land acquired under the Bill. Therefore, land acquired under this measure becomes similar to land acquired under Section 12 (5) and (6) of the Act; and someone becomes the registered proprietor or the lessee. When a person becomes the registered proprietor or lessee, under Section 13, then he can carry on the land notwithstanding anything to the contrary contained in any town planning scheme or any by-laws of any local authority.

That was the reference I made to the undermining—by this provision—of the authority of local authorities and of the town planning regulations. It seemed to me that immediately we got this land into the hands of the Governor, by purchase, then he was in the position to give out a freehold or leasehold as provided by the parent Act; and, immediately he did that, the provisions of the next section applied and the person who owned the land became exempt from the provisions of the Town Planning Act or local authority by-laws. If that is not conclusive, it at least raises a reasonable doubt.

Mr. HAWKE: I do not agree with the Leader of the Country Party. If Section 13 of the Act is read carefully, it will be seen that the land referred to is land dedicated under Section 11 or resumed under Section 9. The land proposed to be purchased voluntarily, under the new principle which the Bill would insert into the Act, will be neither dedicated nor resumed. Therefore, Section 13, to which the Leader of the Country Party has referred would, in my opinion, not apply.

Clause put and passed.

Clause 3—Section 12 amended:

Mr. WATTS: I move an amendment—

> Page 3, line 8—Delete the words "do not."

I move the amendment with the idea of inserting the word "shall" in lieu of the words struck out. I do this to bring back the authority to the committee. I have already said that, in my opinion, it is the Premier's fault that he did not, in advance, think of the proposal that I made during the second reading, to make the proceedings of the committee a little less cumbersome. I admit they are somewhat that way. The cumbersome nature of the proceedings could have been reduced by amendments other than this. My amendment simply says that the provisions which give the committee authority to act do not apply to any application made in respect of land purchased by the Governor. I think that ought to apply. It seems to me that there ought to be advice and consideration given by persons who are, at least in some degree, experts, before these final allocations of land are made.

Mr. HAWKE: The provisions of the Act under which the Leader of the Country Party would place this new principle which we are trying to have put into the Act, were deliberately made cumbersome by Parliament because at the time the Act was largely to be one for the compulsory resumption of land for industrial purposes; for the taking of land from people against their will in order that it might be made available for industrial concerns. In that situation, I agree the procedure should be cumbersome, because I think an applicant for land, which is to be resumed compulsorily against the will of the person who owns it, should be made to establish, beyond any shadow of doubt, the necessity for the compulsory resumption of the land.

However, the new principle in the Bill is to allow land to be purchased on a voluntary basis, at a price and under conditions to be agreed upon willingly by the owner. To submit a transaction of that kind—or the subsequent sale of the land to

an industrial concern—to all the cumbersome processes set down here as safeguards in relation to compulsory resumptions, would, in my opinion, be altogether unrealistic. There would be no business sense or commonsense in it; and it would, I think, make this new principle unworkable and valueless. I appeal to the Committee to vote against the amendment.

Mr. BRAND: As I understand the situation, if the Bill becomes law, the Government will retain the power of resumption; and if, as the result of a company coming to Western Australia and asking for land, in accordance with the promises made by the Minister for Works, the Government decides to make land available to that company, it could then proceed to negotiate for the purchase of land. If the owner decided he was not going to co-operate, there is no doubt the remaining power of resumption would still apply. However, he might not desire his land to be resumed, but might chance being able to arrive at a reasonable valuation.

It would appear that in the event of the committee remaining as an advisory committee, in respect of the land to be purchased, it would not hold up the purchase, but would, no doubt, give some security to the owner of the land who, more often than not, would be faced with a predicament—as an alternative to private sale to the Government, the threat of a resumption at a valuation arrived at under the Act. Therefore I cannot agree with the Premier that it would be cumbersome to negotiate through the committee. I do not think that would hold the matter up at all, because the committee would be just as anxious as the Minister, or anyone else, to push the transaction through.

Mr. Hawke: It takes months to get one through.

Mr. BRAND: I cannot see that.

Mr. Hawke: It has to come to Parliament for one thing.

Mr. BRAND: All transactions have to come to Parliament; but as with many other administrative acts, Parliament is in due course presented with a fait accompli. I can see no reason for eliminating the committee, and for the Minister to have all the authority and power to negotiate. Once the committee had been eliminated, its authority and value would be gradually removed, even in respect of resumptions by the Government.

Mr. Hawke: Only if Parliament first agreed.

Mr. BRAND: That may be so; but we have this safeguard in the Act, and I think it would be unwise to remove it.

Mr. WATTS: Under this Bill the only people who have to agree about the land are the Minister and the owner. Although the Bill says "the Governor," we know that Executive Council papers are not presented to the Governor-in-Council unless the Minister has first decided that they should be presented. Far be it from me to suggest that the present occupant of the position of Minister for Industrial Development is incapable of making such a determination; I think he would do just as well as most people. But in principle it is not a good idea to leave the position in regard to such an important matter virtually in the hands of two people.

I do not question the Minister's bona fides, because I have no reason to do so. But the position will be left in the hands of two people, if the Bill passes in its present form. While I have agreed, and still do, that the existing provisions of the legislation in regard to the operations of the committee are too cumbersome for cases of this kind, and therefore should have been toned down, the present wording of the Bill seems to me to be going to the opposite extreme. However, I leave the matter at that.

Mr. HAWKE: One would think that the Government never buys land from individual owners by action through Executive Council. The fact is that the Government is buying land all the time on that basis from individual owners for various Government purposes.

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

Ayes—19	
Mr. Bovell	Mr. Nalder
Mr. Brand	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Thorn
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. Manning
Mr. W. Manning	*(Teller.)*
Noes—25	
Mr. Andrew	Mr. Lapham
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rowberry
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. May
Mr. Kelly	*(Teller.)*

Pairs.	
Ayes.	Noes.
Sir Ross McLarty	Mr. Sleeman
Mr. Grayden	Mr. Tonkin

Majority against—6.

Amendment thus negatived.

Clause put and passed.

Title—put and passed.

Bill reported without amendment and the report adopted.

Third Reading.

THE HON. A. R. G. HAWKE (Premier —Northam) [5.53]: I move—

That the Bill be now read a third time.

THE HON. D. BRAND (Greenough) [5.54]: Now that the Bill has passed through the Committee stage, and the Leader of the Country Party has failed with his amendment, which amendment was moved in order to safeguard the private landowner, I would like to point out that if there is to be an upsurge of interest in industrial development the demand for land will be great. If I have read the papers correctly, and there are so many companies interested in extending their operations to Western Australia, there will be a great demand for land in this State. No doubt much of the land required for the purposes of industrial development will be of great value; and I hope—as I tried to point out in the Committee stage—that, in obtaining this land, the Government will not use the threat of the powers it has to resume land.

If the Government is to negotiate, it should do so on a fair and reasonable basis; because I can imagine that from time to time there will be some urgency about obtaining land, particularly if a company is desirous of obtaining valuable land. I understand that at present a company is negotiating for land in an area where it would be worth many thousands of pounds. Consequently it is to be hoped that the Government, if it is clothed with the authority set out in this Bill, will have regard for the owner of land that may be required for industrial development.

THE HON. A. R. G. HAWKE (Premier —Northam—in reply) [5.55]: I find it exceedingly difficult, if not impossible, to follow the line of argument put forward by the Leader of the Opposition. This Bill proposes to amend the parent Act to give the Governor authority to purchase land, if possible on a voluntary basis, from landowners for industrial purposes.

Mr. Brand: Quite so; and it could be under the threat of resumption.

Question put and passed.

Bill read a third time and transmitted to the Council.

MARKETING OF EGGS ACT AMENDMENT (CONTINUANCE) BILL.

Returned from the Council without amendment.

HALE SCHOOL ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 13th November.

MR. CROMMELIN (Claremont) [5.56]: This Bill, which seeks to amend the Hale School Act of 1876, is most important, not only to the Government but also to the school itself. The original school was founded by Bishop Hale, an English clergyman, and it is rather appropriate that in 1958, just over 100 years after the founding of Bishop Hale's school, the school now known as Hale School will once more become a church school.

Originally, Bishop Hale started his school in premises at the top of Mill-st.; that building is now known as the Cloisters He carried on his school there until 1870; and in 1872 Colonel Haines ran the school under the name of the Church of England Collegiate School. In 1876 the parent Act to which I have already referred was passed; and under it the school came under the control of governors appointed by the State.

The school received from the State an annual grant until the year 1914, and during the period from 1878 to 1914, it was situated in various places, such as the old Cloisters; a military hospital; and a private house. The private house was situated at the top of St. George's Terrace, on the corner of St. George's Place, and the school remained there until August, 1914. I can well remember having a half holiday in 1914 because the number of pupils had reached 100.

In his second reading speech, the Premier paid a tribute to the school and to its efforts in the teaching of religion—which is not insisted upon—and in producing scholars who have made a name for themselves in this State. I agree with him; but by no means can one say that it is the best boys' school in the State. Naturally if one has attended Hale School one is slightly inclined to be biassed in its favour.

Amongst the prominent citizens of this State who were at the school in their boyhood were four Premiers—Lord Forrest, Sir Henry Lefroy, Sir Walter James, and Sir Ross McLarty; and three Supreme Court judges—Sir Stephen Parker, Mr. Justice Walker, and Mr. Justice Virtue. Among them was also a very famous churchman in the person of Bishop Tommy Riley, who was the Chaplain-General in the 1914-1918 war. The prominent old boys of the school include seven Knights—Sir Stephen Parker, Sir Langlois Lefroy, Sir Ernest Lee Steere, Sir Ross McLarty, Sir Edward Wittenoom, Sir Edward Lefroy, and Sir Walter James.

Another interesting sidelight is the age of living ex-scholars. Three ex-scholars who are still living in this State include

Mr. George Rose, who came from a Bunbury family, who now resides in Albert-st., Claremont, and who is 97 years of age. He is the oldest of the known old Haleians living. The next oldest is Mr. Billie Brown, who is 96 years of age and lives in Subiaco. He is the son of Archdeacon Brown. Another is Mr. Letch, whom I do not know, but who is 95 years of age. Although Mr. Rose is the oldest known living Haleian and attended the school in 1877, Mr. Billie Brown, who is six months younger than he, attended the school from 1870 to 1874.

In 1929, as a tribute to the late Bishop Hale, the name of Perth High School was changed to Hale School, and has remained as such ever since. The purpose of this Bill is to amend the original Act of 1876; but through sentiment and associations of some of the older boys of the school, certain sections have been retained. In the Bill, the Government provides for the purchase of the property known as Hale School for some £225,000; and, as the Premier stated, the negotiations were carried on in a very amicable way in arriving at this figure. As he stated, there may have been some differences of opinion regarding the amount; but, on the whole, it is considered that the agreed sum is very reasonable having regard to the fact that the school grounds are right opposite Parliament House. I presume that in future the land will be used for Government offices.

It falls on the board of governors to raise the sum of £150,000 before the first portion of the agreed price of £225,000 is paid. In other words, £75,000 will be paid by the Government when the old boys of the school have raised £150,000. The second payment of £75,000 by the Government will be made when an amount of £225,000 has been expended on the school. The remaining £75,000 will be paid when the total of £300,000 has been spent on the school.

The board of governors some years ago was fortunate enough to be able to purchase in Wembley Downs an area of land of approximately 200 acres. The foundation stone for the new school was laid by the Premier some little time ago. It is often a matter of regret that schools have to be moved from their existing sites. For the boys now attending the school, the thought of a new school and better playing fields and sports grounds than are now available at King's Park, will be an attraction. When the new school is completed, it is possible that it will be able to cater for 750 pupils. In that case it will become the largest public school in the State.

The constitution of the board of governors will alter when the school once again becomes a church school. The chairmanship of the board will automatically pass to His Grace, Archbishop Moline. Four members of the board will be chosen by the Diocesan Trustees, and the remaining four will be elected by the Old Haleians' Association. It will be the function of the separate bodies of the board to select which of their four representatives will retire each year.

The board will become a body corporate, and it will be free to sell any of the land in the new school area which it does not require. When the agreement comes into force, and when portions of the school buildings are vacated, the Government will have the right to take immediate possession and utilise the accommodation for its own benefit. There is nothing contentious in the Bill. It is the expressed wish of the old boys' association that the Bill become law. I know that it is more than satisfied with the terms of the agreement. I support the second reading.

MR. BOVELL (Vasse) [6.10]: This measure ratifies a business agreement between the Government and the governors of Hale School. In this action the Government was prompted by the Stephenson Plan, which includes a scheme for the construction of Government offices in an area adjacent to Parliament House. I consider that a very good idea.

In most seats of Government, the centre is surrounded by the various Government departments. That makes it easier for the Government to carry out its duties, and for the departmental executives to confer with the Premier and Ministers of the Crown. If this portion of the plan is implemented, the lot of members of Parliament will be made much easier; and it will be much more convenient for them to be in close proximity to the Government departments.

The second point in the Bill is that Hale School will revert once again to the control of the Church of England. The school was founded by the late Bishop Hale, who was the first Anglican Bishop of Western Australia. The removal of the school, as the Premier said, will cause members of Parliament some little regret because of our neighbourly association with the pupils.

Every public school in this State will now be under the jurisdiction of some church organisation. In my opinion that is a very good thing. Undoubtedly Christian influence in schools is very beneficial to the students. In this State all public schools will now be under the guidance and jurisdiction of one of the church organisations. I do hope that the objective of transferring Hale School to another site and the building of Government offices in close proximity to Parliament House will be realised in the foreseeable future; and that the scheme entered into by the Government will be of benefit to Parliament and to the people of this State, and also to the students of Hale School now and in the years to come.

Question put and passed.

Bill read a second time.

In Committee.

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

Third Reading.

Bill read a third time and transmitted to the Council.

Sitting suspended from 6.15 to 7.30 p.m.

CHILD WELFARE ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 13th November.

THE HON. A. F. WATTS (Stirling) [7.30]: I propose to support the second reading of this Bill, but I have given the Premier a number of amendments to which I understand he is prepared to agree. Therefore I do not propose to take up a great deal of time on the second reading. Generally speaking, the proposals in the measure are desirable.

One of the amendments I propose is to prevent the general delegation of authority to the director, which is one of the first proposals in the measure; because it seems to me that the authority it is sought to delegate should only be in certain instances and not of a general nature to cover all cases because it has reference to certain decisions of the Children's Court which can be varied by the Minister, and I think those cases should be dealt with individually.

The proposition contained in the Bill which is designed to assist in helping institutions to recover or receive maintenance where a child has been placed in their care by somebody and subsequently the payment of maintenance has been overlooked is, of course, something to which attention must be given. The provision in the Bill, as I understand it, places the ultimate onus for maintaining this child—in the absence of being able to recover the amount from the responsible relative—upon the Child Welfare Department; and the child, in effect, becomes a ward of the State. I can see no objection to that.

I am well aware of the difficult position in which certain religious and other institutions have been placed because they have had put into their care, youngsters for whom no-one will take responsibility. Under the existing provisions of the Act, it has been difficult—if not impossible—to make such children wards of the State, because they have not come under any of the categories which enable the court to make such an order. This Bill proposes to authorise the Minister to make the necessary order; but I notice that the only people who are to be informed by the Minister of his intention to make the order are the parents of the child.

The Act does not define what the word "parents" means. If it did, perhaps we could understand its use in this Bill. The Act refers to the near relative as being the father, mother, stepfather, or stepmother. There is no special definition of "parent"; and therefore it must be assumed that the parent is the father or the mother. It is well on the cards that the child has been placed by somebody who is neither the father nor the mother. It could have been a grandparent or guardian; and, as a consequence, as the Bill stands, none of these people—should they be actually involved—would receive notice of the Minister's intention, even though they could easily be found. Therefore, I have suggested that suitable amendments be placed in the Bill to cover this situation.

The provision in the Bill which states that when a person suffers imprisonment for non-payment of maintenance—ordered to be paid in respect of a child—that imprisonment shall not cancel the obligation of payment of the outstanding maintenance in future—but does not allow him to be imprisoned again for this same default—seems to me to be a reasonable proposition.

What it does is to maintain the civil debt, if one can put it that way. In other words, the money is still owing. But in respect of the sum with regard to which he has served a term of imprisonment by order of the court, he cannot serve another prison term; but if he has the means, he is expected to pay, because the Bill provides that a certificate of the Minister or director may be filed in the Local or Supreme Court, and judgment entered accordingly, and steps taken under the Local Court or Supreme Court procedure in the normal way for recovery of the money.

As the Minister indicated, it is the duty of everybody to accept the responsibility for the maintenance of his child or children to the utmost of his resources; and nobody can, under a Local Court judgment, for example, be made to pay more than his resources will permit him to pay, because the cases are always inquired into before an order is made. In consequence, it seems to me quite reasonable that the obligation to pay should be continued and be enforcible in the manner suggested in this Bill.

Lastly, there is the amendment which provides that a person who occupies or has occupied the office of Minister, director, or officer of the department, is not personally liable for anything done or omitted in good faith. It is strange to me—although it has been quite unnoticed heretofore—that that provision has not been in the legislation since its inception; because, quite obviously, if one knows anything about the activities of the Child Welfare Department and the many things which have to be done in implementing the policy of the department and the terms of the Act—one realises that there are times when there is

considerable interference with the affairs of other individuals; and it is only reasonable, therefore, that the officers of the department and the Minister should be protected from any claims that might be made against them in respect of those activities—that is, where their duty requires it and the acts have been done in good faith. That is all the Bill proposes, and I am surprised it has not been included before. I support the second reading, and will move amendments in Committee.

MR. ROSS HUTCHINSON (Cottesloe) [7.40]: This Bill seeks to amend certain parts of the Child Welfare Act. I support the second reading and intend to give very close consideration to the amendments that have been put forward by the Leader of the Country Party.

The first amendment seeks to give the Minister power to delegate authority to the Director of Child Welfare in regard to which class of reformative institution a child may be sent to. The same amendment also seeks to give the Minister authority to cancel such delegation of power. I believe that the amendment foreshadowed by the Leader of the Country Party is a desirable one in this regard, as it would appear that the amendment in the Bill is on too general a line, and I feel it is in the interests of all concerned that there should be only particular reference to delegation of power.

The second amendment concerns charges made against adults for offences committed against children, or alleged to have been committed. In these cases in the past, no appointed member of the Children's Court has been permitted to sit with the Special Magistrate to hear the cases. This Bill will provide for that. However, if there should be any difference of opinion between the two, then the opinion of the Special Magistrate—or the decision of the Special Magistrate—is to prevail. I feel that this is a desirable amendment.

Yet another amendment seeks to give the Minister the right to declare a child who is placed voluntarily in an institution a ward of the Child Welfare Department. This means, in effect, that it gives legal right for the management of welfare institutions which care for neglected or destitute children, to take action against the parents to recover the cost of maintaining any such children; and furthermore, that the serving of a gaol sentence for non-compliance with a maintenance order does not have the effect of wiping out any accumulated arrears.

As has already been pointed out in this debate, some parents appear to be loth to accept legitimate financial responsibility for the care and maintenance of children whom they surrender voluntarily to the care of institutions; and I think—as I believe most people who have given any thought to this question will think—that it is only right and fair that such parents should be forced to accept a responsibility in this regard if they are able to meet any financial commitments at all. As was stated by the Premier in his introductory speech, where a parent is unable to meet any financial responsibility, then no claim will be made on him. The general effect of this amendment will be to ease the financial burden of the church institutions which take care of the welfare of the children to whom reference is made.

The next amendment to which I will refer deals with street trading permits for children; and the proposition contained in the Bill makes it mandatory that, before such a permit is granted, the educational welfare of the child must be taken into consideration, just as in the past the moral and material welfare of the child have had to be taken into consideration. That is entirely desirable.

Another amendment with which I agree provides for a system of extending the period of wardship beyond 18 years and makes it apply to males as well as to females. The last amendment in the Bill provides, as the Leader of the Country Party said, for exemption from personal liability for the Minister for Child Welfare, and the director and his officers, for any action or duties carried out in good faith or in legitimate discharge of duties conferred on them by the Act. Apparently it was felt, in the past, that such provision was unnecessary, because certain abuses could perhaps creep into the care of children in institutions.

I think it is desirable that this provision be now included; because under our democratic set-up we have an Opposition which can highlight irregularities of conduct in institutions, and any hon. member of Parliament can call for an inquiry into the method of conducting institutions; so there are safeguards against irregularities. This amendment is desirable, because some parents could possibly legally claim damages against officers of the department or against the Minister at the present time. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sewell in the Chair; the Hon. H. E. Graham (Minister for Transport), in charge of the Bill.

Clause 1—put and passed.

Clause 2—Section 9A added:

Mr. WATTS: I move an amendment—

Page 2, line 7—Delete the words "or generally".

This is to limit to specific cases the power of delegation being conferred by the Minister. As I understand the Government intends to agree to the amendment, I will not enlarge on the subject.

Mr. GRAHAM: I understand that the Premier has had talks with the Leader of the Country Party and is agreeable to all of the amendments that have been circulated in the name of the Leader of the Country Party.

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

Clause 3—put and passed.

Clause 4—Section 47A added:

Mr. WATTS: I move an amendment—

Page 3, line 3—After the word "child" where first appearing insert the words "the person responsible for placing the child in the care of the person or body and the person responsible for payment of the maintenance and".

As I have said, it could easily be not the parent but a guardian or some relative who should be notified.

Amendment put and passed.

On motions by Mr. Watts, the following amendments were put and passed:—

Page 3, line 3—Delete the word "their", and substitute the word "the".

Page 3, line 4—After the word "whereabouts" insert the words "of such persons and parents".

Page 3, line 7—Delete the word "either", and substitute the words "any one or more of them".

Page 3, line 10—Delete the word "hear", and substitute the word "consider".

Page 3, Line 11—Delete the word "the", and substitute the words "such persons or".

Page 3, lines 11 and 12—Delete the words "or either of them makes".

Page 3, line 16—After the word "force" insert the words "or the person responsible as aforesaid for placing the child in the care of such first mentioned person or body".

Clause, as amended, put and passed.

Clauses 5 to 10, Title—put and passed.

Bill reported with amendments and the report adopted.

NOXIOUS WEEDS ACT AMENDMENT BILL (No. 3).

Second Reading.

THE HON. L. F. KELLY (Minister for Agriculture—Merredin-Yilgarn) [8.2] in moving the second reading said: This Bill proposes to amend that section of the Act which gives the Minister power to make regulations in connection with the functioning of the Act. At present this section gives the Minister power to regulate various matters, mainly in regard to the movement of stock and the use of appliances.

Several cases of suspected damage to tomato crops in the Geraldton area have occurred; and it is evident that there is a need for some form of control over the use of certain potent sprays, and, in particular, hormone growth - regulating chemicals which are used for weed control. When I was in Geraldton recently I was met by members of the Tomato Growers' Association—a very strong body—who, although I have just used the word "suspected," made it quite clear to me that the incidence of spraying and the damage it had done was not suspect, but was definitely proclaimed by the tomato growers themselves.

The Department of Agriculture has for some years appreciated the difficulties which could arise from the use of these chemicals. Spray drift, which occurs in the applying of hormone-like herbicides for weed control, can cause damage to nearby crops. Tomato and grape vines are particularly susceptible; white lupins are also readily affected. On account of the way the gardens in Geraldton are so closely situated—to cite this instance in particular—if the wind happens to be blowing from a particular quarter and spraying is being directed from the air, a strong easterly—for example—could cause the whole of the market garden area to be encompassed by the spraying.

The risk of damage to crops is greatest when the spraying is done from an aircraft, but it has been established that the possibilities of contamination are unlimited. Ground units can do similar damage in limited areas, and some cases indicate the use of contaminated equipment, such as a container for liquid spray.

I understand that, in one particular instance, an oil company, during the normal course of drum sales, supplied to a farmer a drum which had previously contained a very potent hormone. This farmer used the drum to mix a spray for his own garden; and as the result of the spraying he performed on his vines, a number of them were ruined because of this residue of the strong hormone being left in the drum.

Many suggestions for the safeguarding of crops have already been put forward, but the administrative difficulties involved prohibit their adoption. The Solicitor-General suggested an amendment to the Act which has resulted in the Bill now before the House. At present the Act contains power to declare areas within which the control measure will operate.

Mr. Bovell: I have not a copy of the Act with me; so could the Minister tell me who declares the area: the Minister or the department?

Mr. KELLY: The Minister declares the area only when the matter is referred to him. I do not know if there is any obligation imposed to refer the matter to him.

Mr. Bovell: As I have said, I have not had an opportunity to study the Act; but who is to permit any spraying that is to be done?

Mr. KELLY: This amendment provides for the Minister to make the final decision on whether spraying shall be conducted. The measure is designed to give additional power in the Act to make regulations to control the use of dangerous sprays or chemicals either from aircraft or any other means by prohibiting or regulating the use of any particular chemicals or spray in, or for the control or destruction of, noxious or other weeds whether by means of aircraft or otherwise, at any time, or during particular periods. The amendment contained in the Bill is only a small one, and I do not think there should be any difficulty in obtaining the approval of the House to it. I move—

> That the Bill be now read a second time.

On motion by Mr. Nalder, debate adjourned.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL (No. 2).

Second Reading.

Debate resumed from the 13th November.

MR. WILD (Dale) [8.8]: As the Minister has told us, this is a Bill to allow an outside company, with a capital of £250,000, to participate in a scheme which was the subject of a Bill that was placed before the House last year. If any capital can be infused into the building industry in this State, I feel sure that, provided the conditions relating to the money being made available are fulfilled, it will be welcomed and accepted with both hands.

One usually regards the building industry as being a barometer to gauge the prosperity of the State; but unfortunately, during the past 12 months or so, this industry has been far from prosperous, and has not come up to our expectations. It might have been thought that this lag in the industry was due to lack of money. However, when one considers the answer that was given to the question that I put to the Minister without notice this evening, as to how much money was available under the parent Act and how many people had availed themselves of it, one gets an entirely different picture; because I was told that only £4,035 had been borrowed by people who needed a little extra finance to build or extend a home. Furthermore, this amount involved only two people. These facts make one realise that there cannot be too many people who are anxiously awaiting to avail themselves of some extra finance for home-building.

Twelve months or so ago, when introducing the Bill which eventually became the parent Act, the Minister, at page 2478 of the 1957 Parliamentary Debates, had this to say—

> I feel proud to have the opportunity of introducing this Bill because, so far as I can ascertain, it provides for the broadest and most generous housing scheme which, if the measure becomes law, will be in existence in any part of the world. I have already indicated that the time has arrived—and indeed the tempo is increasing—where the State Housing Commission or the Crown is bowing out in the matter of providing funds for the erection of homes. The Bill is designed to assist persons in the achievement of their desire for home ownership, irrespective of the persons concerned, and irrespective of the size, design or cost of the home they propose to build. In other words, the measure applies to all sections of the community who care to use it through the medium of established lending institutions.

Then the Minister went on to say, in reply to interjections as to whether it operated in the Eastern States, that similar schemes—but not on such good terms as ours—were operating in the other States. He mentioned that Victoria had guaranteed £45,000,000; New South Wales, £111,000,000; and South Australia, £10,000,000; and even went on to quote Great Britain as having guaranteed £2,000,000,000. From that information, I am sure that all hon. members here got the idea into their heads that there were many people clamouring for, say, an extra £500 or £1,000 to complete their homes or to build extensions to them; but that is not the case.

Furthermore, the Minister, when introducing this Bill the week before last, said that he wanted to relieve the Treasury of having to provide this money so that more funds could be spent on the provision of schools, hospitals, and so on. Again I was of the opinion that there must have been a fair drain on the Treasury for advances of this type of money; and yet we find that only £4,035 has been made available in the past 12 months to only two people.

I have raised these points merely because I cannot understand how the people are going to use this £250,000 if only £4,035 has been advanced in the past 12 months. I feel there must be a particular body or institution which has in the background some housing scheme on which it intends to use this £250,000.

Mr. Graham: Strangely enough, if the plans of one company come to fruition, the money will be spent in your electorate.

Mr. WILD: That is good news, because

we are always anxious to have well-constructed homes in my electorate. At the moment there is only one large housing project in my electorate, and that is at Thornlie. Despite this, we have some of the best land available south of the river, and it has been subdivided according to the plans of Miss Feilman, who is one of our leading town planners. There is no doubt it is only a question of some finance being made available in order to have development fostered in the electorate of Dale.

However, I think my original thoughts on this matter must be correct; there must be some body that intends to use this money for such a purpose. If such a scheme can be fostered and encouraged, we are all for it. I—like the Minister, who made the comment the week before last, when introducing this measure—do not know of any industry that employs so many people over such a wide range. Labour is employed in the brickmaking industry, the timber industry, the cement industry, and in the extraction of clay for the manufacture of the bricks; and then, when we come to the time when the house is to be built, all the various classes of building tradesmen put their hands to the task of providing homes for the people.

It would be difficult to estimate the number of people that have a finger in the pie of building a home; so anything in the way of an injection in the arm that can be given to this State must surely receive the approbation of everybody. I only hope that people will be able to avail themselves of this extra finance.

I understand that the houses in the particular area referred to by the Minister are mostly of the small type—they are chiefly of the order of £2,000 and £2,500; possibly a few run to £3,000. But I do not know of many expensive homes—and I use that term as suggesting a house costing over £3,000, which would be getting into one of a reasonable size. Most of them cost between £2,000 and £2,500 on the open market.

Nevertheless, there are many people in our midst who could not raise a large deposit; and if this money will allow them to borrow up to 95 per cent. of the amount they require, then surely it must be a worth-while scheme. We on this side of the House have always advocated that people should own their own home; and when I was in the position now occupied by the Minister for Housing, I endeavoured to bring about that happy state of affairs wherever possible. I hope the people will avail themselves of this finance, and I trust there will not be a "go-slow" process in home-building as there has been in the last 12 months or so. I support the second reading of the Bill, as I am sure will every other hon. member.

THE HON. H. E. GRAHAM (Minister for Housing—East Perth—in reply) [8.18]: I do not think there is any doubt regarding the bona fides of this Government in matters relating to the sale of homes or the encouragement of people to own their homes. For instance, a reference to answers to questions this afternoon will indicate that during the six years of the life of this Government, under the State Housing Act alone approximately 3,000 houses will have been sold, as against not more than 500 sold during the time the previous Government was in office.

I am not stating that by way of criticism, but only to indicate the policy of the Government in this matter. It is hardly fair to suggest there has been anything approaching a go-slow campaign in connection with the State housing loan guarantee scheme. It is true that the legislation was passed by Parliament approximately 12 months ago; but it is also true—and it is contained in the answer given to the hon. member for Dale this afternoon—that the scheme came into operation only six months ago, and it was the desire of the Government to keep the interest rates as low as possible. As I indicated earlier, there was a ceiling of 6 per cent. on the interest rate; but I think it is known to hon. members generally that money is being sought, and 7 per cent. is being offered in many places.

Some of these credit corporations associated with banks are today offering 7 per cent. for a period of six years. Accordingly, what prospect will there be of people being able to obtain money at 6 per cent. for probably a longer period of repayment, when 7 per cent. is available on what is virtually a gilt-edged security? It is only reasonable that the Government should decide to see what difference it will make by lifting the ceiling from 6 to 7 per cent. It should be remembered that that still involves a burden of 7¼ per cent. on the borrower of the money.

That is hardly cheap money; but, as I indicated earlier, it is the desire of the Government that as much of Government funds as possible should be used for public works in their broadest sense, and that any and every means possible should be sought to provide funds that can be used for the production of homes and their subsequent purchase on easy terms. This Bill is accordingly a variation of the original conception of the Act merely to guarantee the initial lender rather than the authority which is dealing with individual clients.

I feel that the passage of the Bill can do nothing but good. There is one firm proposition of £250,000, and my information is that there will be considerable sums in addition to that which will make it possible for some of these concerns, such as the Thornlie company, to approach greater fields of persons anxious to obtain their own homes. In the case of the Thornlie company, I am aware that it

receives a considerable allocation of the Commonwealth-State agreement funds money allocated to building societies; but the Thornlie company is not receiving from the State Housing Commission a fraction of the money it would like to develop its suburb as rapidly as it desires.

Instead of getting it from Government sources, it will be possible, perchance, to obtain considerable sums from other sources, and that process will be facilitated if Parliament agrees to this measure, which I hope it will.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sewell in the Chair; the Hon. H. E. Graham (Minister for Housing) in charge of the Bill.

Clauses 1 to 3—put and passed.

Clause 4—Section A amended:

Mr. GRAHAM: I move an amendment—

> Page 4, line 13—After the word "section" add the words "and there is, or is likely to be, insufficient money in the Fund Account to enable the sum to be paid".

Unfortunately there was a slight error in drafting, and a reference to the parent Act will show that a provision which virtually describes the same process is stated in different words. My amendment will not alter the sense of the Bill but will merely put it in better legal terminology. The amendment refers to the part which the Treasurer plays in meeting defaults which are the subject of the guarantee.

Mr. W. A. MANNING: Can the Minister tell us whether this money will be freely available to country areas? Only yesterday a man was told by one of the firms that they did not do this type of business outside a radius of 15 miles of the city. He was definitely in need of a house and could not obtain assistance from the Housing Commission. That is going on all the time. No funds seem to be available for the country areas, and this measure does not seem to provide the answer.

Mr. GRAHAM: There is nothing in the Act or Bill to restrict the activities of financiers or home-builders. They will be free to erect homes, or finance the erection of homes wherever they be. Unfortunately, what the hon. member for Narrogin says is true; and for that reason a greater percentage of homes is being built in the country districts than ever before by the State Housing Commission. The programme is not as large as the Government would wish; but £900,000 of our £3,000,000 this year must be devoted to building societies, and with rare exceptions; they centre their activities in the metropolitan area. So it can be said that about £500,000 which the State Housing Commission would have spent in the country districts, has been spent in the metropolitan area by these building societies.

But as I have indicated to the hon. member for Narrogin and others, sympathetic and generous consideration will be given to their efforts if it is possible for them to establish building societies in the country areas. It may be possible privately, to prevail upon the Hon. H. K. Watson, M.L.C.—who I understand is prominently associated with the Perth Building Society —to get that society to make money available to some of the more stable and growing country centres, such as my birthplace, the town of Narrogin.

Amendment put and passed.

Mr. GRAHAM: I move an amendment—

> Page 4, line 14—After the word "cause" insert the words "to be advanced to the Fund Account under subsection (5) of section nine of this Act such amount as will enable".

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

Clause 5, Title—put and passed.

Bill reported with amendments and the report adopted.

UNFAIR TRADING AND PROFIT CONTROL ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 13th November.

MR. COURT (Nedlands) [8.32]: To say this Bill is a disappointment, coming at this particular time in the State's history, is certainly an understatement; and one can only assume it is a political stunt by the Government to try to highlight or cash in, if that is the word to use, on a Royal Commission report—probably it is—that has been tabled in this Parliament in recent times. If it is not a political stunt, it must reflect the unfortunate state of mind of this Government—a hostile state of mind to private industry. Having got this legislation on to the statute book, it wants to put the dagger in the back of private industry. The Government seems determined to give it an annual twist—

Mr. Heal: It must be given to private industry all over the world.

Mr. COURT: —just to remind industry that it is on the job; that it has this statute and proposes to use it. To get at the real state of mind of the Government, we have to go back to the original Bill which it introduced; and we will never forget that particular Bill. The Government must have authorised its preparation and approved the form in which it came to this House.

Mr. Bovell: It was the death knell to private industry.

Mr. COURT: It was expected at that time that the Government, in accepting amendments made in another place, would systematically, year after year, try to put back some of the teeth taken from the Bill by the Legislative Council. One is quite entitled to assume that that original Bill reflected the Government's state of mind; otherwise, it would not have brought down a Bill containing such diabolical clauses. It is almost frightening to go back and read that particular Bill. I notice that some hon. members on the other side of the House laughed—a very sickly sort of laugh, too—but if they read that particular Bill they will not be very proud, because that piece of legislation tried to bring about a return to the days of the stocks.

I can almost envisage a declared trader sitting in the stocks in Forrest Place and being heckled by schoolboys and everybody going past—maybe during an electioneering campaign. They would be saying, "What a villain that man is! He has a Wallwork label around his neck." People would be saying that for the rest of his days.

Mr. Bovell: I think the Government has sinned.

Mr. Graham: You would hope!

Mr. COURT: It is interesting to note that this is the only State in Australia where there has been such hostility between industry and commerce and the Government of that State, regardless of its political colour. We can look around all the States—Queensland, New South Wales, Victoria, Tasmania, and South Australia—and at no stage do we see the hostility between Government and industry and commerce which exists in Western Australia.

Mr. Graham: Haven't you read what big business says about Joe Cahill in New South Wales?

Mr. COURT: They do not say worse things about Mr. Cahill than industry in this State is saying about your Government.

Mr. Ross Hutchinson: He is a prince to your fellows.

The SPEAKER: Order! The hon. member should be able to continue without interruption.

Mr. COURT: It is interesting to note that in New South Wales they have had on the statute book for donkeys' years a monopolies Act, or its equivalent; but how many times has it been used? I think it was used for the second time in the last few weeks. It is there as a measure to indicate to industry that no-one should get too tough or rough; otherwise that legislation may be used. However, they hide it particularly from industry that might be thinking of establishing there from the other parts of the world or other States. They do not parade it as does the Government in this State.

Mr. Graham: Like who does?

Mr. COURT: Like the Government of this State does.

Mr. Graham: You have been beating the same drum for several years now.

Mr. COURT: It is important that the people should be told, because I do not know how long it is going to be before the Government wakes up to the damage it has done.

Mr. Johnson: By the Liberals.

Mr. COURT: By the Government: firstly, in its legislative actions; and, secondly—and what is even more important at this point of time—its administrative actions.

Mr. Graham: That drum's hard!

The SPEAKER: Order! The hon. member may resume his seat. The Deputy Leader of the Opposition has the floor to express his views; but there is a cross-fire of interjection. One or two interjections at appropriate times may be all right, but hon. members should not continue with this cross-fire. Each hon. member will have an opportunity to speak, and I will see that he gets it.

Mr. Graham: I will go away from temptation.

Mr. COURT: Thank you, Mr. Speaker. I wish to reiterate the point I was making: that this Government has damaged industry in this State on two fronts—the legislative front and the administrative front. Both of these are thoroughly understood in other parts of the world and Australia. On the administrative front the direction that all business must go through the State Trading Concerns must be having a terrific effect on the minds of those in industry in this State, and on the minds of people who want to expand here.

We have had a trade mission abroad in recent months to try to attract industry to this State, and we have had a local products campaign. However, what a farcical position we are in! If the local products campaign succeeded, and industries in Western Australia prospered and started to make some handsome profits and paid some fancy dividends, what would happen? The Government would immediately sool the Unfair Trading Commissioner on to them and say, "You are making too much profit."

Mr. Heal: Rot!

Mr. COURT: What did the Government do with Cockburn cement?

Mr. Heal: They are local products.

Mr. COURT: These further amendments, coming in 1958, being the second lot of amendments since the 1956 Bill was introduced, indicate how the Government is

currently thinking and how active it is in its hostility towards private industry. The Government is not prepared to let this matter sink into oblivion and rest on the statute book to be used in cases of emergency; it wants it to be current. It wants industry in this State to feel that the power exists and is in the hands of the Unfair Trading Commissioner to deal with industry if it steps out of line, according to the Government's thinking and not necessarily according to accepted practice.

Mr. May: There is something wrong with your imagination.

Mr. COURT: I ask the hon. member: Is it not sufficient testimony in this year of 1958 that the Government brings down yet a further amendment to this legislation to try to stiffen it a bit more? Is it not testimony that the Government is on the warpath and is not prepared to let this statute find its own level as a result of experience, when it would have some justification for bringing down an amendment to put something new into the Act?

Instead, it is trying to highlight a state of affairs and emphasise the power it has in this legation, when, in fact, legal opinion is firmly convinced that power is already in the legislation. The Government is not content with that. It is not content to let it lie and use it as it has been using it to deal with collusive tendering. To my knowledge, at least two cases of collusive tendering have been involved. These cases have been investigated on the basis of collusive tendering, and those officers have not been in any doubt regarding the power to go in; otherwise they could not have investigated these allegations.

Mr. Heal: Do you think they should?

Mr. May: They are pretty glaring.

Mr. COURT: I will deal with that in a moment; because no-one on this side of the House condones collusive tendering if it is against the public interest; and there is ample testimony from this side of the House that we will not have a bar of collusive tendering which is against the public interest.

Mr. Johnson: Produce some evidence.

Mr. COURT: There was an Honorary Royal Commission which arose from a Select Committee appointed by this Chamber. Both as a Select Committee and an Honorary Royal Commission, it applied itself diligently to the task it was allotted. It comprised representatives of the three parties in this Chamber under the chairmanship of the Leader of the Country Party. The most exhaustive evidence was taken. Here was the heaven-sent opportunity for the Government, if it wanted to put the record right, to act on a recommendation from an all-party committee or commission. This commission almost turned over backwards trying to produce something which would meet the particular needs of Western Australia; and it produced a report copies of which have been available to all hon. members.

I refer hon. members to pages 16 and 17 of the printed document. On page 17, recommendation 12 deals with collusive tendering. I would draw the attention of hon. members to the fact that I was a signatory to this particular section of the report; and, at this particular stage of the report, all members of that commission were signatories to these particular recommendations. Recommendation 12 (a) reads as follows:—

> (a) That collusive tendering be prohibited and a substantial penalty provided.

No-one in this Chamber could say that I condone collusive tendering which is against the public interest. The recommendation continues—

> (b) That no association be registered whose objects or powers contemplate collusive tendering.
>
> (c) That collusive tendering be defined as—
>
> "the submission by two or more persons of tenders in response to a public invitation, the amounts of which have been agreed between the persons tendering which agreement is contrary to the public interest."

At this particular stage of the report it was not a majority recommendation or a minority recommendation; it was a unanimous recommendation, and those important words were included, "which agreement is contrary to the public interest." Recommendation 13 is as follows:—

> That proceedings for any offence in respect of collusive tendering shall only be taken with the consent of the Attorney-General.

That is a desirable precaution, because it was felt that the Attorney-General of the day should have to give his consent to proceedings for any offence in respect of collusive tendering. There are circumstances that confront any Government when it has to accept and even encourage a certain state of affairs.

I refer particularly to the experience that confronted the Hon. Harold Wilson who, as hon. members know, is a prominent Socialist in the United Kingdom. He was outspoken against restrictive trade practices. The Conservative Government came into power, and immediately took some action in accordance with the recommendations before it. We find Mr. Wilson having to stand up in the House of Commons and publicly say that this power should be used with discretion.

He was referring particularly, I think, to the calico printing trade, because had the legislation brought in by that Conservative Government been enforced to the

letter, he would have had mass unemployment in his electorate; and when he saw the possible effects of the legislation being used too harshly, the position that could eventuate must have been very much brought home to him.

In the United Kingdom, a form of legislation has been evolved which seems to be acceptable to both the Conservatives and Socialists, and it is legislation which is more generous in its interpretation and administration than is the legislation on the statute book of this State. For instance, much greater emphasis is placed on the use of the judiciary in determining what action shall be pursued. No risk is taken in the English legislation.

Mr. Johnson: I do not think that is an accurate description of the legislation. It is not a fair comparison.

Mr. COURT: If I have to weary the House a bit longer, I suppose it will not be my fault. I suggest that if hon. members will look at the condensed analysis made by the commission in its report, they will see the summary made; and I think that even the hon. member for Leederville will admit it is a fairly accurate summary. The hon. member does not have to admit that I made it. It is a fairly accurate condensation of the position in Great Britain, the Union of South Africa, Sweden, Canada, the United States and Queensland. Various other forms of legislation were also cited. The report, in respect of the legislation in Great Britain has this to say:—

> The Restrictive Trade Practices Act, 1956, was passed in August, 1956. Briefly, the Act contains three major parts, the first of which provides for the registration and judicial investigation of a wide range of industrial and commercial agreements. It creates the office of a registrar of restrictive trading agreements, establishes a restrictive practices court, consisting of judges and members appointed on the grounds of their knowledge of industry and public affairs.

We cannot find any comparison between that position and the state of affairs in Western Australia. There is something more in the British legislation, because in straightforward language it has been declared that there are certain types of restrictive trade practices which are condoned in the interests of the country's economy and general financial stability. But this Government does not seem prepared to accept any of these things as being necessary in the life of a commercial community.

The Honorary Royal Commission, in presenting its report, tried hard to submit a document which would have particular reference to a young economy such as we have in Western Australia. It is significant that the commission wanted to bring about the registration of the trade associations and the registration of certain agreements. The reasons for wanting these particulars are aptly expressed in recommendation 19 which, unfortunately, was a majority recommendation. I say that advisedly, because I think a great service would have been rendered to the State had the two Labour members of the commission been able to bring themselves to a unanimous report up to this point. We would have been in the position that the Select Committee report could have been acted upon, and we could have started off with legislation more appropriate to the needs of Western Australia, based on the investigation that had been made.

Mr. Heal: If you had brought yourself to think the other way, we might have had a unanimous decision.

Mr. COURT: Of course, the hon. member for West Perth is implying that if I had agreed with his viewpoint the hon. member for Roe and the Leader of the Country Party, who was our chairman, would have agreed with the hon. member for West Perth.

Mr. Heal: You referred to the Labour members on that commission.

Mr. COURT: I point out, with respect to the hon. member, that what he wanted to do was indicative of the Government's thinking at the present time; and that is not only to have the Act as it is, and work it to death, but to add more to it as fast and as often as the Government could get the Legislature to agree to doing it. Recommendation 19 reads as follows:—

> That the Unfair Trading and Profit Control Act, 1956, be not continued but be replaced by an Act to be known as the Trade Associations Registration Act embodying the foregoing recommendations of this Commission and such other ancillary matters as may be necessary to give effect to such recommendations and which Act shall appoint the Registrar of Trade Associations.
>
> The opinion of the majority of your Commissioners is that the incidence of the restrictive practices to which we have referred, at present is comparatively limited in this State and in these circumstances it is to be expected that legislation such as is proposed will be sufficient—

These points are important—

> (i) to bring such practices under public notice;
>
> (ii) to restrain their extension; and
>
> (iii) to enable Parliament say in the next three years to ascertain if these opinions prove correct and if not, to consider amendments to the legislation calculated to produce the desired results.

No-one, even in his most hostile or most unfair moments, could say that this recommendation was not a sound approach to the problem that confronts us in Western Australia. I am quite certain that had the Government accepted it, all this hostility could have been removed and ironed out. We could, by this time, have had legislation on the statute book which would not have created all the ill-feeling, mistrust and misunderstanding that the present legislation engenders.

Let us take a quick look at the administration of the Act. We have had the Cockburn cement case; and surely no-one can say that it did us much good either in this State, in the Eastern States, or abroad. But the Government of the State was not prepared to accept the decision without controversy, so that we found our Premier in public controversy in the world Press over this case.

Mr. Jamieson: It probably helped your party—

Mr. COURT: Nonsense! The report of the Cockburn case is a saddening document, because when the parties eventually did get before the judges, the trend of the administration was highlighted. Some extracts from Mr. Justice Wolff's comments, which are given in great detail, are well worth reading, and I recommend them to hon. members on the other side of the Chamber, because they highlight the great problems that confront any investigator who tries to play around with a major industry; particularly an investigator who has not a first-hand and lifelong experience of the industry. His Honour highlights the discrepancies and anomalies that can creep in.

In this instance we had a major industry, with an overseas background, exposed to all this litigation and publicity. I think the industrialists of Western Australia should be jolly glad that a company like Cockburn Cement had at its head a man who was prepared to fight and to spend money on litigation to test out this piece of legislation and its administration.

Let us look at the Bill itself. The Government is attempting to change the name. This is an admission by the Government that the present legislation has developed a bit of odour about it locally, and abroad, so that it—the Government—is now trying to give the measure another name more akin to the legislation which is used abroad. The Government now proposes to change the name of the Act to the "Monopolies and Restrictive Trade Practices Act." I suggest that does not fool anybody.

Mr. Ross Hutchinson: A rose by any name!

Mr. COURT: It does not change the laws. It does not change the administration.

Mr. Bovell: This administration stinks.

Mr. COURT: It does not change the general attitude of the Government towards industry. It just changes the name and will achieve precisely nothing unless there is a change of spirit on the part of those who govern the State and those who administer the Act.

I now come to the question of collusive tendering. I submit in all sincerity that the Government has thought, after receiving the No. 6 interim report of Mr. Commissioner Smith, that this is a good thing to highlight and has said, "We will include some amendments dealing with collusive tendering." Let us examine the Act, and we will find that the Government has already gone into some of these industries and used its present powers in connection with collusive tendering. We find in Section 8 of the principal Act that "combine" means—

> an association or combination, ... of persons having as its object—
>
> (a) the controlling or enforcing . . . of the price of any goods or services.

Mr. W. Hegney: It does not say "enforcing" at all.

Mr. COURT: It is "influencing." I am sorry. I misread the word. Further on in the same section we find that "unfair trading methods" or "unfair methods of trade competition" mean—

> (a) continuing to be a member of or engaging in any combine . . .
>
> (i) in restraint of . . . trade . . . contrary to the interests of the public.

As recently as within the last six days it has been claimed that these powers in the Act give the Government and the administrators of the Act the authority they need to deal with collusive tendering if there is any collusive tendering against the public interest. But the Government has not agreed with that. It wants to bring down a specific amendment to highlight the position and to further threaten the people who trade in this State.

I now proceed to another innocent-looking amendment, until it is examined. In this instance the Government wants to remove the word "means" in respect of unfair trading, and replace it with the word "includes." The Government has not put this word in for fun. I well remember the debate which took place in the Chamber on a previous occasion regarding the substitution of the word "means" for the word "includes." The word "means" is restrictive and is specific; whereas the word "includes" is unrestrictive; and we have the definition left at the discretion or whim of the administrator of the legislation.

I do not know whether the Minister realises what the further references to collusive tendering in the Bill mean. I refer particularly to the additions that

are being made to the definition of "unfair trading methods" or "unfair methods of trade competition," because it has been held—this is legal opinion given in the last week—that the officers of these trade associations—the individual persons who are purely employees of the associations—can in fact be prosecuted by the Unfair Trading Commissioner under the proposed amendment. Surely it is not the desire of the Government to bedevil these people and follow them right down to the paid executives of the associations!

Then I go on to a new provision dealing with injunctions that may be obtained by the director, to restrain a person, during an investigation by the director, from doing or continuing to do anything which appears to the director to be unfair trading. What is the end result of that? An injunction is obtained. Admittedly he has to go through the process of obtaining the injunction, but it is obtained.

Let us say that the commissioner does not give his decision for six months and then the trader concerned is found not guilty of any offence. In the meantime, what has happened to his business? Anything could have happened to it. A complete trading practice could have been disrupted at terrific cost to the industry or the trader concerned, with no possibility of obtaining any damages. An industry could have been completely shut down because of this injunction; and yet after three or six months, as the case may be, the trader could be found to be completely innocent.

Then we move on to a new section—Section 39A—which deals with protection against detrimental treatment. If one follows that to its logical conclusion, a person would only have to express a hostile opinion at a trade association meeting and he could be prosecuted. In other words, the freedom of expression will be taken away from people who belong to these trade associations and who might have conscientious views on the matter. Surely they should be allowed to express their views in respect of this legislation!

I just want to make one further reference to the suggestion that has been made that the legislation on the statute book in this State is in accord with the legislation in existence in some 60-odd countries abroad. They all have their own distinctive features, but I want to refer particularly to the Sherman Act, which is the one we quite often hear quoted in this Chamber and in other places. On page 102 of the Western Australian Law Reports for 1957-58, we find the following comments made by Judge Wolff—

> It is said that the Act of this State was modelled largely on the Sherman Act. It does not bear a resemblance.

Judge Wolff is the senior Puisne Judge in this State, and those were the remarks he made when it was said that this legislation was modelled on the Sherman Act. That was his very brief and appropriate comment.

Mr. Johnson: That is not the whole of the comment.

Mr. COURT: Surely I do not have to weary the House by reading the whole of Judge Wolff's decision! If hon. members want to read it they can do so; and if they cannot obtain a copy from the library I will gladly lend them my copy.

Mr. Johnson: Was that the comment on the cement case?

Mr. COURT: Yes.

Mr. Johnson: I happened to be listening to the whole of the judgment and what he had to say was only a very small portion of it. You want to give the whole story.

Mr. COURT: If I read what all the judges had to say on this case we would not adjourn on Friday week. If the hon. member for Leederville wants to quote other appropriate extracts we will listen to him.

Mr. Johnson: But that is not an appropriate extract.

Mr. COURT: I get exasperated with the hon. member for Leederville! I quote words which were written by the judge, and he still doubts them.

Mr. Roberts: The hon. member cannot talk.

Mr. COURT: The Minister referred to the fact that the unfair trading legislation had been used by certain traders. There is nothing extraordinary about that. Whatever legislation we have on the statute book, there will always be somebody who thinks he can get some advantage out of it, and he will use it while it is there. Those same people would probably squeal to high heaven if the legislation was used against them. We had exactly the same experience during the times of price control. People would sneak along to the Commissioner for Prices and inform against other people; but those same people would rush along to the first member of Parliament they could find when they found themselves subjected to the same legislation.

I want to say in conclusion that the whole conception of the legislation was bad. The true position of industry in Western Australia has not been appreciated by the Government, in either its introduction of the legislation or its administration. The Liberals on this side of the House are not prepared to support the Bill, because we feel it is nothing more than a political stunt. It is time we stopped fooling around with it. We ought to clean the slate and have some legislation which will not frighten industry away from Western Australia.

THE HON. A. F. WATTS (Stirling) [9.5]: This is an ingenious little Bill that we have before us this evening—extremely ingenious. As a matter of fact, I have a great number of objections to it. On the one hand, it purports to carry out a recommendation which was made by the Royal Commission—and which has been referred to earlier this evening—of which I was the chairman. But, of course, it does not do anything of the kind. The Royal Commission never recommended that this offence of collusive tendering should be the ground for the declaration of a trader under the unfair trading and profit control legislation. We recommended that it be an offence punishable by a heavy penalty upon prosecution with the consent of the Attorney-General.

But what this Bill proposes to do is to add an offence, if one can call it that, of collusive tendering to the provisions in relation to unfair trading and unfair trade competition, and under which provisions the commissioner has power to declare a trading company. So it is of no use telling me that this Bill carries out one of the recommendations of the Royal Commission, because it does not do anything of the kind. It approaches that particular problem in quite a different way. In view of recommendation No. 19 in the Royal Commissioner's report—the only real majority recommendation made—the proposition to incorporate this provision in the Bill is a most extraordinary one; because the recommendation was that the parent Act should be substituted by another, the basis of which was disclosed in the earlier and unanimous portions of the report.

The only conflict of opinion between the majority and the minority of the commission, was whether the earlier recommendations should be in addition to or in substitution for the then existing legislation. The majority of the members of the commission, after due consideration, came to the conclusion that their earlier recommendation should be in substitution for the existing legislation; and the minority came to the conclusion, broadly speaking, that it should be in addition to the existing law.

With all due respect to the two hon. gentlemen who made the minority recommendation, it occurred to me at the time, and it has occurred to me since, that to carry out the whole of the minority recommendation to its fullest extent would be well-nigh impossible. I could never visualise, to my own satisfaction anyway, the incorporation of the first 18 recommendations in the report in the whole of the existing provisions of the parent Act that we are now discussing. There would certainly have to be some admendments made to the parent Act to allow the first 18 recommendations to be incorporated.

But be that as it may, that is only an expression of my own opinion. The fact remains that this Bill is not carrying out the recommendation of the Honorary Royal Commission in connection with collusive tendering. It is treating the matter in quite another way. I say quite frankly that if the second reading of the Bill is carried, I propose to move some quite substantial amendments which will seek to ensure that if there are to be provisions in this measure dealing with collusive tendering, they shall distinctly and more closely resemble the recommendations of the Royal Commission than does the proposition that is now before us. The Bill also has some other and, I think, equally objectionable features.

I would like to preface my next comments by saying that anyone who closely examines the provisions of the parent Act, in so far as unfair trading and unfair competition are concerned, will quite clearly see that what the Act goes against is either monopolistic trading, or, alternatively, entering into combines or agreements contrary to the public interest and designed to do certain things which are set out in the Act. An individual, entirely unassociated with anybody else, who did those things would be extremely difficult to bring under the terms of this Act because—and this is the point I wish to make very strongly—when the original Bill was so heavily amended by Parliament in 1956, there was an insistence throughout all the amendments that the word "includes" which the Government sought to have placed in the Bill, should be replaced by the word "means."

The word "means" was absolutely definite. It limited the possible interpretation of the definitions of the Act to exactly what was stated therein and, in effect, limited it as I endeavoured to express a few moments ago. Now the Minister desires to substitute for the word "means" the word "includes." Immediately we allow that to be done we undo the whole of what was sought by the 50 or 60 amendments which were placed in the original measure by Parliament in 1956. We would throw this legislation open as wide as the Swan River opposite the Canning Bridge; and the net result would be that anybody, an individual without any combination, and without any attempt to monopolise anything, but because he happened to do something which might be said to be within the ambit of the phraseology of this legislation, could be charged with an offence under the Act.

Everybody knows that the main arguments which took place here were in relation to the activities of monopolies or cartels—and if anyone likes to call them combines instead of cartels, I shall not argue about it. It was with the design of limiting their activities in Western Australia, in so far as they were believed to exist, that the amendments I referred to were insisted upon in another place. Yet we are asked, after this lapse of time, and in view of the expressed opinion of the

five members of the Honorary Royal Commission, to believe that the incidence of these restrictive trade practices is not as great as they at first believed, to go back over the ground; and to put into this Bill something they opposed before they made that recommendation and report, and which Parliament had seen fit to take out.

That is a most extraordinary procedure. I am amazed that the Minister should have attempted to do this. I agree that the paragraph in the Bill is quite simple. It consists of only three lines on page 3. In my opinion the effect is to negate absolutely the conclusion reached by the Honorary Royal Commission, and also to reverse completely the decisions reached by Parliament and insisted upon in 1956.

It is quite obvious that it is impossible for me to offer my support for a proposition of that nature, anxious as I have always been, within reasonable limits, to ensure that protection is offered to those who are really engaged in free enterprise, and who are prepared to give the public free competition.

The next objection I have is to the provision dealing with the director having power to obtain an injunction. I do not think I have ever heard of anything more grossly unfair than the proposal in this Bill. It says that the director may institute proceedings for an injunction restraining a person during any investigation by the director from doing or continuing to do anything which appears to the director to be unfair trading. So, before the director is satisfied an offence has been committed, he is entitled to ask a court to order a person not to indulge in something which the director himself is not satisfied is an offence. I have never heard of an injunction being obtained in any such circumstances.

Mr. Johnson: The airline operators have obtained something of that sort in another court recently.

Mr. WATTS: That might be. I am not a student of the airline operators' dispute. It is rather distressing. I prefer to leave the matter to the court. I say without fear of contradiction that an injunction is usually obtained against something which one knows is taking place; but that is not provided for in this measure. So there would be no grounds for obtaining an injunction in the circumstances contemplated by this clause, were it not for the fact that the clause, if it becomes law, would create the circumstances which would allow the injunction to be obtained.

On the other hand, there are clauses in the Bill which meet with my approval. I think it was on my motion originally that a right of appeal was allowed against a ruling of the commissioner. That right of appeal was to a judge of the Supreme Court. If I remember rightly, it was to be final and conclusive, one from which there was to be no appeal to a higher court. At the time I questioned, and I now question, whether that provision in the Act was sufficient to prevent an application being made to the High Court of Australia, as I doubted whether it was within the competence of State legislation to make a provision of that nature.

Be that as it may, this Bill provides that an appeal may be made from the judge to the Full Court; it states that to the extent to which authority is necessary to further appeal to the High Court of Australia. I must confess I am in favour of the idea of a further appeal to the Full Court. I am not at all satisfied that an appeal to the High Court could have been prevented in any event; but that does not matter very much at present.

Mr. W. Hegney: What is your view on the altered title of the Bill?

Mr. WATTS: I have no objection to the altered title. I do not regard the title as very important. As a matter of fact, I think it is a better title, in that it covers the objects of the Bill better than the title used previously. I am prepared to support it.

Mr. Ross Hutchinson: You think it might remove some of the odium from the Bill?

Mr. WATTS: It might. The major part of the Bill contains most unsatisfactory provisions. The Government is not to be commended for its introduction, mainly on the ground that, in the first place, it purports to do something about carrying out a recommendation of the Honorary Royal Commission—which it does not. It tinkers with the recommendation in another fashion. In the second place, it contains one or two new provisions which I have already covered, and which I think ought not to be included, particularly the one which empowers the court to grant an injunction in the circumstances set out in the clause.

MR. PERKINS (Roe) [9.23]: I have already stated—when a Bill similar to this, which sought to amend the parent Act, was before the House on another occasion—that I regard this as very unsatisfactory legislation; and I have had no cause to change my mind since then. We have seen the first report of the commissioner appointed under the Unfair Trading and Profit Control Act. No-one can read into that report any indication that the Act has achieved anything worth while in bringing about free competition. On the contrary, it is possible that it has done some damage to the business fabric of the State.

I was a member of the Select Committee, which later became an Honorary Royal Commission, and which made a fairly exhaustive inquiry into the legislation dealt with in this Bill. As other speakers have indicated this evening, that Honorary Royal Commission, after a very exhaustive

inquiry, made a report. Part of it was unanimous, but a portion was a majority recommendation. I feel disappointed that the Government has not seen fit to take more notice of this report.

In the Bill now before us, the Government has taken one of the recommendations of the Honorary Royal Commission, and sought to graft it on to legislation which the majority recommended should be repealed and replaced by other legislation. I still think the Government would have been extremely well advised to accept the majority recommendation of the Honorary Royal Commission. Taking out one of the recommendations and seeking to graft it on to legislation which the majority recommendation sought to repeal is very unsatisfactory.

If hon. members were to examine the report they would note that the recommendation regarding collusive tendering, referred to in the Bill, was that it be prohibited, and a substantial penalty be provided. The other recommendation, regarding registration of trade associations, was that no organisation be registered, the objects or powers of which contemplate collusive tendering. There was a definition of collusive tendering.

If the Government had been very concerned about the recommendation regarding collusive tendering, it would have been extremely simple to introduce a small Bill to put that recommendation into effect. Grafting it on to other legislation means that the machinery of the Unfair Trading and Profit Control Act is being used to police that portion of the legislation.

Some of us object to this approach towards control of what might be regarded as faults in our business fabric. Such a system is objectionable indeed. I do not wish to go over all the arguments which were advanced when the legislation was before this House previously. The fears of some hon. members about the effect of this legislation on industry have proved to be well-founded. I remember that on that occasion the Minister and some members on the Government side of the House expressing the opinion that the question of branding a trader was not a very serious matter. It is probable that the Government now realises that such branding is regarded very seriously in industry. If I were a businessman engaged in industry I would regard that as one of the greatest penalties which could be inflicted on me; that is, branding by a responsible Government body.

Mr. Rowberry: You would do your best to avoid it.

Mr. PERKINS: Yes. The unfortunate aspect of this particular legislation is that the commissioner might make a mistake; and after such—perhaps unjustifiable—branding, a certain amount of the stigma would stick; and even an inquiry into the activities of any business activity at the present time carries an implication that the firm is doing something which it should not be doing. For instance, even statements made by Ministers in the present Government have sought to convey the impression that the operations of the Unfair Trading Commissioner have had an effect of reducing the superphosphate prices in this State.

Mr. Roberts: Nothing more ridiculous!

Mr. PERKINS: I know something of the operations of those companies in this State. As a matter of fact, the farming community has a considerable direct share in a company operating in Western Australia, and therefore I do know what I am talking about. I can say this: The Unfair Trading Commissioner has had no effect whatsoever on the level of prices in the superphosphate industry. For the information of hon. members, so far as that company is concerned it has sought to pay a dividend of 8 per cent. on its capital. It has been doing that for some considerable time, and is trying to continue to do so.

Mr. Lewis: It did not pay anything for a considerable time.

Mr. PERKINS: As the hon. member for Moore has said, it did not pay anything for a considerable time. But I think hon. members will agree that an 8 per cent. dividend is not an unreasonable dividend in these times; and while those shares are quite readily taken up by the farming community, on the other hand they are not looked upon as providing an unreasonable return for the capital provided. The way that particular company operates is that it tries to provide for a stable dividend on its share capital, and then any savings which can be effected are passed back to the users of super in the shape of reduced prices.

I would also say, from my knowledge of the management, that there are very few companies operating anywhere in Australia or anywhere else in the world where there is a more efficient or more capable management than is found in that particular superphosphate company. Surely it is irresponsible for the Ministers in this Government and the commissioner appointed under the Unfair Trading Act to try to imply that the interest of the Unfair Trading Commissioner in this particular industry has had the effect of reducing the price of the product to the consumers in Western Australia. That is the result of this particular legislation to which I take particular exception, and I think the Minister is going to be hard put to justify the legislation remaining on the statute book.

I would very much like to see this Act repealed. The result of the investigations of the Honorary Royal Commission, as placed before this House, showed that there was not very much happening in industry

in Western Australia to which great exception could be taken. Undoubtedly, instances could be found where small groups were attempting to gain some kind of corner in a market, but there was nothing very serious which could have any measurable effect on the costs of industry in Western Australia. That being so, it hardly seems justifiable to keep such legislation on our statute book when it may result in businessmen having great diffidence about operating in our State.

We do need greater secondary industries in Western Australia, and it does not seem reasonable to place obstacles in the way of such industries working satisfactorily when we try to attract them here. It seems to me that such legislation could be operated very much more satisfactorily on an Australia-wide basis rather than by the individual States. So far as Western Australia is concerned, it is difficult to concede—

Mr. O'Brien: The people had that opportunity in 1946 when the late Mr. Chifley wanted to introduce such legislation. He had a referendum and—

Mr. PERKINS: I do not think that is so. I think the hon. member for Murchison is dealing with something that does not quite apply to what I have in mind. One can hardly concede that any industry in this State would be able to create and hold a privileged position for itself for any length of time.

As we know, it is very difficult for many of our secondary industries in Western Australia to operate profitably in competition with industries in the Eastern States which are serving a very much bigger market and which are generally in a more favourable position to operate on a low profit basis.

That being so, it is fairly obvious that if any industry in Western Australia attempts to create a corner for itself, it immediately brings the threat of undercutting those high prices which it is trying to maintain.

Mr. Potter: What about the position in reverse?

Mr. PERKINS: In regard to items such as super, where the transport costs are a very vital factor, there is a considerable differential of which the industry is able to take advantage; but as I have shown in regard to some of our heavy industries, there are other controls operating which seem to result in the particular commodity being available at the lowest possible cost to our consumers in Western Australia.

When one comes to consider the matter on a Commonwealth basis, the same sort of principle operates. It is very difficult for any industry operating anywhere in Australia to create a corner for itself and to hold the public at ransom for any length of time without attracting the attention of the importers who are able to obtain similar commodities manufactured or available in other parts of the world. That acts as a considerable control.

As a matter of fact, most costs of industry in Australia are very much higher compared with those of some industries operating overseas. Hon. members very well know that so far as nearly all our secondary industries are concerned, were it not for the Tariff Board maintaining a protective tariff in order to give those Australian industries a barrier behind which they can shelter, such industries could be very seriously undersold by products coming in from overseas.

I well remember a previous occasion—I do not know whether it was when this particular legislation was before the House or not—when the hon. member for Leederville gave us a dissertation on this particular point. I think he was very sound on that particular occasion. Although I may disagree with him at other times, I can appreciate it when he produces a sound argument; and on that particular occasion he dealt in some detail with the policy of the Tariff Board to exercise the sort of control which is necessary to see the Australian industries play the game with consumers in the Australian market.

I do not believe it is possible to dispute that particular argument. That being so, with the weapon of the Tariff Board, in addition to whatever legislative provision is necessary to deal with monopolies, it does seem to me that legislation of the nature we are discussing tonight can be very much more effectively handled on a Commonwealth-wide basis, than by any particular State.

If a State is going to dabble in this sort of legislation, and other States are not going to introduce parallel legislation, there is a great danger indeed that industry will stay out of those States where it is feared unreasonable Government control may be operated against it. It is not so much the action which is actually taken, as the threat of action which acts as a deterrent against industry coming in to any particular location. With the anxiety we all have to see secondary industry coming into Western Australia, I ask the question: Is this the right time to introduce this sort of legislation?

Mr. W. Hegney: The answer is "Yes."

Mr. PERKINS: Well, in view of the interjection by the Minister for Labour, all I can say is that he has a peculiar type of logic, and I very much fear what the future of Western Australia is going to be while he remains the Minister for Labour. It can be serious indeed for the development of our State. It may be that a lot of the fruits of the delegation of the trade

mission overseas will be lost unless the Government is going to take a more realistic view towards such legislation as this.

Even at this stage, I suggest that the Government would be very well advised to forget about this legislation and accept the recommendations of the Honorary Royal Commission. Five hon. members of this House spent considerable time hearing evidence, and the majority recommendation was the recommendation of my leader, the hon. member for Stirling, the hon. member for Nedlands, and myself. I realise that the two representatives of the Labour Party who were on that Royal Commission made a minority recommendation. But I think even they were impressed with the complexity of the problem; and in those circumstances I feel that the Bill before us is only tinkering with the question.

I regret that the Government has seen fit to attempt to graft this recommendation on to the legislation, in regard to collusive tendering. In conclusion, I feel that the Government is making a mistake in proceeding with this measure and that even at this late stage it would be well advised to accept the recommendations of the Honorary Royal Commission.

MR. JOHNSON (Leederville) [9.46]: I was interested to note a difference in tone between the speeches of members of the Country Party and that of the Deputy Leader of the Opposition in regard to this measure. It appears to me that the attitude of the Liberal Party, as expressed by the Deputy Leader of the Opposition—that is, if he does express its attitude and not simply his own—is one of complete hostility, very badly stated, and with no rhyme, reason, decent thought, or any attempt to be constructive. Members of the Country Party, although by no means completely favourable to the legislation, do agree that there is a need for some form of control in this general sphere—

Mr. Ross Hutchinson: You are not flattering the Country Party.

Mr. JOHNSON: The hon. member for Roe expressed on this subject quite a number of thoughts with which I am in general agreement, and one of them was that this measure is simply tinkering with the legislation—a view I agree with completely. This is only a small-scale amendment, which I feel is acceptable to more than just members of the Labour Party. I know it is being asked for by many sections of the commercial community—perhaps not the largest or most influential, but certainly the most numerous, and particularly the small business people. They would like to see in the Act something stronger than the rather weak medicine of the legislation.

I agree with the hon. member for Roe on the need for Commonwealth-wide uniform legislation; and I am pleased to know he has been converted to that view, because I remember a Commonwealth referendum on the subject and I think it is true to say that very few members of the Country Party supported that referendum.

Mr. Perkins: There were a lot of strings tied to it.

Mr. JOHNSON: Had the members of the Country Party been at one with the hon. member for Roe—as he thinks now—at that time, I think some slight amendment to the wording of the referendum could have been made; but they were not. However, it is nice to know that people's opinions can change and that they can learn. It has been said that the only people who can make the capitalistic system work are the Labourites. I think there is a good deal of truth in that; because were we not to tinker with the system or interfere with the building of monopolies, and were we not to take action to maintain some degree of competition, following its natural bent the system would develop into a series of complete monopolies.

Were we to allow our present commercial system to reach a stage where there were only monopolies, and no freedom of any kind in trade; where there were single units in control of sections of business or unified groups and monopolies and the various other forms of monopoly type control, the eventual result would be a political change of a very real and revolutionary nature.

Those members of the Liberal Party who seek to prevent us from making the current system workable, whilst changing to a better system, are trying to sow the seed on which the Communist Party breeds and which is the basis for revolution—the basis on which an upheaval in this country would rest. Whether they realise it or not, that is so, and whether or not they intend it, I do not know. The form of legislation which we have before us is one which differs but slightly from that current in the spiritual home of the Liberal Party—the U.S.A.

It is interesting to note that the legislation has been applied there for a number of years. I have here an extract from a judgment given by the Federal Trade Commission in 1939. That is quite long enough ago for us to realise that the legislation has been working there for a long time, and it does not frighten people.

Those who were the subject of this particular judgment were the General Motors Corporation, the Chevrolet Motor Corporation, the Olds Motor Works, a corporation; the Pontiac Motor Company, a corporation; the Buick Motor Company, a corporation; the Cadillac Motor Co., a corporation; and General Motors Acceptance Corporation. They were proceeded against for a type of offence which was very close to that with which we are dealing at present. It was an offence related to trading on hire-purchase, in which all

these people got together and took a series of parallel actions; very close to collusive tendering, except for the fact that it was not a public tender but an offer to the public in general.

The U. S. A. Federal Trade Commission made an order to cease and desist—something parallel to an injunction. It was an order, not to stop all business, as has been suggested by the exaggerating hon. member for Nedlands, but to cease and desist from a certain action. It was an order with authority to bind these very large organisations—organisations with sufficient capital to buy the whole of Western Australia and, if they so desired, to write a single cheque for it—but they were subject to the law and the law, though perhaps not perfect, is acceptable in the country from which the Liberal Party draws its inspiration; the country from which we are seeking capital. It is well known and understood by the people who have the capital and some of whom, as I have said, have felt the weight of that law—

Mr. Court: It is administered on a different basis from that on which the Act in this State is administered.

Mr. JOHNSON: This has not been put on the statute book yet, despite the fact that the hon. member for Nedlands is so frightened that he has to have a night light beside his bed, because he finds a bogeyman in every shadow; despite the fact that he has to get someone to open the door for him—because I have never seen anyone else with such a degree of fright as to what the people of Western Australia would do if given a bit of power—that is if it were given to anybody but himself. If only he had to listen to his speeches, as we have to—

Mr. Graham: You would not wish that on him, surely!

Mr. Court: I wish we could get the electors of Leederville to come here night after night and hear you.

Mr. Graham: So does the hon. member for Leederville.

The SPEAKER: Order, please! The hon. member will address the Chair.

Mr. JOHNSON: Thank you, Mr. Speaker; but I do not need the protection which you have to afford the hon. member for Nedlands. His complete exaggerations are not only offensive to me but also in very bad taste and not in the parliamentary tradition. They are so completely exaggerated that they are misleading and are in effect untrue. They are intentionally untrue, unless the hon. member suffers from some form of mental disease. The material to which we have to listen, and from which he is protected because he is speaking it, is not worthy of serious consideration, because it has to be reduced in volume before one can find what is in it.

I make these comments to show that we, who sit behind the Government, are supporting this legislation with our belief in its value and the need for it; not because we believe that the present commercial system is a good one, but because we believe it has to be made to work whilst it is being changed. It has to be changed to a system which does not produce unemployment; and monopolies do tend to create unemployment. They tend to create excess prices and thereby reduce the standard of living, and we believe they should be controlled. If there is to be a monopoly—and there are some situations in which it is necessary—it should be under the control of the elected representatives of the people—in other words under the control of Parliament.

Mr. Court: You want complete socialism.

Mr. Graham: No, just a curb on capitalism.

Mr. Court: He said that when dealing with the banking Bill.

The SPEAKER: Order! The hon. member for Leederville will address the Chair.

Mr. JOHNSON: We do believe we can make this system work, but one of the necessities is to prevent monopolies absolutely running the State of Western Australia. This legislation is mild. It will not be very much used. It will be in the same situation as the headmaster's cane in the school cupboard. Those who take an interest in our educational system know that there has been a good deal of dispute as to the degree to which the headmaster's cane should be used and who should use it. We say there should be a cane in relation to commercial enterprise, and that it should be in the cupboard and should be used very seldom; but it needs to be there. I support the measure wholeheartedly.

MR. O'BRIEN (Murchison) [9.58]: This legislation has been brought before Parliament under different titles from time to time, and there are some questions that I should like hon. members to consider. Are we to legislate for the rich or the big businessman, or for both the large and the small businessman, or just have monopolies? If we are to have only monopolies in this State, in which I was born, I will oppose such a practice every inch of the way. I recommend this Bill, because it represents some control over monopolies. We have missed out time and time again with legislation to control prices in some form. Are we to allow prices to spiral without any control whatever and with no fair trading?

The practice seems to be to squeeze the little man out all the time for the benefit of the big man in St. George's Terrace. Thank goodness we have a good Government and a Minister who has the courage to introduce legislation such as this which

will give everyone a fair go! Are we to have all this collusive tendering about which we hear so much from the members of the Opposition? Yet they are not prepared to support a Bill to protect the people from such practices!

Are we to allow collusive tendering by which members of the Opposition parties seek to arrange the restriction of competition for the purchase of goods and the supply of services? No, we certainly cannot allow that. I support the Bill wholeheartedly, and I trust that the hon. members of this Chamber will give their loyal support to it.

On motion by Mr. Ross Hutchinson, debate adjourned.

LEGAL PRACTITIONERS ACT.

Amendment of Barristers' Board Rule 30.

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 11th November.

MR. W. A. MANNING (Narrogin) [10.5]: This is another measure dealing with the welfare of natives. Over the past 12 months we have discussed their problems quite a deal. Therefore, I hope to keep my remarks as brief as possible on one or two observations I wish to make on this Bill. It contains some desirable amendments; and in view of that, I can support the second reading, provided that some amendments are agreed to during Committee.

When opposing the Natives (Status as Citizens) Bill I suggested that a good starting point would be to make amendments to the Act with which we are now dealing. The words I used on that occasion were as follows:—

> I do not think that this Act is the best piece of legislation that can be obtained. It serves a good purpose in many ways, but it could easily be made into something better.

The Minister is proceeding along the right lines with this measure, although he has made a number of mistakes in the amendments he proposes.

Since we have discussed measures similar to this, a great deal has been said on the subject, and too much trash and nonsense has been written about natives. If hon. members read some of the letters that have been published in "The West Australian," from correspondents, they would be staggered by the utter ignorance of a great number of people concerning the needs of natives. One can hardly believe some of the suggestions that were made.

One correspondent even suggested that citizenship rights should be granted to natives so that they could sell souvenirs in National Park whilst living in the park under natural conditions. That contribution is typical of some of the letters of correspondents that have been published in the Press.

Mr. Brady: That correspondent must have been in New Zealand.

Mr. W. A. MANNING: He had a Western Australian address, anyhow. Is it any wonder that there is such ignorance among the people of this State concerning the needs of the natives? How could the public be aware of the facts of this problem or of what has transpired in this House? Apart from what has been broadcast by the A.B.C., very little has been published about the debates that have ensued in this House, and "The West Australian" has not assisted in any way in trying to publish the facts for the enlightenment of the people.

One would have thought that the public would be given some opportunity to become acquainted with what has been said on this important subject. The following is an example of what "The West Australian" has published in a sub-leader on this question:—

> Native Bill Was Doomed.
>
> Their narrow arguments were a disappointment to the public.

That was a comment made by "The West Australian" on what is called a "miserable showing" of Opposition members of the Legislative Council.

How could the public know what our arguments were? If hon. members examine the columns of "The West Australian" they will readily agree that what has been published could easily be put in one's eye. The public has had no opportunity of being able to find out what our arguments were. The following is a little more of what was said in the same sub-leader of "The West Australian":—

> Nevertheless, the Government should not sit back because the Bill has been rejected. It should continue to improve natives' educational, social and economic standards and to press the Commonwealth to recognise its duty to give the State more financial help for native reform.

The editor of "The West Australian" evidently does not know that there was nothing in the Bill to carry out the suggestions that were made in that sub-leader. However, that should be done in any case, because they are the rights of the natives. Such is the lack of knowledge of what goes on in this House!

The following was contained in the sub-leader of "The West Australian," dated the 25th October and dealing with the Legislative Council:—

> The Council needs fewer self-styled experts on natives and more humanists with a genuine desire to solve a distressing social problem.

That shows what little opportunity the public has of knowing what the facts are, because the little information that has been published by "The West Australian" is not according to facts. However, there seems to be a bright spot on the horizon, because that newspaper has apparently discovered some helpful words to print concerning this question and has shown a genuine desire to solve this social problem. Since the publication of the sub-leader I have quoted, "The West Australian" must have discovered that there is a human side to the problem. It has got away from advancing the theory of citizenship without compassion or without thought for the welfare of the native.

Unless a native is able and willing to take his part as a citizen in our community, anything we give to him is based merely on theory and pretence. As I have said, "The West Australian" apparently discovered that there was a human side to this problem; because on Wednesday, the 13th November, it published a very fine article, which dealt with some of the views expressed by native youths in this State.

I intend to read some of these views, because they throw an important light on the subject and emphasise the angle that we have been stressing throughout the debates on this matter. The following are some of the extracts taken from that article:—

> While the question of native citizenship rights has been in the air in the past few weeks Arthur and his classmates at a country school have taken part in many long discussions on it—guided and supervised, but not unduly influenced, by their teacher.
>
> Finally, the children at the school were asked to put their ideas in writing. Without exception the native children—coming from a wide range of age groups—opposed universal granting of citizenship to members of their race.
>
> The four children from whose essays I shall quote are the older and more articulate aboriginal members of their class. All four are in the process of acquiring a secondary education.
>
> All four live with their families or have regular contact with other natives, and are thus poised between two worlds.
>
> It is apparent, also, that each of them is writing from personal experience and strong feeling.

I will now quote a few extracts from some of the opinions expressed by these native youths. The following is what a 17-year old native girl said:—

> I suggest that rights should not be given immediately to those natives who, at their earliest opportunity, leave school and live off their relatives in reserves. Until these young natives improve themselves they should not have their rights. For they will not become good citizens unless they try to lift themselves out of their decadent state.

The following is another extract from an opinion expressed by a 15-year old girl—one of the school's brightest students:—

> I think that those who do not have their rights would be very jealous of those who have them and would try to better their ways; but only those who bring themselves up to a modern standard of living should be given citizenship.
>
> It is all right for white people to say that natives should have citizenship the same as anyone else, if they want it. But if they saw drunken parents fighting and the children screaming in fear, as I have seen, they would think twice.

I will now quote the opinion of 17-year-old Arthur. It is as follows:—

> Natives must be prepared for citizenship. Education will play the greatest part in it. To most natives, school means only keeping the kids out of mischief, away from home. It is difficult for natives to understand what education does for them. They will realise it only when they see their children holding high jobs at the side of white people.

Here is another opinion expressed by one of the girls.

Mr. Rhatigan: Is that not being done at present?

Mr. W. A. MANNING: It is being done at present, but I am merely giving the background of the attitude we have adopted all along. The Minister does not seem to understand, but the opinions expressed by these native youths prove all that we have said before. The following is what another native girl said:—

> Native children should be kept at school even longer than white children. While we are in school we are being fitted to take our place as citizens, but out of school it is a totally different story.

Those are statements made by the people whom the Government pretends to want to help.

Mr. Norton: You said they were children's statements.

Mr. W. A. MANNING: I said they were statements made by all the youths.

Mr. Norton: Children's statements.

Mr. W. A. MANNING: I said they were the brightest youths of the school, and the hon. member need not belittle the statements made by these youths.

Mr. Norton: I am not doing so.

Mr. W. A. MANNING: Those statements mean exactly what they say. They set out the true position, and hon. members may be sure that they are correct. The mere fact that natives need special homes, special care, and special inducements; the mere fact that they need reserves, missions and special welfare departments, surely proves that their need is very deep; it is much deeper than the Government seems to think in its efforts to give them citizenship rights.

[*Mr. Heal took the Chair.*]

I would like to emphasise some remarks I made a few weeks ago when dealing with a similar Bill to grant full citizenship rights throughout the State. When speaking to that Bill I asked the following questions:—

> How many native children will it save from drifting back after their school years to the careless ways of their parents? How will it teach natives hygiene and sanitation? How will it lift them to a life of favourable acceptability? How will it convert their humpies into homes? How will it inspire them with Christian virtues? How will it educate them? How will it supply health services and expansion of mission work?
>
> There can be no new order for the native people within this Bill, because it is empty of anything that will promote full native participation in our community life. That is what we are seeking.

This Bill is a half-way house; it recommends that natives who help themselves a certain distance along the way should be given further assistance; and that, I feel, is the right attitude.

Mr. Graham: Death-bed repentance!

Mr. W. A. MANNING: When introducing the Bill, the Minister made the following statements concerning new Australians:—

> All that is required is to be of good character; to speak and understand enough English to be able to talk about ordinary themes and to do a job among English-speaking people in Australia; to understand the duties and privileges of an Australian citizen and to intend to live permanently in Australia. There is nothing required in regard to having to dissolve association with relatives or friends; nothing about having to show that he or she has lived at a decent standard of citizenship for two years; and nothing in regard to the health questions involved where the native is concerned.

If the Minister really thinks that, he does not know what is required of new Australians; because, before they are selected, they must go through a health examination in the first place. Apart from that, they must also undergo a far-reaching scrutiny. I will read a short extract from a letter from a Commonwealth immigration officer as to what is required of these people. It is as follows:—

> However, generally speaking, all migrants seeking admission to this country are required to be in sound health and of good character and considered not likely to become a public charge.
>
> To ensure that migrants satisfy these requirements, Migration Offices have been established in various parts of the world manned with Australian medical practitioners and stringent medical and x-ray examinations are applied.
>
> Alien migrants seeking entry to this country must come within certain categories in regard to age and relationship to relatives in this country.

Apart from that there are all sorts of forms to be filled in, statutory declarations to be signed, and so on. Those are some of the things required of the new citizens to Australia.

Mr. Norton: These are not new citizens; they are old citizens.

Mr. W. A. MANNING: I am replying to what the Minister said in connection with new Australians. If the Minister did not think it was relevant, he should not have quoted it.

Mr. Brady: The Minister quoted from the department's official form.

Mr. W. A. MANNING: The Minister left most of it out. He quoted only the first four items. There are four foolscap pages containing further information on this subject.

Mr. Brady: Are the forms you got for immigration to Australia or for citizenship?

Mr. W. A. MANNING: I am coming to the question of citizenship now.

Mr. Brady: You told us the others were for citizenship.

Mr. W. A. MANNING: The fact is that all these new Australians must go through a searching inquiry before they are accepted as citizens. When they arrive in Australia they must live here for five years before making application for citizenship.

Mr. Brady: They can apply in 12 months if they marry Australian girls.

Mr. W. A. MANNING: That is exceptional. The general rule is 4½ to 5 years.

Mr. Brady: You should speak of all of them.

Mr. W. A. MANNING: Before they are accepted for nationalisation a further inquiry is made in their own country. Only recently one was challenged, and the inquiry revealed that the people concerned would not be acceptable. A very thorough examination takes place; and at the naturalisation ceremony, they must first renounce all allegiance to their own nationality.

Mr. Rhatigan: Is it necessary for them to speak English when they arrive?

Mr. W. A. MANNING: They must speak enough English to be understood.

Mr. Rhatigan: What about the new Australian girl at the airport?

Mr. W. A. MANNING: These new Australians must first of all renounce all allegiance to their old country; and this, of course, demands a personal determination, and evidence of self-help, which I would like to see in our own natives. If we had that, there would be no difficulty at all in granting them citizenship rights. Unfortunately, however, they do not possess those qualities.

When new Australians come to this country most of them find permanent jobs, and lift themselves into higher positions; some of them build their own homes and bring up their families as we do. This is all done in the five-year period which must elapse before they are naturalised. If these new Australians can do that, so can the natives.

Mr. Norton: They do.

Mr. W. A. MANNING: They do not; and I think the Minister knows it. If there are natives who act in that way, then they are exceptional, because there are not too many who have those qualities. I admit they can do it; I do not say they cannot. If they wanted to, they could get to the top of their schools and attend the university; but how many of them will?

Mr. Rhatigan: Why don't you get away from Narrogin and travel around for a while?

Mr. W. A. MANNING: There are two main points in the amending Bill. One contains a provision that children whose names are on the certificate shall be included only till they are 21. In the past, under the Act, children of a native with citizenship rights at 21 will revert to their native status. The Bill proposes to do away with that clause, and I agree it is desirable. Under the amendment a child of parents who has rights retains those rights whether granted before or after the passing of this Bill.

Apart from that, there are some other unusual provisions in the measure. The present Act provides that when a certificate of citizenship is given, the board, may, upon application on a prescribed form, include in the certificate of citizenship granted under the Act, the names of any children not of full age of whom the applicant is the responsible parent.

In this Bill it is proposed to delete that clause and to include, without specifying who they are, all children born at any time. That would make it a very open clause, because a native of 60 years of age could have a child whose age is 45 years; and under this amendment he would be given citizenship rights without having any qualification himself. Surely that is not the intention of the Minister.

That needs a little tidying up. I propose to move an amendment to the clause which includes the children of the native and to say that the board shall, on the attaining of citizenship, include the names of all the children of the native on his certificate of citizenship—the full names, sex, and date of birth. The reason for that is that we are altering the provision which deletes their citizenship at 21, and making them permanent citizens. If we are going to do that we must have a full record of the family of the particular native; otherwise it might be difficult at some date to tell which of his family belongs to him or her.

But if on the certificate of citizenship there is a record of all the family, and their full names, and sex, and dates of birth, we will know those who are entitled to full citizenship as they reach the age of 21. In the meantime, they would be entitled to all the privileges of people of the same age. The idea behind the Bill is good, but it needs tidying up to see that there is a proper regard for the family of the native.

Mr. Oldfield: You are supporting the Bill?

Mr. W. A. MANNING: Yes, provided I can get my amendments accepted. The second point to which I wish to refer is that the citizenship rights become permanent. I agree with this. If a native is examined for his ability to become a citizen and he is granted citizenship rights, I cannot see why they should be taken away from him, any more than they should be taken away from a white person. In certain circumstances we lose certain rights; but a native who becomes a citizen is subject to the same law as we are, and that should be carried out. When we grant those rights they should be permanent, but in looking at the report of the South Australian Aborigines Protection Board, dated 1956, it seems that it would be desirable later on to have a provision for the revocation of rights. This is what the report says—

> The Aborigines Act, 1934-39, provides that unconditional exemptions cannot be revoked—

Exemptions in South Australia mean that the natives become exempt from the Aborigines Act. Incidentally, in South Australia, there are provisional exemptions and unconditional exemptions.

Mr. Rhatigan: They are exempt here when holding exemption certificates.

Mr. W. A. MANNING: They are conditional and unconditional in South Australia. I will quote again from the report. It reads:—

> The Aborigines Act, 1934-39, provides that unconditional exemptions cannot be revoked, but the Board is of the opinion that an exemption should be revocable in certain cases or where it is beyond doubt that the granting of the exemption has had harmful effects on the native concerned or his family.

The position is not likely to arise for a number of months; and, if it is found desirable, some amendment could be placed in the Act to provide for it. I mention this because it is the experience of the South Australian people.

There are one or two other amendments proposed in this Bill. It seeks to delete the provision that for the two years prior to the application the native has dissolved tribal and native association except with respect to lineal descendants or native relations of the first degree. That is something which the native has to declare, and I am in agreement with that provision being deleted. There is another provision under Section 5 which sets out that the board should be satisfied on certain conditions; and one of them is that for the two years immediately prior to the application the applicant has adopted the manner and habits of civilised life.

Under the amending Bill it is proposed to delete the provision that the board should be satisfied concerning the native's habits of living. To my way of thinking that seems most unwise. Surely, if we are going to grant a native citizenship rights, he should be able to live in a civilised way two years prior to receiving those rights! I do not think that provision inflicts any hardship on the native.

Mr. Rhatigan: Are they living in a civilised way now?

Mr. W. A. MANNING: What would the hon. member call civilised?

Mr. Rhatigan: A native worker on a main roads camp in the same tent as white employees.

Mr. W. A. MANNING: Plenty of white people do that.

Sir Ross McLarty: A native would not be in a main roads camp.

Mr. W. A. MANNING: The native would only have to show the board that he is doing that.

Mr. Rhatigan: They are doing it now.

Mr. W. A. MANNING: There would be no hardship if the provision was not deleted from the Act, because the native would qualify in the case stated by the hon. member.

Mr. Norton: Don't you think the remaining clauses give sufficient cover?

Mr. W. A. MANNING: No; I do not. It is also proposed to delete paragraph (d) of Subsection (1) of Section 5. This paragraph reads as follows:—

> (d) The applicant is not suffering from active leprosy, syphilis, granuloma or yaws.

My amendment proposes to retain that paragraph, with an alteration of the words to the effect that it be any notifiable disease.

Mr. Norton: What does "notifiable disease" mean?

Mr. W. A. MANNING: Any notifiable disease—just as the words apply to a white citizen.

Mr. Norton: Would hydatids be one?

Mr. W. A. MANNING: The type of disease does not concern me. The same provisions have been made in regard to a health certificate for new Australians—people the Minister likes to quote—and surely we do not expect that natives should be admitted to full citizenship with these diseases!

Mr. Rhatigan: Would you bar a white from citizenship if he had a notifiable disease?

Mr. W. A. MANNING: No, of course not!

Mr. Norton: Would you bar a person with lead poisoning from citizenship?

Mr. W. A. MANNING: Would the hon. member like a whole list of notifiable diseases? I commend my proposed amendments to the House, and support the second reading. I hope the Minister will see these amendments are accepted in order to make the Bill workable.

MR. RHATIGAN (Kimberley) [10.35]: I do not think I have any need to enlarge on my previous statements concerning my outlook on natives—that is, in regard to the complete abolition of the Native Welfare Department and the setting up of a social services department. However, this Bill does not provide for that.

The only point on which I can agree with the hon. member for Narrogin is that there have been too many words spoken and too much publicity given to this particular subject, which are not doing the individual native any good. I must disagree with the hon. member on every other remark which he made. Particularly must I praise "The West Australian" for the publicity it has given. Whether that will ultimately be of benefit to the natives or not remains to be seen; but at least it has made a genuine attempt to bring this problem before the public.

I most sincerely commend this Bill to the House and trust that it will go through without any amendments whatsoever. I

sincerely hope it will have a speedy passage in another place, because I feel it is most deserving.

I can recall that when I joined the Department of Native Welfare in 1946 the subject of a natives citizenship rights Bill was discussed. It was a Bill similar to that which we are discussing now, and was dealt with by my predecessor, Bob Coverley, in 1944. I asked a question of the senior officers of the Native Welfare Department at that time—and none could answer me before I left for my posting in Carnarvon—whether the children of those natives obtaining citizenship rights would be automatically declared citizens, or whether it would be necessary for them to apply.

Opinion was divided in the then Native Affairs Branch. A Crown Law ruling was obtained to the effect that children were not included. Therefore, we had the situation where parents were citizens and their children were not. Girls reached the age of 18 and chaps the age of 20, and so on; and although the parents were permitted to go to certain places, the children were not.

At that particular time there was a prohibited area in the town of Carnarvon and permission had to be obtained from the sergeant of police for a native to remain after a certain period of time. I am happy to say that Sir Ross McDonald had that condition waived. The Act I spoke of was passed in all good faith, and I suppose quite a number of members of the House at that time would naturally think the children of those people would automatically be citizens. However, it was not so.

When this anomaly became very apparent, my predecessor once again was fortunate enough to secure another amendment to the Act, which meant that parents would have their children's names included on their citizenship rights certificate. Those people are accepted and mix with whites everywhere. But immediately they reach the age of 21 they have to appear before a board and ask, "May I be declared a citizen or not?" It that the way to treat a human being? I say it is a disgraceful insult, and this Act should have been amended ages ago.

I have appeared before magistrates advocating the citizenship rights of an individual, and it is amazing when one considers the standards under which he has to live. We have white people in the north who are living in hovels, and many in my electorate are living in tents. However, a native would be denied citizenship rights if he were living in a tent. We do not take citizenship rights away from a white because he is living under difficult conditions.

I admit that the State Housing Commission has done a remarkable job, but we cannot change conditions in five or 10 minutes. It is time we were realistic, and I hope the Bill will pass through this House. In regard to the proposed amendment by the hon. member for Narrogin concerning notifiable diseases, there would be at least 40, and I think it would be an insult to a native to accept the amendment. I do not think the amendments are worth considering.

MR. GRAYDEN (South Perth) [10.41]: First of all, I wish to congratulate the Government and the Minister for Native Welfare on their persistence in regard to this legislation. I cannot understand the opposition to it or the criticism which has been voiced.

I would think that as the Opposition in this Parliament defeated the previous native welfare legislation put forward by the Government, it would—having had time to consider the gravity of what it had done—be now feeling somewhat contrite on the matter and endeavour to make amends. After all, when the Opposition defeated the previous legislation it did not merely deny natives in Western Australian citizenship rights; it perpetrated two other conditions which that Bill would have overcome.

At the present time, no native in Western Australia is entitled to his own property. The Commissioner of Native Welfare can take property away at any time. The Opposition, when it defeated that legislation, perpetuated that state of affairs, because that provision had been amended.

The second thing the Opposition did was to perpetuate the state of affairs where no native in Western Australia is entitled to his own children. At the present time the Act is very clear on the subject; and the Commissioner of Native Welfare can commit any native child to any orphanage, or any native institution, and it can be sent to school hundreds of miles away under the existing legislation. That power is being exercised in respect of thousands of children in Western Australia.

When the Opposition defeated the previous legislation introduced by the present Government, it knew full well what it was doing. It perpetuated a state of affairs where the Native Welfare Department in Western Australia can do what it wills with the children of all native parents in this State. That is an extraordinary state of affairs, because I do not know of any other country in the world where such legislation exists. It is completely divergent to all basic human rights or charters dealing with basic human rights. In view of this, the Opposition must take complete responsibility for the present state of affairs. The Native Welfare Department continues to have power over all the children and over the property of all natives.

Because of this, I would have thought the Opposition would go out of its way to welcome legislation of this kind. When the previous legislation was introduced all sorts of criticisms were brought forward from this side of the House. Now we get criticism of this innocuous Bill.

As the Minister mentioned, the Bill sets out to do only two things: Firstly, to bestow lifetime citizenship on the children of holders of citizenship certificates under the parent Act; and, secondly, to ensure that citizenship, once granted, shall remain permanent and not be subject to cancellation or suspension.

I voted for the previous legislation not only because of what it would have done—I am not particularly concerned about citizenship rights—but because I hoped that if it had been accepted it would have brought the whole native question to a head. I would have welcomed the previous measure even if it had created a shambles in regard to the native question; because, I repeat, it would have brought the issue to a head.

Some time ago this Parliament set up a committee which went into the question in a most exhaustive way. It made certain recommendations and suggested that the Commonwealth Government make available a sum in excess of £4,000,000 to assist the natives. What has become of that recommendation? The Government put the proposition to the Commonwealth Government which, at present, is contemplating greatly increased aid under the Colombo Plan. Already the Commonwealth Government has given away £60,000,000 to people overseas who are far less deserving of assistance than our own Australian aborigines. Yet, this simple request for £4,000,000 has not, up to date, produced any result.

So, when the previous legislation came along, I thought that if it were passed, irrespective of whatever else happened, it would bring the question to a head. I thought it was the sort of legislation which would ensure that the Commonwealth Government would make the money available in a short space of time. The same thing applies to this Bill. At least it is a start, and for that reason I cannot see why there should be any opposition to it; particularly when one sees what is going on in Western Australia at the present time. It is difficult to imagine that anyone in this House should be possessed with a desire other than to do something for these people.

Last Thursday there appeared an article in the "Weekend Mail". Apparently the Health Department had again gone out towards the Warburton Ranges. The article, which is headed "Walking Woda's 85-mile trek", has this to say—

> The slight, almost emaciated native walked briskly out of the scrub and dropped on to his stomach by the waterhole. Pausing only for breath, he gulped down a gallon of murky water. It was not surprising that he was thirsty. He had just walked 85 miles in three days, across waterless desert.
>
> The young native—Woda was his name—was met by a combined party from the Public Health and Native Welfare Departments who recently made a survey of the health of natives in the remote Warburton Ranges area, near the Northern Territory border.

The article then makes some comments about this chap, and later it has this to say—

> However, in contrast to this was their utter helplessness, when confronted with disease. The party met a family in which a woman was racked with dysentery.
>
> The doctor reports that she might have died but for their chance meeting and the simple treatment they were able to give her. The nearest assistance would have been at Warburton Mission, 200 miles away.

Anyone who has some knowledge of dysentery knows that if the mother had it, the rest of the family would also have it, or would get it later. But in this instance the woman was almost dying. By some strange streak of fate, a doctor happened to come along and he gave her a simple treatment so that she apparently recovered. The doctor recommends in his report to the department that a "native aid post" be set up in the Rawlinson Ranges. He points out that the Warburton Range Mission is too far away to give any help to natives in the Rawlinson, Dean, and Katherine Ranges. That is one thing which is very much in line with what the Select Committee recommended.

But this is happening now. The Select Committee which was appointed, recommended these things years ago. But little has been done, simply because not sufficient interest was taken in Western Australia to ensure that the Commonwealth Government came to light with the money that the Committee recommended should be made available. If the money were provided, no-one would have any fears that the Minister for Native Welfare would not spend it in the interests of the natives.

Mr. O'Brien: Hear! hear!

Mr. GRAYDEN: That is only one aspect. That is a recent report dealing with natives in the central area. We had some opposition to the previous native welfare legislation, and there is opposition to this measure, from members of the Liberal Party and from members of the Country and Democratic League. Let me show what is happening in an electorate represented by one of the Liberal members in the House. I speak of the hon. member in whose district lies the town of Quairading.

Some time ago, much to my surprise, I received a well-written letter from a native who lives in a reserve a few miles from Quairading. He wrote a most reasonable letter pointing out that for many years he had lived on this reserve with his family and friends, and that there was no water on the reserve. He said they used to obtain water from some other source. Every week-end these natives used to go into Quairading, and they used to take their young children. They would go to the pictures at night and return the eight miles to the reserve the next morning.

This practice continued for years, and during that time the natives were in the habit of going to the showground at Quairading and getting water from the local horse trough. They were permitted to do that which, hon. members will agree, was a small concession in the circumstances, because, after all, these people are human beings.

After a few years, the Quairading Road Board had a change of secretary. The new secretary decreed that these natives would no longer be permitted to drink from the horse trough. The native, in his letter to me, pointed out that about 20 natives, including children and babies in arms, were involved. This is the only water available to them in Quairading. What an extraordinary state of affairs!

I wrote to the Minister for Native Welfare and enclosed the letter I had received. The Minister immediately inquired into the matter and wrote to tell me what the position was, and that he was attempting to do something. He pointed out that there was no water on the reserve. From memory, I think he said that no other water was available in Quairading. What an incredible state of affairs that in the year 1958, 20 natives can go from a native reserve, on which there is no water, into a town, and enjoy themselves by going to the pictures at night, and then be forbidden to obtain water from the local horse trough, even though there is no other water available in the town.

That is only one instance. The other day the hon. member for Murray spoke heatedly against a Bill dealing with natives. Possibly he spoke with a great deal of justification. But he only offered criticism without suggesting any alternative, or indicating any desire on the part of the Opposition to seek an alternative or to embrace one if it were brought forward. This is what happened in the hon. member's electorate the other day: A few natives came to see me the day before yesterday, but I happened to be out. They saw some other hon. member in the House. These natives had citizenship rights. They were respectable people living near Pinjarra.

One day the local police sergeant—the hon. member for Murray quoted him when he was speaking against the previous native legislation—apparently went out to the camp and told the father and the mother—I must repeat that this is the story that was told to someone else in this House—that their 11-year-old daughter was pregnant and insisted that she be taken in to the police station. So he took the 11-year-old girl into the police station and questioned her at length to ascertain whether she was pregnant or whether there was any possibility that she was pregnant. Hon. members can imagine what that sort of cross-examination involved.

Then we have the enraged parents—decent natives—when the daughter was returned to them, taking her immediately to the doctor and receiving from him a certificate to the effect that, of course, there was no possibility that the child was pregnant, or that she could have been pregnant. They received the doctor's certificate to that effect, but what is their position? They have no redress. These natives are a respectable family living in Pinjarra; and this occurred just the other day. Their daughter was suddenly whisked away and interrogated at length at the police station in a manner which, if the natives are to be believed, left much to be desired. Yet, the daughter is expected to go back to her parents and lead a normal life.

This is the sort of thing to which natives in Western Australia are subjected every day because we do not concede that they are human beings. This type of legislation will stop that sort of thing. Let us give them basic human rights, and we will not have police sergeants, or officers from the Native Welfare Department and other departments, exceeding their rights. Therefore, I hope the House will support the Bill even if it is only for the reason I outlined earlier, that it is the sort of legislation which will bring the native question to a head.

MR. I. W. MANNING (Harvey) [10.59]: The Bill seeks to make some amendments to the parent Act. The measure is only a small one and could possibly be dealt with more satisfactorily in the Committee stage. The amendments are all associated with applications for citizenship. It is a good thing that the natives should personally have to sign the applications, and that they should be of good character, and that they should understand the English language and the responsibilities of citizenship.

Mr. Norton: That is in the Act.

Mr. I. W. MANNING: I realise that. I am merely endeavouring to indicate, for the benefit of the hon. member for Gascoyne, that these are the provisions I like to see written into the Act.

Mr. Norton: They have been there for a long time.

Mr. I. W. MANNING: I still like to see them there. I also think it necessary that the natives should be free from any notifiable disease. I believe it would be a good thing for all children under the age of 21 years to be included in the parents' application for a certificate. and that on reaching the age of 21, they should remain citizens, and that any children born after the parents have received their certificates of citizenship should automatically be given citizenship rights.

I think that, as the hon. member for Narrogin suggested, it would be a good idea to include the names, sex and age of each child on the application as well as the certificate; and that a certificate of citizenship once granted, should never be taken away. In order to obtain a certificate of citizenship a native has to measure up to certain requirements; and, if he can do that, and is prepared to live like a white man, and no longer intends to associate with natives in a tribal way, I see no reason why a certificate of citizenship should be taken away from him. He should be dealt with in the same way as any other citizen; if he breaks the law, he should be dealt with in the same way as a white man is dealt with.

I was surprised that the Minister, when he introduced the Bill, did not take the opportunity of telling us what was being done to further the education of the natives, and what sort of welfare work was being done for them. We have listened on several occasions to the sad story presented to us by the hon. member for South Perth. We have heard it twice this session; and I imagined that the Minister would take the opportunity, while this Bill was before us, to tell us just what steps were being taken to educate the native children. We compel all white children to go to school; and, if we are to overcome the native problem, the best way to do it is to educate the native children.

If that were done I think the wish of the hon. member for Kimberley would eventually be granted, and there would be no further need for the Native Welfare Department as such. By that time all natives would have reached the stage where they would or could automatically become citizens. All those natives who did not then become citizens could be brought under a special social services department.

The Bill does not call for any long comments from me at this stage. I shall support the second reading and also some of the amendments suggested by the hon. member for Narrogin.

MR. NORTON (Gascoyne) [11.3]: While the Native Welfare Bill was being discussed in Parliament this year a prosecution took place in Carnarvon which I think I can rightly say was the principal reason for this Bill being brought forward. I was in Carnarvon in September; and while I was there, the case I intend to mention was brought to my notice. I took the opportunity of discussing it with the magistrate, police officers, and the native welfare officer. It involved a lad who, for a number of years, has been classed as a citizen but who, by the effluxion of time—becoming 21 years of age—has reverted to the status of a native.

This Bill has been introduced to overcome that position, and it will give to natives a continuity of their citizenship rights. Native children whose parents have citizenship rights are classed as citizens up to the age of 21 years, provided they are included on their parents' certificates. They are entitled to all the amenities and privileges that we receive as white people. But on reaching the age of 21 years they are denied those rights.

I have with me a letter dated the 14th October, 1958, and I will read several extracts from it. The facts which I shall quote are correct in detail, although I will admit that the actual words attributed to the police sergeant and the magistrate are not the words used by them. I have discussed the matter with both of these gentlemen and they have told me the facts as stated in the letter.

The letter was written to me by the licensee of a hotel at Carnarvon. His barman was prosecuted for supplying liquor to a native, and the native concerned was the son of a man who had had citizenship rights for a number of years. Because he was included on his father's citizenship certificate, this lad had the rights of citizenship also. The boy's mother was educated at the Carnarvon convent. She was well educated and was at the convent until she was married.

These parents sent all their children to Mogumber to school until they were 14 or 16 years of age. That is not an isolated case. The family is well respected in the district, and the boys play in practically all district sports, such as football and cricket. While they are under 21 years of age they enjoy all the freedom and privileges of white people.

In the case I am quoting, the lad concerned was thought to have turned 21 at the time, but there is some doubt as to whether that is so. I shall now read some extracts from this letter in regard to statements made at the hearing of the case when the barman was prosecuted. I shall omit names and just refer to the persons as the sergeant, the magistrate, and the native. I quote—

> The sergeant then told the magistrate that this was a peculiar case as the said native had been allowed to be in the hotel for the last three years under his father's rights and as he has turned 21 only a short time ago

> he is not now permitted to be in a hotel. He also said the chappie was not dark and could easily be taken for a white person and under these circumstances he would ask for leniency as he was sure it was not done with the intention to supply.

The magistrate in his summing up—and these are not his exact words but a report of what he said and which I believe to be correct—said:

> It seems a very funny law that a boy over 18 years can enter a hotel under his father's rights; but the moment he turns 21 he comes under the Act. He also said that the minimum fine was £20 and as he had committed a crime and he could not defer from the law, he had no alternative but to fine the person a minimum of £20, but stated as this was a peculiar case he thought it might be advisable for us to apply to higher authorities to have the case rescinded.

Subsequent to that finding some doubt arose as to the lad's age.

Mr. Nalder: Mr. Acting Speaker, I wish to draw your attention to the state of the House.

The ACTING SPEAKER: There is a quorum present. The hon. member may proceed.

Mr. NORTON: After the case had been completed, the father reported to the police that he believed the boy was not 21 years of age. Therefore the case now centres around the point as to whether the lad was supplied with liquor as a junior or a native. As I said, it is a peculiar case. In many similar instances children are born to these people at a time when their births cannot be registered, and it is not possible to state the exact age of the child.

I wholeheartedly support the Bill in its present form. It introduces something that has been lacking for years, and will give to the natives some semblance of justice and make it easier for them to get citizenship rights.

If we look at the Act, as it will read if the Bill is passed, we see that Section 5 will read as follows:—

> Before granting any application brought under the provisions of the preceding section, the board shall be satisfied that—
>
> (1) The full rights of citizenship are desirable for and likely to be conducive to the welfare of the applicant.
>
> (2) The applicant is able to speak and understand the English language.
>
> (3) The applicant is of industrious habits and is of good behaviour and reputation.
>
> (4) The applicant is reasonably capable of managing his own affairs.

What better qualifications could be required?

Mr. W. Hegney: The Leaving Certificate!

Mr. NORTON: It would mean that the native had discontinued his tribal habits. There is some argument from the Opposition that we should delete the paragraph which says—

> A native shall not be admitted if he is suffering from leprosy, syphilis, granuloma or yaws.

The Opposition's amendments will have the effect of striking out the four named diseases and including a list of 43.

Mr. Brady: That is terrible.

Mr. NORTON: The Opposition's amendments will have the effect of making it harder and not easier for natives to get citizenship rights. I wonder whether the hon. member for Narrogin has had a look at the list of notifiable diseases.

Mr. Graham: No.

Mr. NORTON: I bet he has not! Would he consider acute rheumatism a bar to the obtaining of citizenship rights? Would he consider lead poisoning to be a bar? He is not answering those questions, and obviously he has never looked at the list. Would he consider hydatids to be a bar? Could he tell whether the average child had hydatids by examining it? How long does it take to find out whether a child has hydatids or not? From what Dr. Henzell told me today, it takes from eight to 12 months to be sure whether or not a person has that complaint.

If the Opposition's amendment were agreed to, a native who had been working in the mines, and who had contracted lead poisoning, would be debarred from getting citizenship rights because he had a notifiable disease. If a native had lockjaw, dysentery, rubella, chicken pox, or some other common disease, he would be debarred from obtaining his citizenship rights.

So the Opposition should take a close look at what it is trying to put into the Act. I think it is just picking points at random with the idea of making it harder than at present for a native to obtain a certificate of citizenship, because the four diseases mentioned in the Act now are most uncommon. If a native has any one of those diseases, the protectors soon find out and something is done about it.

There is no reason why, if citizenship rights are granted to a native and his wife, such rights should not automatically be granted to the whole family; and those rights, in respect of the children, should not be taken away when the children reach 21 years of age. Prior to the native having received his citizenship rights, he must have lived as a white person; and, in so

doing, must have brought his children up as white children. I hope the Bill will be agreed to.

THE HON. J. J. BRADY (Minister for Native Welfare—Guildford - Midland—in reply) [11.14]: I am most disappointed at the trend of the debate so far as Opposition members are concerned. Having discussed the previous measure in this House, and judging by the way it was dealt with in the other House, I thought hon. members opposite would have been a little more sympathetic on this occasion. In fact, I thought that the hon. member for Narrogin, from the way he started to speak, was going to give me his wholehearted support; but as he got to the end of his speech, he did a sort of somersault and was not at all helpful.

Mr. W. A. Manning: I agreed to most of it.

Mr. BRADY: He is so helpful that he wants to substitute 43 diseases, where the Bill contains four. I am afraid the hon. member for Narrogin did not frame the amendment himself but was assisted by someone who knew more about the matter. It is disappointing to see the Opposition attempting to substitute 43 diseases for four.

Mr. Nalder: Some members of the Opposition thought that about your speech.

Mr. BRADY: The hon. member has been so helpful to natives that he has not even tried to contribute anything to their welfare!

Mr. Nalder: That is not correct.

Mr. BRADY: I would like to hear the hon. member giving his views on this measure.

Mr. Nalder: I did last year.

Mr. BRADY: Not on this particular matter. I recollect what the hon. member said when amendments to the parent Act were passed in 1951. If my memory serves me aright, he made it difficult for natives to become citizens. I remember sitting here on one occasion until 4 a.m. or 5 a.m. when we, as the Opposition, were trying to remove some difficult clauses in the Bill, but were not successful.

I remember the hon. member for Katanning was pretty forthright in his views on the retention of certain provisions in the Act. If he were to brush up his mind, he would have to give me credit for being right on this occasion. That may be the reason why he has been so reticent on this measure. He does not want to upset the Opposition by airing his views.

Having regard to what the Government attempted to get through in the earlier measure, the two or three amendments contained in the Bill now before us are so minor that I cannot understand the attitude of the Opposition in opposing them, particularly in view of what the Act contains. There is a dragnet provision in the Act which restricts the natives from obtaining their citizenship rights. In addition to having a police magistrate as a member of the constituted board there must be a member of the local governing body, and the decision must be unanimous. Everything is loaded against the natives. They have to prove up to the hilt that they are 100 per cent. fit to become citizens—something that is not required even from the new Australian.

I often feel depressed when I attend naturalisation ceremonies and see some new Australians being sworn in as citizens, though they cannot even read the oath of allegiance clearly. I have my doubts as to whether the statement made by the hon. member for Narrogin is correct; that is, that new Australians have to produce a certificate of health before becoming naturalised. That could be right before migrants are permitted to enter Australia. They may have to produce a certificate of health from the country they are leaving; but after five years in this country, they could be suffering from all the notifiable diseases. I doubt whether they have to produce a certificate to show that they are free from notifiable diseases when they become naturalised.

Mr. W. A. Manning: Doing that once is enough.

Mr. BRADY: Is it right that these unfortunate native Australians, born in this country, and to whom the country originally belonged, should be denied the elementary right of citizenship? If they were given citizenship in conjunction with other privileges, they would have the right to be enrolled. Once they become enrolled as citizens there will not be a sufficient number of members of Parliament to look after their wants. The whole atmosphere towards natives would change overnight if they had the right to vote. Whilst they have no right to vote, they will always be kept in the place where they now are.

When speaking to the other measure which was before the House this session, the hon. member for Narrogin said—quoting his own words—it would not make them better in their hygiene; it would not make them more acceptable in the community; it would not make their homes tidier; it would not Christianise them; it would not educate them; it would not missionise them on a better scale.

The fact remains that if given citizenship rights, 90 per cent. of the matters referred to by the hon. member would go the way of the natives overnight, because they would be a group in which every member of Parliament would be interested. Those members would do all they could to help them, to Christianise them, to educate them, and to make their conditions more hygienic. I could go on dealing with this

phase of the Bill; but I do not want to be here all night, and there is need to get this Bill through.

The hon. member for Narrogin criticised "The West Australian" because it published a number of articles, leaders, and sub-leaders in favour of the natives getting citizenship rights. Because of that, the hon. member, speaking apparently on behalf of the Opposition, did not agree with those published matters; but he did agree with one article. That was because it held a contrary view to the others.

Mr. W. A. Manning: That was the only article based on fact.

Mr. BRADY: If the hon. member were to apply himself to research he would find that the people associated with "The West Australian" are more conversant with, and cognisant of and knowledgeable concerning the position than he is. I understand that one of the directors was a Minister for Native Welfare in this State for a number of years. A number of officers of that newspaper have specialised in watching the position of the natives, in going amongst the native population, and in giving independent views—as distinct from the views of the Opposition and Government in matters affecting natives.

[*The Speaker resumed the Chair.*]

The only article favoured by the hon. member for Narrogin was the one in which native children quoted their views. A 17-year-old girl said that natives should not be given citizenship rights until they had lifted themselves to the position where they could become citizens. Another said they should not be getting citizenship rights because sometimes the father would get drunk. But how many Australian and British people would lose their citizenship rights in similar circumstances? Another said that natives should not be given citizenship rights until they had established themselves in jobs. There are many decent Australian men with families who cannot get jobs in these days.

Another child—and this was ironical—thought that it was good that native children should be allowed to go to school, because they would thus be treated as citizens, but once they left school they were not so treated. That is ironical. To correct the statement that the Government was doing nothing for the natives, I would point out that this Government has ensured that all native children go to school in the same way as the white children. But where they happen to be nomadic natives and shift around with their children, they cannot be made to comply with the law.

To conclude, the amendments contained in the Bill are absolutely necessary. They are the bare minimum required, having regard to their position. This Government is trying to give the natives some easement of the embarrassment and difficulty in which they find themselves, as outlined by the hon. member for Gascoyne. We feel we should make an attempt to remove one or two of the difficulties. Even though we may remove two of them, the fact remains that they have to show that for two years prior to adopting the civilised way of life, citizenship rights are desirable for, and likely to be conducive to the welfare of the applicants. An applicant has to be able to speak and understand the English language; has to show that he is of industrious habits, and good behaviour and reputation; and is reasonably capable of managing his own affairs. And the board must be satisfied on each and every one of those four points. Are not they stringent enough?

Is it not sufficient that the native must be 100 per cent. a citizen before he can be accepted, without the hon. member for Narrogin wanting to put back some of the provisions that the Government is seeking to remove? I hope the Bill will pass the second reading stage and I trust the hon. members of the Opposition will see their way clear to withdrawing their suggested amendment.

Question put.

The SPEAKER: To be passed, this Bill requires an absolute majority. I shall ring the bells.

Bells rung.

The SPEAKER: As there is an absolute majority of hon. members present and there being no dissentient voice, I declare the question carried.

Question thus passed.

Bill read a second time.

In Committee.

Mr. Sewell in the Chair; the Hon. J. J. Brady (Minister for Native Welfare) in charge of the Bill.

Clauses 1 and 2—put and passed.

Clause 3—Section 4 amended:

Mr. W. A. MANNING: I move an amendment—

> Page 2, line 9—Add a further paragraph as follows:—
>
> (b) by adding a new paragraph (c) to subsection (2) as follows:—
>
> (c) stating the full names, sex and date of birth of all children under the age of twenty-one years.

That brings it under the statutory declaration required under Section 4. The reason for this is that the children being granted citizenship rights under this amendment automatically retain their citizenship status; there will be no reversion. So when the natives are given their rights it is important that there be recorded the full name, sex and date of birth of all natives. The amendment is essential.

Mr. BRADY: At this stage I think I should give the Committee the benefit of the comment of one of my departmental officers in connection with this matter. After all, many native women and many native families have not, in the past, lived a natural life like native citizens, and there could be a number of difficulties. We see those difficulties confronting a number of native men and women at the moment. We want to remove this from the Act, and that is why we have brought in this amendment. We want it to refer to native children whether they be pre-nuptial—or, as some would say, ex-nuptial—or whether they are born after the citizenship rights holder was made a citizen. So it will apply to those who already have citizenship rights.

There have been hundreds of natives who have had citizenship rights between 1944 and the present day. This is one of the difficulties, and hon. members of the Opposition will appreciate that there is some substance in the argument. There is vast room for error on the part of the average native parent as to names and dates of birth of children affected by his application.

It is well known to this Committee that many native families consist of children who, for instance, were born of a native mother by ex-nuptial relationship prior to her marriage with the man with whom she may then happen to be living, and who may be the parent applying for citizenship. It is quite normal for the man, in such circumstances, to claim such children as being his own, and for the children to take his name.

It is also not infrequent for families of one native woman to comprise children born of several different fathers. In this regard the departmental records have often been found to be faulty, not because of any administrative carelessness, but because of unreliable sources of information provided in the past by native mothers who endeavoured to conceal the true paternity of their children both from the department or the man they might be living with at the time. I could quote a number of similar cases.

I am going to oppose these amendments, because they do not even cover those people who already have citizenship rights. Why should a native, if he has citizenship rights, go along for the rest of his life to get his children added to his certificate? He never gets away from the fact that he has been a native. A native came to me about six weeks ago and complained bitterly that an officer of the department went into his sister's home in Toodyay even though she was a citizenship holder. This man was really upset. He said, "Aren't we ever going to get away from the fact that we have been natives?"

That will be the position if these amendments go through in their present form. They do not deal with hundreds of cases where people are already citizens and are supposed to be our equals. I do not propose to say anything further in regard to these amendments.

Mr. I. W. MANNING: I am surprised that the Minister can see no virtue in these amendments as I think they are very good indeed. When these children reach the age of 21 they will have to enrol and therefore it will be necessary for them to have a name. It would be a good thing if we started off on the right foot. We would be able to obtain the number of children a native has, their sex and get some idea of their age. If these things are not instituted at this stage, how will we have a record of the number of children a native has had? Once this matter is put on a correct basis we will have an idea as to the age of the children; and when they enrol, they will have a name. I think the amendment is very sensible despite the difficulties which the Minister has quoted.

Mr. Norton: The Native Welfare Department keeps a record of these things.

Mr. I. W. MANNING: That makes it easier to comply with the amendment, and the difficulties mentioned by the Minister do not come into it at all. I support the amendment.

Mr. W. A. MANNING: I am rather surprised at the attitude of the Minister in regard to this amendment. I am just as anxious for this Bill to be improved as is the Minister, and it seems to me that this amendment should be accepted. If these natives are granted citizenship rights, surely they should undertake the duties and privileges of citizenship immediately; and one of these duties is to have the names of their children recorded. That is incidental to citizenship and is quite important.

We have already deleted a clause which provides that native children shall lose any citizenship they had previously. But how are we going to know when the child is 21? Probably a native would not know the day, the month, or perhaps the year a child was born; but at some point of time he has to make a decision. We are intending to give natives full citizenship rights, but the Minister does not want them to have the responsibilities of full citizenship. I think the opposition to this amendment is entirely wrong and hope the Minister will change his mind.

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

Ayes—15

Mr. Bovell	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Hearman	Mr. Perkins
Mr. Hutchinson	Mr. Roberts
Mr. Lewis	Mr. Watts
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	*(Teller.)*

Noes—21

Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rowberry
Mr. Jamieson	Mr. Norton
Mr. Johnson	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Thorn	Mr. Sleeman
Mr. Brand	Mr. Hawke
Mr. Crommelin	Mr. Tonkin
Mr. Mann	Mr. Toms
Mr. Cornell	Mr. Lapham
Mr. Wild	Mr. May

Majority against—6.

Amendment thus negatived.

Clause put and passed.

Clause 4—Section 5 amended:

Mr. W. A. MANNING: I move an amendment—

Page 2—Delete paragraph (a) in lines 11 and 12.

We are proposing that these people shall be given citizenship rights. If they are to be citizens, they should surely have observed the manner of civilised life for two years. That is not asking for anything particular of them. It is left to the board to ascertain exactly in what manner they have been living.

Mr. BRADY: I think paragraphs (e) and (f) of the same section would cover all that is required of the normal citizen without having to insert other words which provide that he has to show that for two years immediately prior to the date of application he has been living a civilised life. If some of these natives were to go and see what people who are supposed to be living a civilised life were doing, and were to follow those habits, we would be horrified and disgusted. Let us be satisfied with paragraphs (e) and (f).

Amendment put and negatived.

Mr. W. A. MANNING: I move an amendment—

Page 2—Delete paragraph (b) in lines 13 and 14.

The proposal is to delete this paragraph and then substitute different wording. The words to be inserted would be—by deleting all words in paragraph (d) of subsection (1) after the word "from" and inserting in lieu the words "any notifiable disease". Hon. members on the other side have been much concerned about diseases. If they want to know about that subject, they have only to refer to the Health Act in which there is a definition of infectious diseases. I think we need to remember that we are proposing to bring the natives into the community. We have to notify the department when we have one of the diseases enumerated in the Health Act. We attend the doctor; and if he says we have one of those diseases, we have to report it. How are we to control the diseases if the natives do not have an examination? We are not asking any more of the natives than is asked of the white people.

Mr. W. Hegney: Would the white person's citizenship rights be taken away if he had one of those diseases?

Mr. W. A. MANNING: I am not proposing that. Once citizenship is granted it stays, and they come under the same regulations as we do; but we need to take this opportunity to examine them.

An hon. member: What has been the position in the past? Where have they been living?

Mr. W. A. MANNING: We cannot cure what has happened in the past. It does not make it any more right that we should ignore the opportunity for an examination now. The idea of the amendment has nothing to do with a penalty on the natives, as the Minister has construed the amendment to mean. He has been doing that with every amendment. There is not one thought along those lines. I ask the Committee to agree to the amendment.

Mr. BRADY: I oppose the amendment, as it seeks to delete four diseases and substitute 43. Among the 43 diseases listed are some elementary maladies. Some of those mentioned are dysentery, diphtheria, dengue fever, rubella, tetanus, etc. It is farcical to include all these diseases, and I oppose the amendment.

Mr. NORTON: I doubt whether the hon. member for Narrogin realises what the amendment entails. I saw Dr. Henzell today and I have here a list of 43 notifiable diseases. Most of them are notifiable under the regulations and are not mentioned in the Act itself. This list could be added to almost daily by regulation, and I understand leukemia is soon to be added. How would that be discovered, when many doctors have difficulty in diagnosing it? The amendment is impracticable and unreasonable.

Mr. OWEN: I support the amendment, as there must be some point in time at which the diseases are notified. There would be only a short time involved; so why not give the native a clean bill of health before he becomes a citizen?

Mr. Rowberry: What if he has not a clean bill of health?

Mr. OWEN: Then he must undergo the treatment specified by the Health Department; so what is the difference?

Mr. NORTON: The hon. member asks what is the difference. The ordinary citizen, if suffering from tuberculosis is treated free of charge and receives payment from the Commonwealth, but the native, without citizenship rights, although

treated free, would not receive that payment, to which he is just as much entitled as is any other person.

Mr. BOVELL: The Opposition is trying to co-operate and I feel that the Minister, in opposing the amendment, is only window-dressing.

Mr. Brady: Why didn't your Government deal with this?

Mr. BOVELL: It did not arise then. The Minister mentioned tenanus, but if a native had tenanus at this stage it would be a question of whether he received his citizenship rights on earth or up above. The Minister mentioned new Australians, but they undergo a strict medical screening before they arrive here.

Mr. Brady: Do you say that if they get a disease after arriving here they do not have to notify it?

Mr. BOVELL: They receive medical advice and attention. I repeat that they have undergone a thorough medical examination before they are accepted under the migration system.

Mr. Brady: Have you ever been up to Wooroloo?

Mr. BOVELL: What has that to do with the matter? We are dealing now with the question of incorporating the native population into our way of life. The hon. member for Narrogin desires to ensure that when he receives his citizenship rights the Australian native will be in good health.

Mr. I. W. MANNING: I am disappointed that the Minister is hostile to this amendment, because it is designed to be helpful. Even if there were 143 notifiable diseases, the sooner we could find out that a native suffers from one of those diseases the better it would be. If a native has to be medically examined, the medical practitioner will discover whether he has one of the notifiable diseases.

Mr. W. Hegney: Would you prevent a native from getting his citizenship certificate until he was cured?

Mr. I. W. MANNING: There is no virtue in giving a native a certificate of citizenship while he is ill; because, while he is ill, he comes under the care of the Native Welfare Department whose responsibility it is to look after these people until they become citizens.

Mr. Brady: That is the Opposition standard! A sum of 25s. a week!

Mr. I. W. MANNING: The Minister is only trying to be nasty now.

Mr. Brady: I am not.

Mr. Roberts: The Minister could easily rectify that.

Mr. Brady: He cannot. He cannot even get Menzies to rectify it.

Mr. I. W. MANNING: This opportunity ought to be taken to have natives medically examined to see whether they have any notifiable diseases. I think the amendment is quite a helpful one and I am surprised at the Minister's hostility.

Mr. POTTER: It is rather doubtful whether some medical practitioners would know, at the time of the examination, whether a native had a notifiable disease. There were times when, if I had been undergoing such an examination, I would not have been able to get my citizenship rights in that case. Dengue fever and malaria are notifiable diseases; and how many people have suffered from those at times? We do not demand this qualification in regard to new Australians.

Mr. Court: Yes we do. They cannot get into the country without an examination.

Mr. Brady: They could have every disease in the book after they had been here for five years.

Mr. POTTER: A person can get dengue fever in five minutes in the North. How stupid can you be?

Mr. O'Brien: You mean how stupid can they be?

Mr. POTTER: Yes; how stupid can they be?

Mr. Court: You said "How stupid can you be?".

Mr. I. W. Manning: Is the hon. member supporting this amendment?

Mr. Nalder: He does not know.

Mr. POTTER: I am opposed to the amendment. What do hon. members think the hon. member for Subiaco is?

Mr. Ross Hutchinson: Don't answer that.

Mr. POTTER: We are dealing with people whose ancestors have lived in this country for countless years. We give preferential treatment to people who come from overseas as compared with those who are born in this country. The whole proposition put forward by the hon. member for Narrogin is preposterous and stupid to say the least.

Mr. ROWBERRY: I had no intention of entering into this debate; but after listening to some members opposite I find myself completely at variance with them. They appear to have no knowledge of the laws of public health. For instance, the amendment proposes that the native must live as a white man for two years.

Mr. Roberts: That is not so. We dealt with that yesterday!

Mr. ROWBERRY: Then a native must undergo an examination in regard to notifiable diseases, some of which have an incubation period of up to 12 months. How would a medical practitioner know, in such cases, that a native was suffering from one of those notifiable diseases? The amendment presupposes that natives have

been living in a vacuum and have not come into contact with anyone. As a matter of fact, the history of this country shows that the whites have infected the natives with diseases, rather than the reverse being the position. I oppose the amendment.

Mr. OLDFIELD: It appears that this amendment will have the effect of differentiating between those natives who have citizenship rights and those who have not. The native who is granted citizenship rights becomes subject to the provisions and regulations of the Health Act; but that is not the case with a native who does not possess citizenship rights. As I understand the Health Act, it is incumbent on a medical practitioner immediately to notify the local board of health if he discovers that a person is suffering from a notifiable disease.

No member of the white community knows he is suffering from a notifiable disease until he becomes ill and seeks medical treatment. After he has made his examination, the doctor, if it is necessary, will advise the local health authority that his patient is suffering from a notifiable disease. No person knows he is suffering from a notifiable disease until he is informed by a medical practitioner. In the same way, many natives die of a notifiable disease without having sought treatment and without knowing from what they were suffering. Any native before he can be regarded as being a citizen, has to be free of 43 notifiable diseases. I think that is being a little bit unfair. Being one of those who are always prepared to try to give everyone a fair go, I think it is necessary to oppose this amendment.

Mr. W. A. MANNING: The remarks made on this amendment would appear to convince us that the native should have an examination before he is granted citizenship rights. A native needs examination at some time. To what extent we can ask the Native Welfare Department to ensure that natives are examined before they are granted citizenship rights I do not know. Perhaps the Minister may be able to tell us. If the natives are to have an examination, it is the responsibility of the Native Welfare Department to make sure they get it. When they come up for citizenship rights they would be free of these diseases. I do not propose to say any more, because the Minister has made up his mind to oppose the amendment.

Mr. RHATIGAN: I have here a pink form which sets out various diseases, some of which I am unable to pronounce. However, there is one mentioned here; namely, infantile diarrhoea. My children have had that. How ridiculous that proposal is, because most children contract that disease at some stage or another. However, a native child has to be free of that before it can be granted citizenship rights.

Mr. W. A. Manning: No; he has to be 21 to get that.

Mr. RHATIGAN: In that case, the hon. member may have it now.

Mr. Graham: No; he is suffering from verbal diarrhoea.

Mr. RHATIGAN: Justice should be meted out to every individual, but the remarks made by the hon. member for Narrogin indicate that he does not intend to hand out any justice to the unfortunate person who happens to be coloured. I can assure the hon. member for Murray that he is getting good service out of the natives on his station in the North. Irrespective of their shortcomings, the natives in the North are doing a remarkably good job. I certainly oppose this amendment which includes 43 notifiable diseases.

Mr. GRAYDEN: This whole discussion is superficial and is not worthy of this Chamber. For an hour we have been debating whether a native should be granted citizenship rights if he is suffering from a notifiable disease, no matter whether it is so insignificant that the average parent would treat it without even bothering to call in a doctor. Whilst this is the attitude we adopt, it has been proved conclusively by the Public Health Department that 77 per cent. of the natives in the Laverton and the Warburton Range area suffer from a disease known as trachoma which, in its secondary stages, leads to blindness. A survey conducted by officers of the Public Health Department some years ago also established that 25 per cent. of the natives in that area suffered from a disease known as yaws which, again, in its advanced stages causes the flesh to rot away from the bones.

Yet the officers who made that survey recommended that natives suffering from yaws should not be given treatment, because the risk of reinfection when they went back to the tribe was too great. The same applies to the treatment of trachoma. So whilst we have a large body of native people suffering from trachoma which leads to blindness, and a large number suffering from yaws which leads to the flesh rotting away from the bones, we take little action to cure them.

Recently there was an outbreak of trachoma among white children at Leonora. Naturally there was a public outcry and no doubt a great deal has been done for those children. Yet we are trying to deny natives citizenship rights, because they might be suffering from a notifiable disease. We are not prepared to do anything for those natives that we know are suffering from complaints which have caused the utmost concern to health authorities in other parts of the world. I oppose the amendment.

Amendment put and negatived

Mr. W. A. MANNING: I move an amendment—

Page 2—Delete paragraph (c) in line 15, with a view to substituting the following new paragraph (b)—

(b) by deleting in subsection (5), the words "may upon application in the prescribed form" and inserting in lieu the word "shall."

The provision in the Bill states that an applicant may, upon the application in the prescribed form, ask for his children to be included in his certificate. The amendment seeks to strike out the word "may" and insert the word "shall" so that the board will have a record of the children.

The very essence of the Bill is to ensure that natives and their families be brought up as ordinary citizens. If that is the object we must have on the citizenship certificates the particulars of the wives and children. It is an essential part of the scheme. The Minister must agree to this amendment, otherwise the whole system will break down.

Mr. BRADY: I agree it is very necessary to delete paragraph (c), because the next paragraph covers the whole position very comprehensively and will deal with the cases referred to by the hon. member, in addition to others.

Mr. W. A. MANNING: I disagree with that statement. In no part of the Bill is provision made for the entry of the record of the applicant's family. If the Minister genuinely desires to have this Bill passed he will support some of these amendments. Apparently he has no desire to see the Bill in operation. The fact that he is opposed to this and the other amendments proves that he is not concerned with the passing of the Bill.

Amendment put and negatived.

Clause put and passed.

Clause 5—Section 6 amended:

Mr. W. A. MANNING: I move an amendment—

Page 2—Delete paragraph (c) in lines 25 to 30.

Seeing that the Minister has rejected all the points at which the names of the family and children of applicants can be recorded, this paragraph is unnecessary. The Minister desires to include in the certificate children born to the holder, whether before or after the granting of citizenship. The children of an applicant may be grown up and have families of their own. If this paragraph is not deleted the Minister will be administering this legislation without any record of the applicant's children. It appears that insufficient thought has been given to the Bill. The position is that no-one, including the commissioner and the department, will be able to know about the children of the applicants for citizenship.

Mr. Graham: That is the way you became a citizen, without inquiry.

Mr. W. A. MANNING: In that case the Government should move for the whole Act to be suspended. A native applicant may be 70 years old with a grown-up son aged 50; and because the former is granted citizenship it is intended to confer citizenship automatically on the latter. We have tried to cover this situation by providing for the keeping of records of the family of an applicant.

Mr. RHATIGAN: I do not agree with the remarks made by the hon. member for Narrogin. He does not appear to have given this matter sufficient thought. It is obvious from his remarks that he is attempting to defeat the Bill entirely.

Mr. W. A. Manning: That is wrong.

Mr. RHATIGAN: I stand corrected; but that is my impression. These people have to qualify for citizenship rights themselves. The amendment now moved has no other object but that of defeating the Bill. I hope the Minister will oppose it.

Amendment put and negatived.

Clause put and passed.

Clause 6—put and passed.

Clause 7—Section 7B amended:

Mr. W. A. MANNING: I wish to ask the Minister for some information. I would refer to the wording of Section 7B. Could the Minister inform us when a further application can be made by a native, after the first has been refused? I cannot see any reference to this matter in the Bill.

Mr. BRADY: I am not too sure, but if it will help the hon. member I will make inquiries and let him know.

Clause put and passed.

Clause 8, Title—put and passed.

Bill reported without amendment, and the report adopted.

LONG SERVICE LEAVE BILL.

Council's Message.

Message from the Council received and read notifying that it insisted on its amendments Nos. 3, 4, 12, 20, 26, 27, 28, 29, 30, and 32, and had agreed to the further amendments made by the Assembly to amendments Nos. 11, 13, and 17.

House adjourned at 12.37 a.m. (Wednesday).