

Legislative Assembly

Wednesday, 28th July, 1954.

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

QUESTIONS.

ESTIMATES.

As to Financial Returns for Ports.

Mr. HILL asked the Treasurer:

- (1) Has he noticed that Return No. 11 supplied with the last Estimates shows—
 Fremantle Harbour Trust Surplus, £51,339;
 Fremantle other surplus, £22,354;
 Bunbury Harbour Board deficiency, £78,029;
 Bunbury other deficiency, £12,598;
 Albany Harbour Board deficiency, £51,493;

while Section "B" of the Auditor General's report shows—

Fremantle Harbour Trust deficiency, £1,475;

Bunbury Harbour Board deficiency, £81,486;

Albany Harbour Board deficiency, £102?

(2) Would it be convenient when submitting the Estimates to provide a return showing the actual financial results of the ports for the year?

The TREASURER replied:

(1) Yes.

(2) This will receive consideration.

PARLIAMENT HOUSE.

As to Opening in 1904 and Completion.

Mr. JOHNSON asked the Premier:

(1) Is he aware that Parliament House was opened on the 28th July, 1904, by Governor Sir Frederick G. D. Bedford?

(2) Was the hope expressed "that before Your Excellency leaves our shores it will be well advanced toward completion" (page 2—Hansard 1904) in a joint address by Mr. President Shenton and Mr. Speaker Jacoby?

(3) Will he take the opportunity of the 50th anniversary to make a statement respecting action to be taken to complete the building?

The PREMIER replied:

(1) and (2) I believe so.

(3) There is no prospect of any additions being made to Parliament House buildings during the current financial year.

EDUCATION.

(a) As to Advertising Positions, Technical Education Branch.

Mr. JOHNSON asked the Minister for Education:

(1) Referring to answers to my questions of the 7th July and the 14th July, are not the replies contradictory as to the advertising of positions in the technical education branch?

(2) What positions of "instructor in charge" have been advertised, and when?

(3) What are the "educational requirements appropriate to their work," the passing of which would advance technical instructors to a higher salary range?

The MINISTER replied:

(1) No.

(2) None.

(3) The requirements are set out in regulation 205 (a) which states:—

(i) Such technical qualifications appropriate to their trades as may be prescribed by the Director;

(ii) passed such examinations in the history and principles, teaching method and workshop management of technical education as may be prescribed by the Director;

(iii) satisfactory teaching skill.

With regard to (ii) the syllabus is approximately that required for the teachers' certificate in education adapted to the requirements of technical education.

(b) As to Schoolchildrens Insurance Scheme.

Mr. HEARMAN asked the Minister for Education:

With reference to the schoolchildrens insurance scheme, can he inform the House—

- (1) Does the scheme cover a child not yet turned six years old, who is accepted for enrolment at a school?
- (2) Does the scheme cover a child over sixteen years old attending a State high school?
- (3) Will he explain the extent of cover where children who travel by school bus do not reach home within one hour of their dismissal from school because—
 - (a) the bus takes longer than one hour to reach its destination;
 - (b) the bus concerned has to operate a shuttle service necessitating some children waiting at school for some time before boarding the bus?

The MINISTER replied:

- (1) Yes.
- (2) Yes.
- (3) (a) Full cover.
- (b) Full cover.

(c) As to Further Elucidation.

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

In answer to the third portion of my question on schoolchildrens insurance, I understood the Minister to say that the children were still covered. Does he mean that they are insured up till the time they get off the school bus?

The MINISTER replied:

That is the conclusion I would draw, as long as they were in the ordinary course of their route from school to their home.

MACHINERY.

As to Margaret River Accident and Inspections.

Mr. JOHNSON asked the Minister for Mines:

(1) Was a small boy badly injured by contact with a milking machine engine at Margaret River on Thursday, the 22nd July?

(2) Was the machine properly guarded in accordance with the Inspection of Machinery Act?

(3) Was an inspection of the machine and milking shed made at any time before or since the accident?

(4) If inspection of machinery on farms, etc., is not authorised by the present law, will he take urgent steps to extend the scope of the Act to cover all machinery capable of causing injury or death?

The MINISTER replied:

(1) Such an accident was recently reported in the Press, and the department is inquiring into the occurrence.

(2) and (3) Machinery of this type is exempt from the Inspection of Machinery Act under Subsection (7) of Section 4. Such subsection states that this Act shall not apply to any machinery driven by an internal combustion engine or by electricity and which is used exclusively by an agriculturist, pastoralist, dairy farmer, market gardener, orchardist, or pearler in pursuit of his calling as such, and upon which no labour other than that of the owner is employed.

(4) This has been a very contentious matter in the past, and the particular subsection was passed on the motion of a private member in 1941.

Upon receipt of a departmental report on the accident referred to, further consideration will be given to the position.

BUS SHELTERS.

As to Provision and Finance.

Hon. A. F. WATTS asked the Minister for Transport:

(1) Is it the intention of the Government to arrange for bus shelters to be provided in St. George's Terrace?

(2) If so, how many such shelters are contemplated and where will they be situated?

(3) How will the cost of them be financed, and by whom?

The MINISTER replied:

(1) The Government considers that the provision of bus shelters in St. George's Terrace is an urgent necessity and is actively investigating ways and means for their provision if the Perth City Council will agree to their erection.

(2) The exact number of shelters required is not known. The aim is to provide shelters at the major bus termini and at any other necessary points.

(3) The decision as to how the cost of the shelters is to be financed and by whom are matters incidental to the Government's investigation, upon which no decision has yet been reached.

POLICE STATIONS.

As to Provision, Scarborough and Wembley.

Mr. NIMMO asked the Minister for Police:

In view of the big increase in population in both the Scarborough and Wembley districts, will he inform the House whether it is the intention of the Government to build a police station, or stations, in these districts this year?

The MINISTER replied:

The erection of new police stations at both Scarborough and Wembley has been listed for consideration on the loan works programme for 1954-1955.

ROADS.

As to Commonwealth Aid Grants.

Mr. NORTON asked the Minister for Works:

What was the amount received by this State under the Commonwealth Aid Roads Act, 1950, in the following years—

1951-52;
1952-53;
1953-54;
1954-55;

The MINISTER replied:

Commonwealth petrol tax receipts received by this State for the financial years 1951 to 1955 are as under:—

	£
1951-52	2,841,560;
1952-53	2,864,584;
1953-54	3,190,740;
1954-55	217,065 (July);

KARRAKATTA CEMETERY.

As to Provision of Fresh Accommodation.

Hon. C. F. J. NORTH asked the Minister representing the Minister for Local Government:

(1) What steps have been taken to provide fresh accommodation when the Kar-rakatta cemetery is completely filled up?

(2) When is that expected to happen?

The MINISTER FOR RAILWAYS replied:

(1) An area has been tentatively selected and inquiries are being made in regard to its suitability.

(2) This is difficult to estimate, but it is in the foreseeable future.

PETROL.

As to Conference Regarding Service Stations.

Mr. HEARMAN (without notice) asked the Premier:

(1) With respect to the information given to the House recently by him in connection with service stations, has the Government taken any steps to bring the various interests concerned together in conference?

(2) If not, would consideration be given to calling such a conference?

The PREMIER replied:

(1) No.

(2) Yes.

OVERSEAS TRADE.

As to Apple Sales, Singapore.

Mr. HEARMAN (without notice) asked the Premier:

Approximately a fortnight ago I asked for information in connection with the competition of Japanese apples with Australian apples in Singapore markets. Has the Premier been able to obtain that information?

The PREMIER replied:

I have sent a written inquiry to the Minister for Agriculture and am still waiting a reply.

FIREARMS AND GUNS ACT.

As to Departmental File and Correct Procedure.

Mr. HEARMAN (without notice) asked the Premier:

Recently I asked the Premier whether he would cause inquiries to be made and inform the House as to the circumstances in which the member for Victoria Park saw a Government file relating to the Firearms and Guns Act. Is this information available?

The PREMIER replied:

I understand that the member for Victoria Park saw the file in question at the office of the Minister for Police.

BILLS (3)—THIRD READING.

- 1, Inquiry Agents Licensing.
- 2, State Government Insurance Office Act Amendment.
- 3, Matrimonial Causes and Personal Status Code Amendment.

Transmitted to the Council.

LEAVE OF ABSENCE.

On motion by Mr. Hutchinson, leave of absence for three months granted to Mr. Bovell (Vasse) on the ground of urgent public business.

MOTION—MINES REGULATION ACT.

To Disallow Amendment to Winze-Sinking Regulation.

MR. MOIR (Boulder) [4.43]: I move—

That the amendment to Regulation '149, made under the Mines Regulation Act, 1946, published in the "Government Gazette" on the 11th June, 1945, and laid on the Table of the House on the 22nd June, 1954, be and is hereby disallowed.

Regulation 149 under the Mines Regulation Act deals with the question of the sinking of winzes and reads as follows:—

Where a shaft is being sunk, a winze shall, when so instructed by the inspector, also be sunk so as to reach the level to be opened by the shaft in time to meet the level as it is driven; but should the owner object to sink the winze he shall have the right to refer the inspector's decision to arbitration pursuant to the provisions of Section 23 of the Act.

I should mention that there are different types of mines inspectors, who fall into three categories. There are district inspectors, who are employed by the Mines Department; special inspectors, who may be appointed; and workmen's inspectors, who are subject to the Minister's approval and are elected by the employees in the mining industry. I may have put that badly. I do not mean that the employees in the industry have to consult the Minister for Mines before they elect an inspector, but the Minister for Mines has to approve of the nominees before they are allowed to go to a ballot.

The effect of the amendment to the regulation would be that only a district inspector would be allowed to give the instructions referred to in Regulation 149—some might say, rightly so. But I would like to point out that invariably workmen's inspectors are men who have a very wide practical knowledge of the industry and are elected to the position because of their repute amongst the workers, they being sound mining men and individuals of balance and stability. There is keen competition for these positions at times. I can remember an occasion when there were 14 or 15 nominees.

I might also state—and this would be a matter known to you, Mr. Speaker—that there is one workmen's inspector who is practically in sole control in the north-west of this State. He has been there for many years, and only periodical visits are made by district inspectors. That workmen's inspector is so highly regarded by the department that he is left practically in full control of that area, not only to carry out the duties of an ordinary workmen's inspector but also to make representations from time to time to the Mines Department as to various small prospecting shows that would not employ one workman.

The workmen's inspector is not a free agent. He is subject to the Minister from the start. He is also subject to district inspectors as is laid down in Regulation 13 under the heading of "Powers of Workmen's Inspectors." This regulation provides that—

The powers of every workmen's inspector, as provided under Section 12 of the Mines Regulation Act, 1946, shall apply to all mines within the district, mining centre, mines, or

groups of mines specified by the Minister in accordance with the last preceding regulation as those for which the workmen's inspector shall be appointed, and subject always to the control of the district inspector, it shall be such workmen's inspector's duty from time to time to inspect and exercise his powers in all the mines therein where men are employed underground as wages men, contractors, or tributers, together with such other mines as may from time to time be arranged and directed by the district inspector.

The duties and powers of workmen's inspectors are laid down in Section 8, Subsection (3), of the Act. That is quite lengthy, and I will not bother to read it. The workmen's inspectors have very wide powers under the regulations, but I do not think it has ever been suggested that these inspectors wield their powers without commonsense. They are in continuous touch with the workings of the mines, because it is the practice in most areas for them to go down a working mine at least once each working day. Thus they are in very close touch with the industry.

This amendment to the regulation has been introduced without a full realisation of what it would mean. I do not think the intention of the department is to take any power from these inspectors. I have had a consultation with the Minister for Mines and he assures me that he is quite in favour of the regulation being disallowed. There is a safeguard here because we have the provision that if any inspector—not only the workmen's inspector but the district inspector—exercises his powers arbitrarily, the owner of the mine has the right to refer the decision to arbitration pursuant to the provisions of Section 23, which sets out the constitution of the board to arbitrate on various matters. It states—

Every arbitration under this Act shall be conducted according to the provisions of the Arbitration Act, 1895, applicable to a reference to two arbitrators and an umpire, subject as follows:—

- (1) The parties to the arbitration shall be deemed to be the owner, agent, or manager of the mine on the one part, and the inspector (on behalf of the Minister) of the other part.
- (2) No person shall act as arbitrator or umpire who is employed in or interested in the mine to which the arbitration relates.
- (3) Every person who is appointed an umpire shall be a practical mining engineer or a person experienced in the working of mines or a Judge of the Supreme Court or a warden or resident or

police magistrate; but the fact that any umpire was not duly qualified to act under this subsection shall not be a ground for upsetting any award already made and published.

Under this part of the Act a board can be very highly constituted, or it can be got together readily, as agreed between the parties, so that no delay will occur in the hearing of an appeal. Of course, there are many matters in the Mines Regulation Act which may be submitted to arbitration. Personally, in my long experience, I have never heard of any instance where a workmen's inspector has instructed that something be done and an appeal has been made against his instruction. In the past we have had very competent men as workmen's inspectors, and they were seized with the full responsibility of their position. They have not made any arbitrary demands on the employers, nor have they instructed them to do things that were not reasonable.

Should we in the future get workmen's inspectors who have not the requisite balance or who are impetuous in exercising their authority under the Act, then I point out that they are subject to the district inspector. In Kalgoorlie they would be subject to the senior inspector because the senior inspector there is over the district inspectors. In the outlying districts they would come under the district inspector. No one who is a responsible person and takes a pride in his knowledge of an industry, would be liable to order, capriciously, that something be done that he knew was not fair or just, knowing that his instructions could easily be upset on appeal to the district inspector, the Minister for Mines or, in the final analysis, to arbitration.

It is appreciated by the people engaged in the mining industry—not only the workers but the employers, too—that the workmen's inspectors do a very fine job. I do not think anyone connected with the industry would desire to take this power away from the workmen's inspectors. It is not something that crops up frequently because, as can be seen from the wording of the regulation, it occurs only when shafts are being sunk. At least one member on the other side of the Chamber has had mining experience, and I am quite sure he will agree with me when I say that the subject matter covered by regulation 149 is such that a winze should automatically go down when a level is being driven off a shaft, when shaft-sinking operations are taking place.

MR O'BRIEN (Murchison) [4.58]: I support the motion. The whole thing in a nutshell is that the district inspector is not always readily available to inspect the mine, whereas the workmen's inspector is, and he can be at the mine within

a very short period of time—a matter of hours. I know of one occasion when a district inspector—certainly district inspectors have large areas to cover—was at the top end of his district, and unable to return for nearly two weeks. In the meantime, in order to get over some difficulty that had arisen at a mine, the workmen's inspector received special authority to act. I support this motion, which will benefit the whole of the mining industry.

Question put and passed.

MOTION—NORTH-WEST.

As to Commonwealth Financial Assistance.

Debate resumed from the 21st July on the following motion by Mr. Ackland:—

That this House expresses its opinion that that portion of the State which lies north of the 26th parallel of latitude is incapable of being fully developed if wholly dependent upon such finance as is only obtainable from State resources.

It therefore requests—

- (a) that a programme for the development of this portion of the State be drawn up by a committee consisting of the Premier (Hon. A. R. G. Hawke, M.L.A.), the Leader of the Opposition (Hon. Sir Ross McLarty, K.B.E., M.L.A.) and the Leader of the Country Party (Hon. A. F. Watts, C.M.G., M.L.A.);
- (b) that this committee submit such programme at an interview with the Rt. Hon. the Prime Minister and the Federal Treasurer;
- (c) that a special Federal grant of £3,000,000 a year or an amount considered necessary for this work for a period of 10 years be requested in order to carry out this vital developmental work.

This House also desires that the Legislative Council be acquainted accordingly and asked for its concurrence

THE PREMIER (Hon. A. R. G. Hawke—Northam) [5.0]: This motion asks the House to express the opinion that the development which is required in Western Australia, north of the 26th parallel of latitude, is so vast and likely to be so costly as to make it completely outside the financial resources available to the State Government. No one would question that opinion. The balance of the motion asks the House to request the Government to set up a committee consisting of the Premier, the Leader of the Opposition and the member for Stirling. The job of that

committee is to draw up a programme of development for the North-West and subsequently present it personally to the Commonwealth Prime Minister and the Commonwealth Treasurer. The motion also asks that the presentation of the programme to the Commonwealth be supported by a request that an amount of £3,000,000 a year be made available, for a period of ten years, to enable the programme to be financed.

The essential requirement in regard to worth-while development of the North-West lies not so much in the need to develop a programme, but on the point of finding a Federal Government which regards the North-West as of sufficient importance to warrant large-scale Commonwealth financial assistance to carry out further development of that area. As far as I have been able to ascertain, no Federal Government, through the years, has regarded our North-West and its need for development as of sufficient importance to warrant the making available to the State of worth-while financial assistance. Nor, as far as I am aware, has any Commonwealth Government over the years made any direct large-scale financial contribution to the problem of North-West development. Commonwealth Government after Commonwealth Government has, in a practical sense, left this problem severely alone.

It might very well be that every such Government has found its hands reasonably full in financing the many responsibilities which are directly placed upon its shoulders. Successive Commonwealth Governments might also have felt that this part of Australia—this north-western portion of Western Australia—has not justified the great financial expenditure which would be necessary to develop it on a worth-while basis. Australia is a big country with developmental problems in almost every part of it. No doubt the Commonwealth looks at all parts of Australia and decides, on the basis of the financial resources available to it, which portion it will try, of its own volition, to develop, and which other portions it will try to assist the various State Governments to develop.

I would have thought that the north-west of Western Australia should have been considered worthy of Commonwealth financial assistance even from the defence angle alone. However, that seems not to have been the case, with the result that all the development in the North-West so far has been carried out on the basis of finances made available by successive State Governments, plus that made available over the years by private companies and individuals. Even if a person has not been to the North-West, and does not know at first hand the problems up there, he or she would have no difficulty in coming to the conclusion that the number of people living in that area, on the basis

of its size, establishes beyond argument the fact that the area is substantially undeveloped and therefore under-populated.

If we were to look at this problem purely on the basis of economics, we would probably say that it would be better for the State Government of Western Australia, supported by whatever financial help it could obtain from the Commonwealth, to concentrate on development in portions of the State where production would be more certain and where population could be more intensively carried and supported. However, the question of governing a State, and developing it, oftentimes must be taken far beyond the narrow boundaries which economic considerations alone would pin-point as being the right boundaries—the safe boundaries. One factor which must always be kept in mind when considering problems of the North-West is that so far in the development of that part of the State the land industries and the population, have been affected, to a considerable extent, by seasonal conditions. As far as I can remember, the member for Moore did not discuss that aspect in the speech he made upon the motion.

In any area where seasonal conditions are not always reliable, land industries suffer periodical reverses and the number of people relying directly or indirectly upon those land industries, also suffer periodical fluctuations. I would think that the fall in population in the North-West in recent years, and the fall in sheep and cattle population, have been due very largely, if not entirely, to seasonal conditions. We know that even in the Kimberley areas, which enjoyed a long succession of good or reasonably good seasons, the people were hard hit in recent years because of one or two unfavourable seasons. We know, too, that unfavourable seasons have periodically hit the sheep areas in the North-West and consequently the population, human and otherwise, has had to face up to the disabilities associated with seasonal conditions. Therefore I would think that we cannot look, with any great amount of confidence, to the population of the North being substantially increased by virtue of land industries alone.

As a matter of fact, if we look at the land industries in the southern part of the State we find that the population directly provided for by those industries has not been increasing on a basis comparable with the increase in actual production, let alone the increase in the value of production in money terms. That has probably been due largely to the fact that our farming industries have become fairly highly mechanised over the last ten or 15 years. It is, doubtless, true that land industries in the North can be increased and, as a result, production from the land can be increased too. I understand that there are opportunities for the

conservation of great quantities of water. If those great quantities of water were to be conserved, doubtless they could be used effectively, at least at certain times of the year, for the purpose of irrigation and consequently intensifying production.

I should say that the areas which could be so treated would be limited. However, that is no reason why they should not be developed. Wherever it is possible, within reason, to conserve water it should be done so that supplies would be available for intense cultivation of tropical and sub-tropical crops, because by that method we would be establishing a safe line of production, provided the markets were available and were profitable. We would be offering opportunities for the employment and the carrying of additional people in the North.

With regard to land production generally in that part of the State, it is probably true, as some people have asserted from time to time, that much of the land is not used to the best advantage. It might be that some holdings are too large. It might be that they could not produce anywhere near what they are expected to produce; it might be that some people holding land in the North-West have allowed the country to be overstocked at periods, with the result that much of that country has been eaten out and has suffered such damage as might take very many years to repair.

It could be that the provisions of the Land Act ought to be more strongly enforced to ensure that our heritage in that part of Western Australia might be more fully protected. It might be that there ought to be closer supervision over each holder of the land. Whether amendments to the law could adjust all these matters, I could not say. However, that could be one of the phases associated with the problem of the better use of land in our North-West. It could be that not only should more water be conserved for special irrigation settlements, but also that more water should be conserved for what might be regarded as more ordinary production in the North.

We know that for a long time there has been established the banana-growing industry which is very profitable, not only to the people engaged in it, but is also of great economic support to the town of Carnarvon. In addition, it provides substantial wealth production for the State generally. Periodically, that industry is in difficulty because sufficient water supplies are not available. Whilst in Carnarvon a few months ago I went around the plantations and it was obvious that many of them were suffering severely from lack of fresh water.

Whether those plantations have recovered since as a result of the heavy rains that have fallen up there and as a result

of the Gascoyne River running, I do not know. There is need, however, as regards industry, for experiment and testing for underground water supplies which, if available and could be located, would ensure that the industry could be put upon a much sounder basis and would prove to be of great assistance to the industry when it needed it. The lack of population in any part of a State or a country is a relative matter. We can readily say that the North is under-populated. I think there are not more than about 8,000 people there at present.

Hon. Sir Ross McLarty: That is, 8,000 white people?

The PREMIER: Yes. We could say, if we cared to study sufficiently this question of lack of dense population, that the number of people in many other parts of Western Australia is far short of what it should be. We could very easily and logically argue that the Great Southern area should carry much more population than it does and that the South-West should do the same and so on. Taking our population as a whole, it is quite true that it is out of balance when we compare the metropolitan area and the country districts, for instance. However, that seems to be a modern trend.

I think it might be basically due to the fact that industry has become mechanised over the years, and centralised. Consequently the opportunities for employment for great numbers of the population are much more evident in the metropolitan area. All of us from time to time, talk about the need for decentralisation of industry and population. We all believe in that principle. We would all go a long way, in a practical sense, to achieve that objective, at least partially. But whenever we make some attempt to make some progress towards that goal we come up against almost impossible difficulties.

Our friends on the Opposition side of the House are against State enterprise and believe in private enterprise. I do not want to enter into an argument on that question whilst discussing this motion. All I want to do is to point out that nearly all industries are established and operated by private enterprise. When controlling secondary industries, private enterprise chooses the metropolitan area. We know why that is so. The main reason is that the metropolitan area is usually close to the shipping port. Another reason is that the metropolitan area is usually the most concentrated market for what industry produces.

Mr. Ackland: And it is near cheap power and water.

The PREMIER: Yes, as suggested by the member for Moore, cheap power and water are other reasons.

Hon. L. Thorn: Power is not so cheap.

The PREMIER: I think another reason which probably has not been thought about previously is that owners of industry like to be in the city and to have their industry in the city because its finances and headquarters are in the city. Furthermore, the big commercial organisations are in the city.

Mr. Ackland: That does not happen in all countries.

The PREMIER: It does not happen to the same extent in all countries; I frankly admit that. But generally, and increasingly, I think the tendency is, with the mechanisation of industry and with all the factors I have briefly referred to, for manufacturing industries to be concentrated in the cities and near the large population areas. So on that basis alone we could find—if we wished to search diligently enough—many parts of Western Australia where the population is far below what it should be even if we think on the basis of land production alone.

The member for Moore knows, probably better than I do, that our land resources have not been developed very scientifically or very economically. I think he has said in this House, on more than one occasion, that there is ample room for far greater use of the land within, say, a hundred miles of the City of Perth. But that is another matter.

Apart from production from the land in the North-West, what are the reasonably good prospects of wealth production in other directions? What are its prospects for the provision of employment for more people; for the caring of a considerably increased population? I do not claim to speak with any expert knowledge, let alone with any detailed understanding of the North-West, but my own impression is that the North's best prospects for increasing its wealth production and for carrying more population are to be found in the mining fields which, of course, would include oil.

Possibilities in this direction seem to have changed considerably in recent years with a greater application of science to what can be done with each particular mineral and with the greater need, probably, of the bigger nations to become stronger in the defence sense. I understand, from men who know the North-West well, that the mining possibilities in that area are substantial. Doubtless, if those areas were closer to the metropolitan area than they are, there would be much more production than there is today.

In considering these matters we must not forget the tremendously high cost of doing things in the North-West. That applies not only to mining activities and land production, but also to everything that is done in the North. It is very expensive, as you know, Mr. Speaker, to get goods and people to the North-West, and

it is very expensive to keep them there. Therefore, the mining industry in the North-West has to be capable, on a comparative basis, of better production than, say, the industry at Southern Cross, Kalgoorlie, Meekatharra or Wiluna because the cost of production in the North-West is ever so much higher than it is in those other places.

It might very well be that the best hope for the North-West in regard to further development of the mining industry lies in the fact that at the present time there exists the oil boom. I hesitate to guess how much justification there really is for the boom. At any rate, it has had the effect of bringing into Australia, and more so into the North-West, companies which seem to have unlimited capital and technical resources at their disposal. The technical resources which they bring to the North-West may prove to be as valuable as the financial resources.

Companies who go to the North-West to prospect for oil may, as a result of what they ascertain in other directions, become interested in mining prospects up there, or they may interest some other companies, more directly connected with mining, in those activities. We know sufficient about the goldmining industry in Western Australia to realise that it is a great provider of employment. We know that it makes available not only a considerable amount of direct employment but also a much greater amount of indirect employment, both in the Goldfields and in other parts of the State.

So, I would think, without claiming, by any stretch of the imagination to know for certain, that the best prospect for increasing the population of the North-West substantially over, say, the next 10 years, would be by developing the mining industries, including oil, in that part of our State. What would we ask the Commonwealth Government to make available to us as a State Government?

Hon. Sir Ross McLarty: You could ask that the prospector be subsidised.

The PREMIER: We could. I am now breaking away from the mining industry, and considering the North-West as a whole. If one were asked to indicate the main need and the heaviest item of cost of production in the North-West, one would reply, "Transport". I think we can fairly safely ask the Commonwealth Government to assist the State on the transport needs and problems of the North-West.

Hon. Sir Ross McLarty: The Commonwealth is doing that now to a certain extent through the Grants Commission.

The PREMIER: Yes; I shall come to that. I imagine the cheapest form of transport from the North-West to other portions of the State and the Commonwealth would be by sea, especially as the

North-West has the benefit of a State-owned shipping service which not only carries on at no profit, but carries on at a very substantial loss. I have heard ill-informed people from time to time use the example of the State-owned ships which trade on the north-west coast as a strong reason to condemn State enterprise. I am thankful to say that I have not heard that argument put forward in this House.

The State Shipping Service is not so much a State enterprise, as a State aid to the development of the North-West. Through the shipping service, the State Government in the first place, recouped later on from the Commonwealth Government, subsidises the cost of transport to meet the needs of the industries and people of the North-West. And rightly so, too. The other day I looked at a comparison showing the shipping freights charged by private shipping companies on the eastern coast of Australia, and the freights charged on the north-western coast of Western Australia by the State Shipping Service. The comparison is startling indeed.

Hon. Dame Florence Cardell-Oliver: Do these not have special concessions?

The PREMIER: If the people and the industries of the North had to depend on a privately-owned shipping service, then there would be no population and no industry there. We need more ships, as you, Mr. Speaker, know, and as all other members from the North-West know. It costs a tremendous amount of money to purchase a ship these days.

Hon. Sir Ross McLarty: And it costs a lot to run the ships.

The PREMIER: It does not matter whether the ships are purchased from Australian ship-yards, from Scotland or any other country in the world. The price of a ship suitable for conditions in the North-West is very high. As the Leader of the Opposition suggested a moment ago, it is also costly to run the ships. The reason why it is more costly to run ships in the North-West may be found in the conditions under which they have to operate. The variation of tides along the north-west coast is much greater than that along the eastern seaboard of Australia. It is more costly to maintain a schedule to the North-West because ships are delayed by the tides. They can enter and leave ports only when the tides are favourable.

The provision of shipping to service the North-West is the biggest problem, and the greatest bar to development in the North. The State Government would have been justified in increasing freights so as to make the service pay, but all State Governments over the years have avoided doing so whenever possible. No Government has increased freights except

on occasions when those increases were practically forced on it. We are fortunate in this regard because the Commonwealth Grants Commission has regarded any loss incurred in running this shipping service as a contribution towards the development of, and provision for, the North. Year after year the commission made recommendations to the Commonwealth Parliament for a grant to Western Australia to cover losses incurred in the running of the service.

As I said earlier we would be justified in asking the Commonwealth Government to assist us to provide more ships for servicing the North-West. We need more ships. At present one is being constructed in the Australian ship-building yards. We should almost immediately place an order for another. I think that before this financial year becomes very much older, we shall have to take our courage in both hands and do that. If and when we do so, we would immediately establish a difficult situation for the Government in succeeding financial years, because by placing such an order we will commit the State to pay during each financial year for some years to come a portion of the loan funds for that purpose.

It will mean naturally that so much of our loan moneys will not be available in future years for other purposes. Members know that this State, as do all the States, desperately needs more money for schools, hospitals, water supplies and many other requirements. So when we face up in a practical way to these needs and make decisions on them, we carry out one undertaking, but by doing so completely destroy our ability to carry out other urgent and essential undertakings. On the basis of this argument, we are fully justified in approaching the Commonwealth Government for financial help.

Irrespective of its political colour, I hope the Commonwealth Government will be possessed of sufficient vision and statesmanship as to look favourably on a case presented for aid to provide more ships for the North-West. Air transport is vital to the North-West, not only with regard to the availability of air service, but also from the standpoint of cost. I do not know if many members of this House have troubled to ascertain the cost of air freight to the North-West. Those who have made such inquiries will doubtless have been astonished at the huge cost of even sending the smallest parcel to the North-West by air.

At certain times of the year it would be impossible for people in the North-West to get perishables if they had to pay the ordinary air freight rate. They can get them only by virtue of the fact that the Government pays substantial subsidies to the air companies. How could we get cheaper air transport for the people of the North? Should we establish a State

air service, just as we now have operating the State Shipping Service? Would the member for Moore favour that? Would other members on the Opposition side favour it, or, when a Bill to that end was introduced, if it ever were, would they condemn it as being socialistic and monopolistic?

Hon. Sir Ross McLarty: Do you think that would be a better proposition than subsidising the freight?

The PREMIER: If my suggestion were taken up seriously, the point raised by the Leader of the Opposition would have to be investigated very closely. If the case were presented to the Commonwealth strongly enough and it adopted the right attitude, it might agree substantially to subsidise the carrying of goods by air to the North, not all classes of goods but certain classes which it would not be possible, in point of time or for some other reason, to transport by ship. However, that is a phase of the situation that would require consideration.

It might very well be that the State Shipping Service could be sufficiently enlarged as regards the numbers of ships regularly on the run that the need for air transport could be lessened, so the answer to the question about air transport might even be met more profitably by the provision of additional modern ships for the State Shipping Service.

Hon. Sir Ross McLarty: I think it is practical to assume that the need for air freight will increase.

The PREMIER: That, on the surface, would appear to be certain. However, if we had enough ships in the service and could run them frequently and regularly to the North-West, it might be found that air transport would not increase.

Hon. Sir Ross McLarty: More perishable goods will be needed as the population increases, and perishable goods need a quick service.

The PREMIER: But with more and modern and faster ships, with plenty of up-to-date refrigeration, a great percentage of the perishables might be sent by sea. However it might turn out in future that there would be every justification for an approach to the Commonwealth for financial help in regard to the overall transport problem. Whether that should be with regard to shipping or air transport, or both, is something which will have to be hammered out in detail and which the Commonwealth, of course, would finally decide.

The other angle of the transport problem is naturally transport by road. I understand that at present a considerable quantity of the goods required in the Carnarvon district is sent by road. Heaven alone knows what the cost is! Presumably, if the State Shipping Service were enlarged, the need for road transport between

the metropolitan area and the North-West would be considerably lessened. Without being sure on the point, I should think that the people of Carnarvon and the district outlying from Carnarvon would not resort to transport by road, which must be enormously costly, if they could get their goods frequently and regularly by ships. In a vast area such as the North-West, road problems are almost overwhelming, and the cost of constructing good roads there is very great.

Mr. Ackland: Far beyond the resources of the State.

The PREMIER: That is so.

Hon. A. V. R. Abbott: And also the cost to maintain them.

The PREMIER: Yes. The Commonwealth could argue that it is already very substantially helping the State. It could contend that the Commonwealth is handing to the State a very large sum of money each year from the proceeds of the petrol tax which it collects. It could argue, with some logic, if not with complete logic, that motorists in the other States of Australia are being taxed to provide money to be used upon the roads in this State. However, in my judgment, the road problem in the North goes far beyond those considerations. It is a problem quite separate and apart from the general road problem in the more settled districts of this State or of the other States.

I believe that the Commonwealth Government—and I include previous Commonwealth Governments—would like to help the North, but that when they come to face the barrier, as it were, they see in front of them not only the north-west of Australia, but also the Northern Territory and the northern portion of Queensland.

Hon. Sir Ross McLarty: And constitutional barriers.

The PREMIER: I think the constitutional barriers could be overcome; in fact, I am sure they could. When the Commonwealth authorities look at all those vast areas, they doubtless become scared, if not petrified, at the magnitude of the problem. May be it is a matter of political expediency. The vastness of the problem and the huge sums of money required adequately to tackle it might have the effect of creating some terror in their minds. However, that would not be a sufficient reason or excuse for doing nothing. If the Commonwealth could do only a certain amount each year, it would be a valuable contribution to the problem in this State, in the Northern Territory and in North Queensland—that is, if the same sort of problem exists there, as I think it does. As you, Mr. Speaker, know probably better than anyone else in the House, there are many angles and phases to these problems of North-West development, population and production.

The North-West has many needs, but I do not propose to say much about them now. They include the need for harbours, jetties, better wharves, hospitals, schools and all the rest. The cost of constructing works in the North-West is terrific as compared with the cost in the southern part of the State.

Mr. Ackland: There is also need for research.

The PREMIER: Yes, and the overall need for maintaining what is once established. I think the member for Mt. Lawley suggested a little while ago, by way of interjection, that when we built roads, we incurred a tremendous expense, not only to construct them, but also to maintain them. The best answer to that problem is to put down a good road and surface it with bitumen, but we would need an overflowing Treasury, and one that was overflowing continuously, to make much progress in that direction. However, that is no argument why we should do nothing. With regard to other works in the North-West—jetties, wharves and so on—the cost of maintenance is high at all times. However, that is unavoidable, owing to the scheme of things, and would have to be faced when the necessity arose.

Cabinet has given consideration to the wording of the motion, to which we are not opposed in principle. We do not intend to make any attempt to defeat it or sidetrack it, because we fully appreciate that the North-West is a part of the State that has very special and difficult problems. We believe that if an approach can be made upon the basis of this motion, it might very well be made. It might not succeed, but it certainly could do no harm. It could not make the position any more difficult than it is, and might achieve some measure of success.

On behalf of the Government, I intend to move certain amendments. There is no desire to have the amendments voted upon today. They can be put upon the notice paper so that before next Wednesday each member will have had an opportunity to study them carefully and make up his mind. I think all of them will prove to be acceptable to members on both sides of the House.

The first amendment I shall move is to insert after the word "that" in line 1 of paragraph (a) the words "the Government present". Other words would have to be altered. I shall also propose to insert after the letters "M.L.A." in line 5 the words "the Minister for the North-West (Hon. H.C. Strickland M.L.C.)", and after the letters "M.L.A." in line 9 add the words "and the Speaker and member for Pilbara (Hon. A. J. Rodoreda M.L.A.)". That would make a committee of five—the Premier, the Leader of the Opposition, the Leader of the Country Party, the Minister for the North-West and the Speaker. I

consider it essential to have on the committee some members who know the North-West at first hand; otherwise, the committee would find itself in difficulty all the time and would need a very long period to make up its mind. The paragraph will then read—

(a) that the Government present a programme for the development of this portion of the State by a committee consisting of the Premier (Hon. A. R. G. Hawke M.L.A.), the Minister for the North-West (Hon. H. C. Strickland M.L.C.), the Leader of the Opposition (Hon. Sir Ross McLarty K.B.E., M.L.A.), the Leader of the Country Party (Hon. A. F. Watts, C.M.G., M.L.A.), and the Speaker and member for Pilbara (Hon. A. J. Rodoreda, M.L.A.).

It is proposed that the committee would consider the programme as presented by the Government and, if thought necessary, amend it. In other words, the Government would not expect to present to the committee a programme and call upon the committee to approve of it. That would not be reasonable to the Leader of the Opposition and the member for Stirling. The committee would have the right to study the programme and suggest additions and alterations to it and would finally approve a programme.

Then the balance of the motion would remain much as it reads at present, except that in what is now paragraph (c) it is proposed to delete the reference to "£3,000,000 a year," as Cabinet does not consider it wise to leave in the motion any particular amount before a programme has been decided on. The idea there would be to make provision that a special Federal grant be sought, of an amount considered necessary for the programme, on the basis that the programme might take ten years to implement completely. I will move these amendments if that would be in order at this stage, Mr. Speaker.

Mr. SPEAKER: The Premier would be in order in moving the amendments now if he so desires. Otherwise he would have to get some other member to move them, if it is not done now.

The PREMIER: The moving of these amendments will not in any way limit the debate and every member who wishes to speak on the motion will have an opportunity of doing so. Would I be in order, Mr. Speaker, in moving all these amendments at once?

Mr. SPEAKER: I think each should be dealt with separately.

The PREMIER: It might be of advantage to the debate if I now submitted the first one. I move an amendment—

That after the word "that" in line 1, paragraph (a), the words "the Government present" be inserted.

Mr. SPEAKER: Do I understand the Premier to say that the motion would then read, "That the Government present to this House?"

The PREMIER: No, it would read, "That the Government present a programme." The amendment is to paragraph (a).

On motion by Hon. Sir Ross McLarty, debate adjourned.

BILL—CORONERS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [6.6] in moving the second reading said: This is not a large Bill but is very important and although there are a number of clauses, the measure contains, in reality, only two main amendments, the balance being consequential. It is desired to give an additional power to a coroner, when committing a person for trial.

Under the principal Act, a coroner is enabled to commit for wilful murder, murder and manslaughter. In 1945, a lesser offence was provided for in the Criminal Code by rendering liable to imprisonment for five years a person who has in his charge, or under his control, any vehicle and fails to use reasonable care and take reasonable precautions in the use and management of such vehicle, whereby the death of another person is caused.

Authority has never been given to a coroner to commit under this section and it is felt that, where a coroner considers on the evidence submitted a lesser charge than manslaughter should be laid, he should be given the power to commit under the particular section in the Criminal Code to which I have just referred. As such a provision has been inserted in the Criminal Code, I think the granting of this power to a coroner should naturally follow.

It is proposed to insert in the principal Act a definition of "reckless or dangerous driving" to mean the offence constituted by the particular section mentioned in the Criminal Code. The consequential amendments are as follows: Where a coroner's inquisition charges a person with the offence of reckless or dangerous driving, the coroner may issue his warrant for the apprehension and committal of such person. The coroner is permitted to accept bail with good and sufficient sureties for the appearance of the person so charged at his trial in the court.

He is authorised to bind by recognisance all witnesses to appear at the trial of a person charged as the result of a coroner's inquisition with the offence of reckless or dangerous driving. The person charged is entitled to obtain free of charge a copy of the depositions of the witnesses taken at the inquest. The inquisition by which the person is charged shall not be quashed for

any defects therein but shall be amended. Such defects might be if a person is committed under a wrong section of the Code or is committed on a charge of, say, reckless or drunken driving, when the charge is reckless or dangerous driving. As long as it is quite clear who is the offender and what is the offence, an amendment can be made.

The other main amendment concerns matters where an inquest is held by a coroner without a jury. It is provided in that section in the principal Act that the depositions taken shall, on the trial of any person, be admissible in evidence as if such depositions had been taken at an inquest held before a coroner and jury. The law officers are not satisfied with the wording of this paragraph as it does not expressly set out how depositions taken at an inquest held by a coroner without a jury become admissible in evidence. In order to resolve the doubts arising from the wording of the paragraph, it is proposed that the admissibility of depositions of witnesses taken by a coroner be made uniform with the admissibility of depositions taken by justices under the Justices Act.

Mr. Yates: Will power be given to justices of the peace to act as coroners?

The MINISTER FOR JUSTICE: Power will be given to the coroners. The relevant section in the Justices Act provides, in effect, that the depositions of any witness are admissible in evidence upon the trial of any person charged if it is proved that such witness is dead, out of the State, or so ill as to be unable to travel. That provision was not included before, and in consequence there was some doubt as to the legality of the position. Under the Justices Act, there is provision for where such a witness is dead, out of the State, or so ill as to be unable to travel, and under those conditions, of course, the depositions can be recognised as evidence.

This amendment, in addition to making the meaning of the section in the principal Act clear, will bring it into line with similar provisions in the Justices Act. In effect, the same procedure is followed before a coroner as before justices, in that the evidence given is sworn and the opportunity is given to any person likely to be committed, to be represented and to cross-examine witnesses. This is more of a clarification measure than anything else. Provision was made some years ago, under the Criminal Code, for a lesser charge than manslaughter should that be necessary and the person can, if it is so desired, go before a judge and jury. I do not think I can add anything further in explanation of the measure and I move—

That the Bill be now read a second time.

On motion by Mr. Yates, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—JURY ACT AMENDMENT.*Second Reading.*

Debate resumed from the 20th July.

HON. A. V. R. ABBOTT (Mt. Lawley) [7.31]: I support the second reading of the Bill because I approve the principle that women in these days are entitled to serve on juries if they so desire. In the first session of this Parliament, I introduced a similar measure but unfortunately it was rejected by another place. I regret that the Minister did not see fit to include in this Bill some of the provisions I sought, particularly that relating to the selection of the jury panel, because, as I pointed out at the time, anyone who wishes to do so can ascertain the names of those who will be empanelled. Actually, this is quite a simple procedure because jurors are summoned in alphabetical order and it could be that both father and son would be serving together on a jury.

The Minister for Justice: That would be possible.

Hon. A. V. R. ABBOTT: If the Bill becomes law, it could be that a man, his wife and their son could all be sitting on the same jury.

The Minister for Justice: That has been in vogue for 60 or 70 years.

Hon. A. V. R. ABBOTT: That is so. The Minister might have given consideration to the question of a panel of jurors being drawn by lot, as well as selecting the juries by lot. The selection of jurors is drawn in that way at the moment, but the panel of jurors is selected according to the alphabetical order. Such a suggestion could not be controversial. I would have thought also that the Minister would have brought forward the other provision I sought last session, namely, that if capital punishment was to be imposed, a majority decision could be accepted.

Although I approve of the Bill in principle, I am not happy about some of its provisions. My measure set out that any woman who had the same qualifications as a man was entitled to apply to be placed on the jury list. I thought that was a good provision. In this Bill a different procedure has been adopted because every woman, regardless of whether she has the same qualifications as a man or not, and whose name is on the Assembly roll, will be summoned unless she objects to sitting on a jury. This provision will entail a great deal of administration because the jury list of females will be much greater than the list of males. Therefore, the majority on the panel is likely to be women.

Hon. Sir Ross McLarty: The only difficulty is that there will be an overwhelming number of women who will not be prepared to serve.

Hon. A. V. R. ABBOTT: They will still be on the panel, and they will be called unless they have previously notified the sheriff of their objection.

The Minister for Justice: Once they are empanelled, they cannot object.

Hon. A. V. R. ABBOTT: I think that most women will take no action and will not even think about the situation until they are empanelled and then, having been empanelled, they will not be able to refuse their services.

Mr. May: That is only supposition on your part.

Hon. A. V. R. ABBOTT: Yes.

Mr. May: The women are asking for this.

Hon. A. V. R. ABBOTT: I am suggesting they will do nothing until they receive their notice to serve and, having received the notice, they will be empanelled.

The Minister for Justice: No.

Hon. Sir Ross McLarty: If a woman does not wish to sit on a jury, when does she lodge her objection?

The Minister for Justice: She can write, stating her objection, straight away.

Hon. A. V. R. ABBOTT: That is so, but the Minister says she must do so before she is empanelled. The Bill provides in proposed new Section 5A as follows:—

(1) Subject to the provisions of sections seven and eight of this Act, any woman between the ages of twenty-one years and sixty years, who—

(a) is of good fame and character; and

(b) is enrolled as an elector and entitled to vote for a member of the Legislative Assembly pursuant to Part III of the Electoral Act, 1907-1953;

is qualified and liable to serve as a common juror in all civil and criminal proceedings within a radius of thirty-six miles from her residence.

(2) Any woman qualified and liable to serve as a common juror under the provisions of Subsection (1) of this section shall, upon giving written notice to the Sheriff of her desire to discontinue her qualification and liability to serve as a common juror, cease forthwith to be so qualified and so liable.

The Minister can contradict me and draw my attention to it, but I do not see anything in the Bill which says a woman cannot object at any time. I think the Minister said that, in case they did object, it was intended to summon as many as 50 at a time. Accordingly, these women will be on the panel and

they will be able to object after they have been empanelled, because empaneling is actually summoning.

In these circumstances, I think the Minister was wrong and I was right. They can object at any time. There is nothing to say when they can object, nothing at all. A woman merely has to give written notice to the sheriff of her desire to discontinue her qualification and liability to serve as a common juror and she shall cease forthwith to be so qualified and so liable. She only has to write to the sheriff; it does not matter whether the letter reaches him or not; there her responsibility ends. I think I am right in saying that she can do that at any time right up to the moment she goes into the box. Here, however, I am subject to correction by the Minister.

This matter is brimful of difficulties. First of all, we will have a long jury list which will be, of course, in alphabetical order. Most of the jurors will be women because there will be more women qualified than men; there will be at least one-third more women on the jury list than men. A great number may ask to be struck off. It will be necessary to summon a very large jury because many may object right at the last moment; apparently they can do so. Accordingly, there will be great difficulties. I see no reason why we should distinguish between the qualifications for a man and those for a woman. Why should not the qualifications be the same?

The Minister for Justice: There will be very few women with the qualifications of a man.

Hon. A. V. R. ABBOTT: Men have only to own furniture and I think the qualifications provided in the Act are quite simple. They have only to possess real estate to the value of £50 sterling or a personal estate of £150. That is not a very high qualification, and I see no reason why there should be a distinction between the qualifications for a man and those for a woman. Why make the man have some small stake in the country by way of property and say that the woman need have no such qualifications at all?

Hon. J. B. Sleeman: Make the qualifications for a man the same.

Hon. A. V. R. ABBOTT: That would be more logical, but it has not been done. I would suggest, however, that that would not be altogether satisfactory because there would then be, shall we say, people who had not done very well for themselves at all who would be qualified to sit on juries. I do not say that because one happens to own £150 worth of furniture it gives one a special qualification, but it does show one has some substance. There are men who have no substance at all.

Hon. J. B. Sleeman: There may be thousands who would not be qualified to sit.

Hon. A. V. R. ABBOTT: That is so.

Hon. J. B. Sleeman: Whiskers do not mean wisdom.

Hon. A. V. R. ABBOTT: I agree. People who have served sentences in gaol should not, I think, be allowed to sit on juries. They are likely to be sympathetic, to say the least, and would not have much property. They are usually fly-by-nights. I am talking about the criminal, not about the man who has had a bit of bad luck. I think it is a pity that we should have this distinction between the qualifications governing a man and those governing a woman; whatever they are, they ought to be the same.

Again I stress the fact that there will be considerable administrative difficulties and it is likely that a panel may consist of more women than men. That might be good or it might not, but, in my view, a more even balance would be preferable. Let us consider the qualities that we admire in a man: He must be logical and strong, and be able to control his emotions; that is the type of man we think would make a good jurymen. It is natural to find those qualities in a man.

The Premier: Where do you find such a man?

Hon. A. V. R. ABBOTT: I find those qualities in the Premier. A woman, on the other hand, is extremely sympathetic; she is emotional, or most women are, and, taken by and large, I do not think their natural attributes make them qualified to give a difficult decision. Very many, of course, are, and I do not suggest anything to the contrary. I suggest, and hope that the Minister will agree, that we alter the provisions so as to ensure that only those women who wish to serve on juries should do so.

Hon. J. B. Sleeman: How many would you get?

Hon. A. V. R. ABBOTT: I do not know.

Hon. Sir Ross McLarty: A very small percentage.

Hon. J. B. Sleeman: How many men would you get under those conditions?

Hon. A. V. R. ABBOTT: Not many, but we are not arguing that point. I suggest that a woman should only be required to serve on a jury if she is willing. Is it not better to allow her to apply if she wants to sit on a jury rather than put her name on a list and give her all the trouble of having to lodge an objection and have her name struck off. What will happen will be that a woman will suddenly get a notice to serve on a jury; she will take fright and say, "I do not want to serve on a jury; what am I going to do?" I think that would cause trouble and embarrassment to many women.

It would be preferable to allow those who are qualified, should they so desire, to apply to have their names placed on the jury list. That would certainly save a tremendous amount of administrative work. As far as I know, that is the procedure followed in most States where women are qualified to serve on juries. That is the position in New South Wales, and probably in Queensland. In every instance in Australia where women are qualified to serve, they have to make application to do so. Although agreeing to the second reading, I propose in Committee to ask members to accept amendments to the Bill on the lines I have advocated.

HON. SIR ROSS McLARTY (Murray) [7.52]: I agree with the member for Mt. Lawley that there are some very unsatisfactory features in the Bill. He pointed out that any woman who is of good fame and character and enrolled as an elector to vote for the Legislative Assembly, is eligible to serve on a jury. Of course, that will mean that scores of thousands of women will be liable for such service.

The Minister for Justice: Millions, in England; and yet that provision is in force there.

Hon. Sir ROSS McLARTY: Let us stick to the position here. Scores of thousands of women will be liable to serve on juries. They will far outnumber men because there is a qualification required of a man before he can serve on a jury. I think that distinction should not be made. The Minister is heading for a great deal of trouble because, if this Bill becomes law, thousands of women will immediately be compelled by law to serve on juries if called upon, unless they have notified the sheriff that they do not wish to do so.

It is practically certain that a very small percentage of women will give such written notice; in fact, the greater number of them will probably be unaware that they can do so. Does it mean that if women do not notify their objection to serve on juries, they will be compelled to do so when called upon? I take it by that time it will be too late for a woman to give notice.

The Minister for Justice: I do not think so. I think she can still object.

Hon. Sir ROSS McLARTY: We should make it clear. We all realise that thousands of women would be struck with horror at the thought of being compelled to sit on a jury.

Mr. Lawrence: Why?

Hon. Sir ROSS McLARTY: Because they dislike it intensely.

Mr. SPEAKER: Order! Will the member for Mt. Marshall resume his proper seat when making an interjection?

Mr. Lawrence: Mr. Speaker, I made that interjection, and not the member for Mt. Marshall.

Hon. Sir ROSS McLARTY: I am sure that the member for South Fremantle will agree that the majority of women have no desire to serve on juries.

Hon. J. B. Sleeman: I think that most men are that way, too.

Hon. Sir ROSS McLARTY: I agree with the hon. member. I think that most men also dislike serving on juries. We should not compel any woman to sit on a jury if she does not wish to do so. If a woman has not made an application to the sheriff for exemption and receives a notice to serve, I want to make sure that she will be able to lodge her objection then. I can see these provisions leading to a great deal of additional work because, as women are called upon to serve on juries, a great number will object.

The Minister for Justice: It will not take long before women become educated and become familiar with the practice of giving written notice.

Hon. Sir ROSS McLARTY: This will take some time. Meanwhile, we should safeguard any woman who does not wish to serve on a jury.

HON. J. B. SLEEMAN (Fremantle) [7.57]: I support the second reading of the Bill but desire some small alterations. No one in this House has advocated the principle of women serving on juries more than I have. As far back as 1927, I moved an amendment to the Jury Act to enable women to sit on juries. Unfortunately, it was defeated and similar proposals have been defeated on a number of occasions since. Although the member for Mt. Lawley and I do not agree on political matters, there is one thing we are agreed on; namely, that there should be the same rights for women as for men. Instead of the Bill referring to "women over twenty-one," it should read "every person over twenty-one." A man must possess property qualifications to serve on a jury, but a woman need not.

Hon. Sir Ross McLarty: How can we find out if a woman is over 60?

Hon. J. B. SLEEMAN: I do not know. The qualifications for both men and women should be the same. It is nonsense for some people to claim that women are incapable of serving on juries. I suppose there are exceptions in the case of women as there are with respect to men; but the average woman, like the average man, is capable of rendering that service. There is no harm done by giving both the same opportunity to serve. They should be given that as a right.

The other objection I have is contained in the last few lines of the Bill. I think these words are an insult to women generally. They read—

The Court or Judge shall excuse from attendance as a juror at any criminal trial every female person who,

before being empanelled, applies to be exempted from service on a jury by reason of the nature of the evidence to be given at the trial or the issues to be tried or on the ground that she is for medical reasons unfit to attend.

I agree with the provision in the last line, that women should be exempt from service for medical reasons or when they are approaching maternity, but I do not approve of the part about evidence being given at the trial, etc. I cannot see the difference between a man and a woman sitting on a jury.

Is a woman not able to listen to the same evidence as a man? Is the member for Subiaco not just as much entitled to sit on a jury as the member for Mt. Lawley? Because the evidence to be given may be unsavoury is no excuse why women should not be called upon to serve on a jury. I suppose the most unsavoury evidence will be taken in rape cases, or in brutal murder cases, but there are men who are as bored with this sort of thing as women. For these reasons, I think that women are just as capable as men for service on juries.

I trust that the Bill will be passed with one or two slight alterations. One of these is to give a man the right to serve on a jury as long as he is 21 years of age, just as we propose to give a woman that right, and not stipulate that he must have property. Then we should strike out the other reference proposing to exempt women from service by reason of the nature of the evidence. It should not be open to them to say, "This case will be a bit unsavoury and I should not like to serve on it." No case is pleasant, but women are equally capable of listening to the evidence and serving as are men.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre—in reply) [8.11]: I was pleased to hear the member for Mt. Lawley say that he approved of the Bill. I gather that he agrees with the principle of the measure. I consider that the old method of selecting the jurors in alphabetical order is preferable. It has been the practice for years and is still the practice in England.

Hon. A. V. R. Abbott: I do not think it is the practice in England.

The MINISTER FOR JUSTICE: Yes, it is; and we have not found any objection to it. Under the existing system, it is possible for a father and son to be summoned to serve on the same jury. That has been known to occur, but even under the ballot system advocated by the member for Mt. Lawley, the same possibility would exist. In fact, there would probably be even a greater possibility of its happening, though we cannot say definitely. However, that is not provided for in the Bill.

A woman, under the measure, would require the same qualifications as a man to be enrolled. She would be entitled to en-

rolment if she was enrolled as an elector for the Legislative Assembly. If we were to require her to have so much property, I point out that, generally speaking, men have the property and women have not. Quite a number of married women have no property and, though they might be entitled to half of what the husband possesses, that fact is not recognised. I believe the practice in England is to enrol all women.

Hon. D. Brand: Are they compelled to serve?

The MINISTER FOR JUSTICE: Not in exceptional circumstances. In England women are not given the privilege of writing in and having their names removed from the roll, though that is a privilege we propose to extend to them here, but they have the privilege of not sitting on certain cases that the judges consider to be unsavoury.

The Bill is a very fair one and I think it would not be long before our women awoke to a greater sense of responsibility as regards service on juries. If they desire not to serve, they will have their remedy by writing in to have their names removed from the jury list. There is nothing wrong with that proposal. If my wife, not being over age, were empanelled and could not retreat, I would tell her that she ought to have known the position, and that after this experience, she would make sure that she was not summoned again. Probably only a few women would be caught in that way.

Hon. D. Brand: I think you will be surprised.

The MINISTER FOR JUSTICE: All they would have to do would be to write a few lines to the sheriff indicating that they were not desirous of serving and asking that their names should be removed from the list. In my opinion, women are just as capable as men, and I see no reason why they should not serve on juries. In England they have served in this capacity for many years and I do not know of any complaints having been received. There the judge, if he thinks that a man or woman should not sit on a certain case, directs that individual to stand down, or if the case is of an unsavoury nature, he may direct the women to retire. The same opportunity will be given to women to retire from unsavoury cases here.

I hope that the Bill will be passed as printed and given a trial. If it does not operate as it should, an amending measure can be introduced. Probably next year would be a suitable time to bring down any amendments considered necessary. The measure is to be brought into operation by proclamation in order to give the department time to make the requisite provision for women. I do not know what expense this will involve, but alterations to the accommodation will be necessary

when women serve on juries. That is one reason for providing that the legislation shall come into operation by proclamation. The intention is to proclaim the measure in the various districts as the requisite accommodation is provided for women.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 5A added:

Hon. J. B. SLEEMAN: A man, in order to serve on a jury, should have the same qualifications as a woman. A woman, in order to serve on a jury, need only possess the qualification of being on the Assembly roll whereas a man must have some property. Members cannot tell me that simply because a person has £50 or £60 worth of property, he has more brains than someone with no property. People without property are just as much entitled to sit on a jury as those with property. I move an amendment—

That in line 17, page 2, the word "woman" be struck out and the word "person" inserted in lieu.

THE CHAIRMAN: Is the hon. member moving to delete the word "woman" with a view to inserting the word "person"?

Hon. J. B. Sleeman: Yes.

THE CHAIRMAN: I must rule that he cannot do that because the subject matter of the Bill deals with woman jurors only.

Dissent from Chairman's Ruling.

Hon. J. B. Sleeman: Then I must dissent from your ruling, Mr. Chairman.

[The Speaker resumed the Chair.]

The Chairman having stated the dissent,

Hon. J. B. Sleeman: The Chairman has ruled that my amendment to strike out the word "woman" is inconsistent with the Bill. The first portion of the Bill deletes from the Act the section which provides that a jury shall consist of male persons only. We are deciding whether men and women, or men only, shall sit on juries.

In most places the Bill refers to "women" but here I want to include men in the same way as, in 1927 when a Bill was brought down dealing only with men jurors, I moved to include women so that women could sit on a jury the same as men. That occurred in the days of a very capable Mr. Speaker, the late Thomas Walker, and he ruled that I was quite in order, and his ruling was agreed to. Further on the Bill states that Section 7 of the principal Act is amended by substituting for the word "man" in lines 1 and 2 the word "person."

In this instance I want to strike out the word "woman" and insert in lieu the word "person," which is the same as I did previously. For this reason I think the Chairman is in error in disallowing my amendment.

Hon. A. V. R. Abbott: I agree with the Chairman because the Bill deals only with certain sections of the Act and this particular clause deals merely with the question of enabling women to be qualified and liable to sit on juries. If the amendment went through, the Act would not be capable of interpretation. I refer to Section 5 which definitely provides—

Every man (except as hereinafter excepted) between the ages of 21 years and 60 years residing in the Colony and who shall have within the Colony either in his own name or in trust for him, real estate of the value of £50 sterling . . . shall be qualified and liable to serve as a common juror.

The marginal note is—

Qualifications and liability to serve as common jurors.

If the amendment moved by the member for Fremantle were agreed to, we would have two sections of the Act in conflict, and our courts would be put in an impossible situation.

It would be absurd if, when a particular object was being dealt with in a Bill, an attempt was virtually made to amend another section although it was not actually dealt with in the Bill. This Bill is not concerned with Section 5 at all, and the amendment would really be an attempt to amend Section 5. If it were agreed to, the Bill would be saying two things because Section 4 would provide one thing and Section 5 another. I agree with the Chairman that the particular clause concerned deals only with women and not with the qualifications of men.

Mr. Perkins: I do not know that I entirely agree with the member for Mt. Lawley, and while it may be undesirable to carry the amendment as moved by the member for Fremantle, I would not like to express an opinion on that point at this stage because I have not had an opportunity of looking at the parent Act. It is not appropriate to argue that phase at this particular moment. The point at issue is whether the amendment is outside the scope of the Bill, and that can be an entirely different question from whether it is desirable to include this particular amendment in the Bill. I think it is rather dangerous to rule amendments outside the scope of a Bill if they deal with a particular section of an Act, provided they come within the general ambit of the subject matter of the Bill.

If that interpretation is adopted, the House will from time to time find itself in a position of wanting to do something about which there may not be much

disagreement and if a narrow interpretation is made as to what is within or outside the scope of the Bill, it will seriously limit the debate on the measure concerned. If such a narrow interpretation is adopted, the Government might find itself in the position of having to bring down another amending Bill in order to do something which, in the ordinary circumstances, could have been done when the original amending Bill was being debated.

I hope that when you consider this question, Mr. Speaker, you will look at it from that point of view—purely as to whether the amendment is within the scope of the Bill and not as to whether it is one that would be desirable as part of the parent Act. If there is any doubt at all in your mind, I think you should err on the side of latitude and give members as much opportunity as possible, consistent with Standing Orders and general parliamentary practice, to move whatever amendments they see fit.

Mr. Speaker: Replying first to the point raised by the member for Roe, I personally think it is the duty of the Speaker or Chairman of Committees not to accept amendments if they will create a ridiculous situation in an Act. In relation to this amendment, I should say that if it were permitted other sections of the Act would have to be amended to make it readable or capable of being administered by a court of law.

I think the point made by the member for Mt. Lawley must be given a great deal of consideration because, if the amendment were accepted, we would have two sections of the Act in juxtaposition and not in conformity with each other. I find that I have to support the ruling of the Chairman of Committees. Standing Order 281 reads—

Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with Rules and Orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House.

There has been no instruction given to the Committee by the House and I find that the whole subject matter of the Bill is the question of making women liable to sit on juries.

The Bill goes no further than that. That is the entire end, aim and object of of the Bill and I find, therefore, that any amendment dealing with a man's qualifications to sit on the jury is quite outside the subject matter of the Bill. The amendments referred to by the member for Fremantle later on in the Bill are

simply and solely to put into the necessary sections of the Act the qualifications of the women. They have nothing to do with men at all. There is not one clause in the Bill that deals with the qualifications of a man juror. The subject matter of the Bill has solely and entirely to do with the qualification of women jurors and I find that I must support the ruling given by the Chairman of Committees.

Dissent from Speaker's Ruling.

Hon. J. B. Sleeman: I move—

That the House dissent from the Speaker's ruling.

I am obliged to do this because this is not a Bill to amend any section of the Jury Act. It is a Bill for an Act to amend the Jury Act and not a section of that Act. I claim that any part of the Jury Act could be amended under this Bill. It will be found that in many cases the Premier might bring down a Bill to amend a specified section of such and such an Act, but this is a measure to amend the Jury Act and right through the piece it deals with juries, whether they be of men or women.

The whole question is wrapped up in Clause (1) and this is a Bill to amend the Jury Act. It deals with both men and women, the idea being to put women on the jury with men. As I said before, in years gone by when a Bill was brought down dealing with men only, I moved an amendment that women be eligible to sit on the jury, and that was not agreed to. Now we are going backwards instead of forwards. I say that the amendment is not outside the scope of the Bill. I repeat that men are brought into it in two or three places, with the intention of inserting the word "person" instead of "man" and I want to insert the word "person" instead of "woman."

Hon. A. V. R. Abbott: Again, I cannot agree with the member for Fremantle.

Hon. J. B. Sleeman: I did not expect you would; you do not like the amendment.

Mr. Speaker: Order!

Hon. A. V. R. Abbott: I am interested only in the proper procedure of this Chamber. We have to decide, as the Speaker pointed out, whether the proposed amendment is within the scope of the Bill, and in deciding that question we have to appreciate what we are dealing with. We are dealing with certain provisions only of the Jury Act and not any portion or section of that Act—just certain principles contained in that Act. As the Jury Act stands today, the principle is that only certain men, having certain qualifications, shall be able and liable to sit as a common or special jury. That is the law as it stands.

What is the object or scope of the Bill? I say it is not to alter the qualifications of men or to say that they shall not sit or

deal with them at all, but merely to alter the law so that women may be liable to serve and able to sit on juries unless they request the sheriff for permission not to do so. That is the principle being established by the Bill, and it is the only matter that should be debated. I submit that that is the full scope of the Bill and that no other sections of the Act should or could be dealt with.

Mr. Speaker: Before putting the question I will add a few further remarks. The member for Fremantle knows well enough that the Title of the Bill is of no consequence at all—

Hon. J. B. Sleeman: You can alter the Title afterwards.

Mr. Speaker: It can be altered to bring it into line with amendments made within the scope of the Bill and so it has no relationship to the relevancy of an amendment. We have established that point and I think the member for Fremantle will agree with me there. The sections of the Act mentioned in the Bill are of no consequence, either. Quite often an amendment within the scope of a Bill can be made to a section of the Act which is not mentioned in the Bill at all. The amendments quoted by the member for Fremantle which appear later in the Bill—where the word “man” is altered to the word “person”—are merely consequential to make the Act workable.

Question put and negatived.

Committee Resumed.

Hon. A. V. R. ABBOTT: In my second reading speech I pointed out that I thought all persons sitting on juries should have the same qualifications. Therefore, I move an amendment—

That paragraph (b) of proposed new Section 5A, page 2, be struck out and the following inserted in lieu:—“(b) has the same property qualifications as a male juror under Section 5 of this Act.”

Hon. J. B. SLEEMAN: I think the member for Mt. Lawley is in the wrong Chamber; he should be in another place, because he has his eye on the money qualification. We do not believe in that principle for the Legislative Council, juries, or for anything else. The hon. member tried to put it over me when he said he believed that men and women should have the same qualification.

Hon. A. V. R. Abbott: I do believe that.

Hon. J. B. SLEEMAN: Few women in this country would have property in their own names and consequently if this amendment is agreed to, only the society women, with plenty of property in their own names, would be permitted to sit on a jury. The housewife would not be eligible.

Hon. A. V. R. Abbott: Most of the housewives I know own the furniture.

Hon. J. B. SLEEMAN: If this amendment is accepted, only a few old sticky-beaks will be eligible to sit on a jury. They are the type who would write in and say, “Please Mr. Magistrate, would you allow me to sit on the jury?” The decent, hard-working housewife would not be eligible. I will not agree to an amendment which will enable only women with money to sit on juries.

The MINISTER FOR JUSTICE: I must oppose this amendment because it would penalise a number of women.

Hon. A. V. R. Abbott: Do not you think the qualification should be the same?

The MINISTER FOR JUSTICE: In Queensland and New South Wales—I am not sure about Victoria—women do not need to have the same monetary qualifications as a man. If the amendment is agreed to, only those women who belong to what might be termed the capitalistic class will be permitted to sit on a jury. Even my wife would not have the qualifications.

Hon. A. V. R. Abbott: Do you own your furniture?

The MINISTER FOR JUSTICE: Yes.

Hon. A. V. R. Abbott: I do not. My wife owns it. She would not give it to me.

The Premier: The only piece of furniture every woman owns is a rolling pin.

The MINISTER FOR JUSTICE: This amendment would be a step in the wrong direction and we would not have legislation which was uniform. Nearly all the other States have the qualifications set out in the Bill, and I do not think we should give way on it. There might be women at the University, who have high degrees, but, because they have no property, would not, if this amendment were accepted, be permitted to sit on a jury.

Hon. A. V. R. Abbott: There might be some men affected the same way.

The MINISTER FOR JUSTICE: Yes, but not so many. We should give all women an opportunity to be enrolled, and if they do not want to remain on the roll for jury service, they can write in and have their names removed forthwith.

Hon. Sir ROSS McLARTY: The proposal of the member for Mt. Lawley has a good deal to commend it because I fail to see why there should be a differentiation in the qualifications of those who serve on juries.

Hon. J. B. Sleeman: We agree with that; or at least I do.

Hon. Sir ROSS McLARTY: The member for Mt. Lawley is trying to preserve consistency so that both men and women will require to have the same qualifications. Surely no objection can be taken to that. If this amendment is not accepted, there will be an enormous jury list, with added expenditure and work.

Hon. J. B. SLEEMAN: If the amendment is accepted, only a small percentage of women in this country will be entitled to sit on juries. I do not suppose more than 25 per cent. of the married women in this State would have property in their own names.

Hon. A. V. R. ABBOTT: I want to emphasise the remarks made by the Leader of the Opposition. My object is to make the qualifications consistent.

The Minister for Justice: Would you support a Bill to take away the monetary qualification from men?

Hon. A. V. R. ABBOTT: I would certainly give that consideration. I think that under this provision as many women as men would qualify. In most homes, the custom is for the wife to own the furniture and there is hardly a home today that has not £150 worth of furniture in it. In fact, I am inclined to think that women would have more qualifications than men.

Mr. Lawrence: Do you?

Hon. A. V. R. ABBOTT: Yes, I do. If one looks at the probate lists, it will be found that in a large number of cases the wife owns the furniture. If the husband dies, no probate duty is paid on the furniture, because it belongs to the wife.

Mr. Lawrence: No receipts are given for furniture.

Hon. A. V. R. ABBOTT: That procedure happens nine times out of ten. If the wife dies, the husband usually pays probate duty on the furniture. My object is to ensure that all those who serve on juries have the same qualifications.

Amendment put and negatived.

Hon. A. V. R. ABBOTT: The other suggestion I made was that the method of selecting a jury by making every woman liable to serve unless she wrote to the sheriff stating her objection was wrong. There would have to be a huge jury list prepared and a woman would not write until she received notice from the sheriff. What will probably happen is that when a woman receives a summons, she will panic and rush to the sheriff and say, "I do not wish to serve on a jury because I have a wife and family to look after."

Mr. Lawrence: How can a wife look after a wife?

Hon. A. V. R. ABBOTT: Well, a husband.

Mr. Lawrence: That is better. Make it clear, because I do not think you are too clear on anything.

Hon. A. V. R. ABBOTT: A number of women will have to go to the trouble of interviewing the sheriff and asking, "What do I do with this bit of paper?" Is it not better to give this question all the publicity

necessary and then, if a woman objects to serving on a jury, she can notify the sheriff accordingly. I move an amendment—

That after line 24, page 2, the following paragraph be inserted:—

(c) notifies in writing the Resident or Police Magistrate of the district in which she resides that she desires to serve as a juror.

The MINISTER FOR JUSTICE: I again disagree with the member for Mt. Lawley. Every man and woman is entitled to be enrolled on the jury list. There is no reason why an application should have to be made. If a woman does not wish to serve, she can notify the sheriff in writing. I do not see why we should get away from that principle. In Great Britain, every man and woman is enrolled.

Hon. L. Thorn: How would she know she was enrolled?

The MINISTER FOR JUSTICE: Because she would know that she was qualified to vote for the Legislative Assembly. Women are just as intelligent and responsible as men.

Hon. L. Thorn: When one is enrolled for the Legislative Assembly, one is advised by the Chief Electoral Officer. Could not the sheriff advise these women and then they could object if they so desired?

The MINISTER FOR JUSTICE: I have never been advised by the Chief Electoral Officer that I have been enrolled for the Legislative Assembly. In Great Britain and in New South Wales and Victoria, women are enrolled.

Hon. A. V. R. Abbott: No, not in any other Australian State. You said they were enrolled in New South Wales and Victoria.

The MINISTER FOR JUSTICE: Yes, that is right. The women have asked for this.

Hon. A. V. R. Abbott: No, they have not asked for this provision. All they have asked for is to be given the right to be placed on the jury list.

The MINISTER FOR JUSTICE: That is all the Bill seeks. The only difference now is that they will be enrolled in the same way as are women in England, and if they are not desirous of sitting on juries, they can write to the sheriff and their names will be removed from the jury list. There are a number of public-minded women in Western Australia, who desire to sit on juries. If they had to apply in writing, they would not do so. In consequence we would have very few and that is what applies in the Eastern States today.

There is a certain section of more or less inquisitive women that may be quite capable of acting as jurors, but there are others who would want to act because of public-spiritedness and who would be only too happy to do so. This is not new. It is the practice in the Old Country and we

should give women an opportunity of being jurors. If they do not desire to act they can make application for their names to be taken off the list.

Hon. Sir ROSS McLARTY: The amendment as moved by the member for Mt. Lawley does not, of course, take from women the right to sit on juries. If the Minister accepted that amendment it would save his department a great deal of work. Most of us agree there are thousands of women who have no desire to sit on a jury. Why not give them the right now to write in and say that they do not wish to serve on a jury? That would obviate the need of calling them up in great numbers and then having them asked to be excused from sitting on the jury. It still gives the women who are desirous of sitting on the jury the right to do so.

The MINISTER FOR JUSTICE: I think the Leader of the Opposition is labouring under a delusion. The women have been given the right to be on a jury.

Hon. Sir Ross McLarty: I am asking you to give them the right to seek exemption if they wish.

The MINISTER FOR JUSTICE: They have that right.

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

Ayes	17
Noes	18
Majority against	1

Ayes.

Mr. Abbott	Sir Ross McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Thorp
Mr. Hearman	Mr. Wild
Mr. Hill	Mr. Hutchinson
Mr. Manning	(Teller.)

Noes.

Mr. Andrew	Mr. Norton
Mr. Brady	Mr. Nulsen
Mr. Hawke	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rodoreda
Mr. Kelly	Mr. Sewell
Mr. Lapham	Mr. Sleeman
Mr. Lawrence	Mr. Styant
Mr. McCulloch	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. J. Hegney
Mr. Bovell	Mr. Guthrie
Mr. Perkins	Mr. Hoar
Mr. Watts	Mr. Tonkin
Dame F. Cardell-Oliver	Mr. Graham
Mr. Oldfield	Mr. Heal
Mr. North	Mr. Johnson

Amendment thus negatived.

Hon. Sir ROSS McLARTY: I move an amendment—

That in line 27, page 2, the word "thirty-six" be struck out with a view to inserting the word "twenty" in lieu.

Earlier in the Bill it states—

is qualified and liable to serve as a common juror in all civil and criminal proceedings within a radius of thirty-six miles from her residence.

The Minister for Justice: It is the same for men.

Hon. Sir ROSS McLARTY: Many of the women who will be called to serve on juries will be housewives with their work to attend to and their families to look after. It is not fair to drag them 36 miles from their homes to attend the court. It would inflict considerable hardship on numerous women to have to make this long journey to and from their homes to serve as jurors.

The MINISTER FOR JUSTICE: I disagree with this amendment. There is no difference between travelling 15 and 36 miles in these days with fast means of transport. If women live 15 miles or 36 miles out, they must come in by the same means—by motorcars.

Hon. Sir Ross McLarty: Not all of them have motorcars.

The MINISTER FOR JUSTICE: In that case 15 miles would be too far. This provision is uniform with the one that applies to men jurors.

Hon. A. V. R. Abbott: Don't talk about uniformity!

The MINISTER FOR JUSTICE: We want it, but the hon. member will not let us have it.

Hon. A. V. R. Abbott: You want it this time.

The MINISTER FOR JUSTICE: The difference in mileage does not make very much difference. There is no reason to alter it from 36 miles to 15 miles for women. If any alteration is desired, it should be applied to men as well. I oppose the amendment. People will not be called upon often to serve on juries, probably once in twelve months. For people in the country it will be a holiday.

Hon. Sir Ross McLarty: They might have to come in on three or four days.

The MINISTER FOR JUSTICE: Most of them will enjoy the outing. They will be paid for service.

Amendment put and negatived.

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

That Subsection (2) of proposed new Section 5A, page 2, be struck out.

Hon. Sir ROSS McLARTY: I wanted to move an amendment in line 31. Of course, if the paragraph is struck out I cannot do so. I want to insert the words "at any time".

Hon. J. B. SLEEMAN: I do not want to stand in the way of the Leader of the Opposition. I can achieve my object

later on. I ask for leave to withdraw my amendment to enable the Leader of the Opposition to move his.

Amendment, by leave, withdrawn.

Hon. Sir ROSS McLARTY: I move an amendment—

That in line 31, page 2, after the word "notice" the words "at any time" be inserted.

I do so for this reason: I want to make sure that no woman is forced to serve on a jury if she does not wish to do so. During my second reading speech I asked the Minister at what period was it expected that this notice should be given. He replied that it had to be given to the sheriff in writing. I feel that large numbers of women will not take this action; they will not notify the sheriff. The first knowledge they will have of this provision is when they receive a notice to serve. Even at that stage a woman not desiring to serve on a jury should not be compelled to do so. My amendment will ensure that no woman is forced to serve on a jury against her will.

The MINISTER FOR JUSTICE: I am not sure of the effect of this amendment. Women may be empanelled as a jury, and considering a verdict in a room. They should not then have the right to apply for exemption. I would agree to the amendment if I knew its full effects. If it will not have the effect that I fear, it could be agreed to in another place.

Hon. Sir ROSS McLARTY: After those remarks from the Minister, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

That Subsection (2) of proposed Section 5A, page 2, be struck out.

Women should not be permitted to write in and say that they do not wish to serve on a jury. We know from experience that this is a job nobody chases. Dozens of men have asked me how they could avoid service. One man told the judge that he was opposed to capital punishment, and he was told to stand down. There are reasons that lead to a man's being excused from service. In these days of equality of the sexes, women have every right to serve their country, just as men have to do.

The MINISTER FOR JUSTICE: We are initiating something new and should give the measure a trial to see how it works. If women do not desire to serve, it is reasonable to give them the opportunity to write to the sheriff to that effect. I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 5 to 9—agreed to.

Clause 10—Section 20b repealed and re-enacted:

Hon. J. B. SLEEMAN: The proposed new Subsection (2) reads—

The court or judge shall excuse from attendance as a juror at any criminal trial, every female person who, before being empanelled applies to be exempted from service on a jury by reason of the nature of the evidence to be given at the trial or the issues to be tried or on the ground that she is for medical reasons unfit to attend.

It is only right to excuse women for medical reasons but not on the grounds of the nature of the evidence or the issues to be tried. On what sort of a case is a woman not fit to sit? A woman is just as able and entitled to listen to the evidence as is a man.

Hon. Sir Ross McLarty: We do not say she is not fit to listen.

Hon. J. B. SLEEMAN: I do not think she should be excused on account of the nature of the evidence. That is not a valid excuse.

Hon. Sir Ross McLarty: Yes, it is.

Hon. J. B. SLEEMAN: A woman is just as capable of serving on such a case as is a man.

Hon. Sir Ross McLarty: Yes, but she should not be compelled to serve.

Hon. J. B. SLEEMAN: A woman is able to serve and judge just as well as is a man. I move an amendment—

That in lines 25 and 26, page 4, the words "by reason of the nature of the evidence to be given at the trial or the issues to be tried or" be struck out.

The MINISTER FOR JUSTICE: I disagree with the amendment. There are cases where we should not have a mixed jury.

Hon. J. B. Sleeman: What sort of cases?

The MINISTER FOR JUSTICE: Sordid cases; some terrible cases are brought before the court. In England, juries sometimes consisting of women only, and sometimes of men only, serve on various cases. It is not so embarrassing for a number of women or a number of men to be serving on cases, but there could not always be free discussion if it were a mixed jury. We should be safe in following the law that has operated in England for a number of years. The object now is to give women an opportunity to serve. In England, mixed juries are avoided where the judge thinks that course is desirable.

Hon. A. V. R. Abbott: A judge would not have that discretion here.

The MINISTER FOR JUSTICE: No. The member for Fremantle might be on the right track, but we should not be too rough at the inception. If an amendment is found necessary in the light of experience, the hon. member will be able to take action

to that end. If we allow the clause to stand, the women will probably be happier about it.

Hon. J. B. SLEEMAN: According to the Minister, we shall have all men on some juries and all women on others.

The Minister for Justice: That is not provided for in the Bill.

Hon. J. B. SLEEMAN: If the case is of a sordid nature, women may say they do not wish to serve, but on the next case, the jury might be composed entirely of women. We should be informed exactly where we stand. The women should be told that it is their duty to accept this share of the work and not allow the men to have all the say.

Hon. A. V. R. ABBOTT: I do not agree with the member for Fremantle, and I do not agree with this provision either. It does not matter what the judge thinks. He may consider it is a most improper case for a mixed jury, but he has no discretion unless the woman asks to be relieved of duty. I would have a little more mercy on the men. It could be extremely embarrassing in some cases—sodomy, for instance—for a man to be sitting alongside a woman.

The Minister for Railways: And in cases of indecent dealing, and that sort of thing.

Hon. A. V. R. ABBOTT: Yes. The judge has the depositions, and he should have power to use his own discretion. Perhaps the Minister would also consider an amendment of this nature with a view to having it moved in another place.

Hon. J. B. SLEEMAN: It seems that the member for Mt. Lawley looks at it from only one side. Has he any objection to a woman barrister taking a sordid case and cross-examining the witnesses, including the prisoner? Of course not. He admits that women can be barristers the same as men. He would not say to a woman barrister, "You should not take this case but should give it to a male barrister".

Hon. A. V. R. Abbott: I might think it, though.

Mr. ANDREW: The member for Fremantle seems to think that all the young people who go on a jury are hardened sinners like we are. Many of them are not people of the world. When my daughter turned 21, she was a very wholesome and refined type of girl, and for her to have gone on to a jury to deal with a case concerning an unnatural offence, and to have had to discuss it with men jurors, would have been rather hard. There should be some discrimination.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 9.25 p.m.

Legislative Council

Thursday, 29th July, 1954.

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

MINING.

As to Sending Geologist to Pilbara Field.

Hon. C. W. D. BARKER asked the Chief Secretary:

In view of the action taking place on the Pilbara mineral fields, and as several requests have been made to me personally, will the Government send a geologist to that district, with a view to assisting companies and prospectors working in that area?

The CHIEF SECRETARY replied:

Our existing geological programme will not permit of an early inspection of this field, but meanwhile every attention and the fullest technical advice will be given to any requests or problems put forward.

FORESTS DEPARTMENT.

As to Canberra-trained Officers and Salaries Paid.

Hon. J. MURRAY asked the Chief Secretary:

In view of the statement made by Hon. G. Bennetts on the 13th July regarding the administration of the Forests Department (*vide* "Hansard", page 387), will the Minister inform the House—

(1) What are the total number, and the names, of the Canberra-trained officers, who were employed by the Forests Department on high salaries and who have now been withdrawn in favour of practical men?

(2) What amount was paid in salaries by the Forests Department during the financial years ended—

(a) the 30th June, 1953;

(b) the 30th June, 1954?