Legislative Council

Tuesday, 20th November, 1951.

CONTENTS.

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

QUESTION.

STOCK FEED.

As to Shortage of Mill Offal Supplies.

Hon. A. L. LOTON asked the Minister for Transport:

(1) Is he aware that there is an acute shortage of mill offal throughout the State?

(2) Is he aware of the serious effect this shortage is having on the production of foodstuffs?

(3) Is it a fact that a considerable quantity of offal is on hand at mills?

(4) Will the Government endeavour to have some of these stocks released at once?

(5) Will the Government consider indemnifying (if necessary) the mills against loss on such offal released before the new price announcement?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) The Minister for Agriculture has made extensive inquiries into this matter and the information received both from merchants and millers is that there are very small stocks held by millers generally.

(4) Answered by No. (3).

(5) No.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

BILL—LIBRARY BOARD OF WESTERN AUSTRALIA.

Reports of Committee adopted.

BILL—LAW REFORM (COMMON EMPLOYMENT).

Assembly's Message.

Message from the Assembly notifying that it had agreed to the Council's amendment, subject to a further amendment, now considered.

In Committee.

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

The CHAIRMAN: The Council's amendment was as follows:—

> Clause 3: Delete all words contained in the clause and substitute the following words:—
>
> "It shall not be a defence to an employer who is sued in respect of personal injuries caused by the negligence of a person employed by him, that that person was at the time the injuries were caused in common employment with the person injured."

The Assembly's amendment to the Council's amendment is as follows:—

> Delete all words after the word "words" in line 3 and substitute the following:—
>
> (1) It shall not be a defence to an employer who is sued in respect of any injury or damage caused by the wrongful act, neglect, or default of a person employed by him, that that person was at the time the injury or damage was caused in common employment with the person suffering that injury or damage.
>
> (2) Any provision contained in a contract of service or apprenticeship, or in an agreement collateral thereto (including a contract or agreement entered into before the commencement of this Act), shall be void in so far as it would have the effect of excluding or limiting any liability of the employer in respect of personal injuries caused to the person employed or apprenticed by the wrongful act, neglect, or default of any persons in common employment with him.
>
> (3) This Act shall bind the Crown and instrumentalities of the Crown.

The MINISTER FOR TRANSPORT: Members will agree that Mr. Parker's amendment did not alter the sense of the original Bill, but it used a different form of words and had the virtue of being brief and reasonably concise. When that amendment was referred to another

place, an opinion was sought on the question and a further amendment has been made by the Assembly which is substantially in line with that made by this Chamber. The amendment has been amplified after discussion by the Solicitor General with Mr. Gresley Clarkson, of the legal firm of Jackson, McDonald, Connor & Ambrose, who is experienced in this type of legal work. These two gentlemen consider that the amendment made by the Legislative Council contains the following defects:—

(a) It relates only to personal injury and not to damage to property. This is a defect which has been remedied in the laws of Queensland, South Australia, and New South Wales.

(b) It covers only loss through negligence and not through any wrongful act, neglect or default. This defect is one recently remedied by Queensland and South Australia.

(c) It does not prohibit contracting out, or what is known in legal parlance as the doctrine of "valenti non fit injuria." This defect is one that is covered by the English, Queensland and South Australian law.

What might occur if this defect is not remedied in the Bill is indicated by a case that took place this year in England, the case of Smith v. British-European Airways Corporation. In these proceedings, the plaintiff, whose husband, a flight steward with the corporation, was killed through the negligence of two pilots, who were fellow workers of the husband, recovered £1,508 from a pension scheme. The corporation resisted the widow's claim for damages on the ground that a rule of the pension scheme provided that each member of the scheme, as a term of his employment, agreed on behalf of himself, his dependants and representatives, to look only to the benefits provided under the scheme, in the event of injury or death arising out of or in the course of his employment.

The court held that the prohibition against contracting out contained in the Law Reform (Personal Injuries) Act invalidated the pension rule and thus the widow recovered £3,900 instead of £1,508. The point of the case is that if the husband had not contributed to the pension scheme, the widow would definitely have been entitled to £3,900. Because he did so and the widow recovered £1,508 from the scheme, she would not have been entitled to the balance of her claim but for the provisions of the Law Reform (Personal Injuries) Act, 1948, of England, which prohibits contracting out. It would appear manifestly unjust that because the husband had contributed to a pension scheme, his widow should be placed in a worse position than the widow of a person who had not contributed to a pension scheme. Unless, however, this Bill is amended along these lines, such an injustice could arise in this State.

The amendment inserted by the Legislative Assembly is considered suitable in that—

(a) It covers both personal injury and damage to property.

(b) It prevents any contracting out of the provisions of the Bill.

(c) It binds the Crown and its instrumentalities.

(d) It refers to "any wrongful act, neglect or default" and not merely to "negligence."

(e) It relates solely to the doctrine of common employment and not to the wider doctrine that a master is not liable to his servant for any injury received from any ordinary risk of service.

I move—

That the Amendment as amended be agreed to.

Hon. H. S. W. PARKER: Had the Bill been drafted as it will appear with the Assembly's amendment, there would have been no need to alter it. Therefore I consider our original amendment was justified. We now have a clear statement of the law, and that is what we all want. The original Bill did not cover damage to property, nor did it prevent contracting out.

Hon. E. M. Heenan: It covered property.

Hon. H. S. W. PARKER: Did it? If that is so, then it did not prevent contracting out. Under the Assembly's amendment, the Crown will be brought within the scope of the measure. I support the Minister in his motion to accept the Assembly's amendment.

Question put and passed; the Assembly's amendment to the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—ACTS AMENDMENT (SUPERANNUATION AND PENSIONS).

Received from the Assembly and read a first time.

BILL—EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th November.

HON. E. M. HEENAN (North-East) [4.48]: This is a very short Bill and one which I hope will receive the unanimous support of members. As the Minister explained, the purpose of the measure is

merely to authorise the two municipal councils on the Eastern Goldfields to contribute, from their revenue, towards losses which may be sustained by the Eastern Goldfields Transport Board in its future operations.

The question of transport on the Goldfields has caused a good deal of anxiety during the last couple of years. The old tramway system, which was obsolete, has been largely scrapped and buses are used for the purpose of transporting people. Owing to rising costs and other causes, the board has been passing through very difficult times. Early this year a deputation waited upon the Minister which comprised Goldfields members and others interested, including, of course, the chairman and, I think, the secretary of the Transport Board. Apparently such a strong case was made out that the Government has found it justifiable to assist the board in a very concrete manner. As the Minister pointed out, seven Government tramway buses are to be made available to the board in Kalgoorlie and these will replace some of the obsolete buses which are now in use.

The Government has also undertaken to accept the responsibility for one-half of any losses which the board sustains in its future operations, the other half to be met by the two municipalities and the road board. I am sure that the people on the Goldfields will appreciate this gesture by the Government; it will allow the board to function. The new buses should be a great improvement and, of course, we hope that the board will be able to operate in the future without sustaining any losses. What we need at Kalgoorlie is, of course, more population, which we will get if some means can be found of raising the price of gold and attracting more people to the fields. There is no question whatsoever that at the present time the Goldfields are passing through difficult times and this gesture on the part of the Government is one which will cause a great deal of satisfaction.

I only hope the Government can follow up the good work by solving the problem of the price of gold. Unless something is done in that regard the outlook for the Eastern Goldfields will not be a very happy one. Wheat, wool and other commodities are bringing greatly increased prices and I imagine that people who are producing wheat and other primary products are not losing; they are surely enjoying something out of the good times. But for the unfortunate producer of gold the price of his commodity is fixed, which means that every month rising costs are catching up and his profits are being diminished. Although conditions on the Goldfields at the present time are not altogether bad, the mining industry is not, however, enjoying the prosperity and the bright outlook that exists in all other parts of the State.

As one of the Goldfields members, I greatly appreciate the gesture that has been made, largely through the influence of the Minister for Mines, and I am sure it will be appreciated on the fields. The board is constituted of good men who run the show as well as they possibly can, and I only hope that in the future conditions locally will improve to such an extent that the board will not run at a loss at all. I trust it will be able to meet its current expenses and that neither the Government nor the local authorities will be called on to meet any losses. I have great pleasure in supporting the Bill and I commend it to the House.

HON. R. J. BOYLEN (South-East) [4.54]: I support the Bill and compliment the Government on introducing it. I was a member of the Eastern Goldfields Transport Board for a number of years and appreciate the difficulties which it had to meet and which hampered its operations. We on the Goldfields realise that trams are rather outmoded but we also have had to appreciate the fact that our financial position made it impossible to have as many buses as we would have liked. With the assistance of the Government we will now be able to do away with the outmoded tram system and have more buses instead.

The only reason we continued with the trams is that it was necessary for us to transport large numbers of men at peak periods, otherwise we would have made some attempt earlier to dispose of them altogether. We purchased three buses at a total cost of £15,000 which so depleted our funds that we did not think we would be able to go on with the programme. Transport on the Goldfields is not only of importance to miners and other people who have to be catered for, but also to the goldmining industry itself.

One of the reasons why the transport board on the Goldfields was unable to meet its obligations was increased fares. As a result of these increases, people bought bicycles and some men had utilities in which they took the workers to the mines. Even though they might have been breaking the law, we knew very well that this state of affairs did exist. I again compliment the Government on giving assistance to the Eastern Goldfields Transport Board and I trust that the buses we are to get will help in the economic running and management of the traffic. I also hope that this will not involve the board in the losses which hampered its operations in the past. I have pleasure in supporting the Bill.

HON. G. BENNETTS (South-East) [4.56]: I am going to support the previous speakers as a member of the Kalgoorlie Municipal Council. As you know, Mr. President, the tramway system on the Goldfields was run by a private firm for many years and before the firm went out

of existence it left the service in a pretty bad state. It was then left to the local governing body to run the undertaking. To put the system back into repair and to bring it up to the necessary standard would have cost a tremendous amount, and a Transport Board was set up to go into the matter. We considered the question of cutting out certain trams and running buses in their stead.

As Mr. Heenan has said, the Goldfields suffered a real setback as a result of the price of gold remaining stationary while the prices of other commodities have risen. This has placed us in a very bad position and at the present time we are a little bit static. I have just returned from the Norseman district and the other mining centres there, and the same conditions apply throughout. There is no doubt that we will get some consideration—we must get it—for the benefit of the whole State.

I congratulate the Minister on this measure. The Minister met a deputation that came down to the city; he acted as a gentleman and found out all the requirements of the Goldfields. He has now brought the Bill to the House and I hope that all members—I know they are kind-hearted and liberal gentlemen—will support it. When members visit Kalgoorlie to see what we have there, we should like to have reasonably good transport to convey them through the district. This measure will give the board an opportunity to provide decent transport.

HON. W. R. HALL (North-East) [5.0]: I support the second reading, as it is only natural that I should do, although, having spent a large portion of my life on the tramways before entering Parliament, I cannot endorse all the statements made by previous speakers. I am glad that the Government has seen fit to furnish the board with some buses.

Hon. H. Hearn: A Liberal Government.

Hon. W. R. HALL: A Labour Government would doubtless have provided the board with new buses instead of second-hand ones. I only hope that the second-hand buses will be capable of standing up to the work required of them. The time is long since past when the Eastern Goldfields Transport Board was able to provide an adequate service. I fully appreciate the financial position of the board, having followed its operations fairly closely. The increased fares have resulted in not a few hundred, but a few thousand people purchasing bicycles. The Bill should enable the board to provide a better service for the people of the Goldfields. When in Kalgoorlie recently, I inquired about the times at which certain buses would be running, and there was no assurance as to what time they would leave, much less the time when they would return.

Hon. H. Hearn: That is a usual experience on the Goldfields, is it not?

Hon. W. R. HALL: It is not. The company ran a very good tram service and, if a passenger was a minute late, he was left behind.

Hon. H. Hearn: That was private enterprise.

Hon. W. R. HALL: Now we have more or less semi-governmental control and the service should be better. It cannot be denied that, when the company was running the trams, the schedule was kept to the minute and a driver was liable to be reprimanded if he arrived late at his destination. As the Government has seen fit to help the transport board in this way, I hope that the buses will be put to the best possible use and that the residents of the Goldfields will be given a better service. I do not want to see any further increase in the fares such as has occurred in the metropolitan area; otherwise I am afraid that the buses will not pay. The board has had a very hard job to carry on during the last few years.

Hon. R. J. Boylen: It took over a derelict system.

Hon. W. R. HALL: I would remind the hon. member that a tramway system has to be properly maintained to be in reasonably good order after having been running for many years. I shall not say that the Kalgoorlie system was deliberately allowed to deteriorate, but it had deteriorated somewhat; the vehicles were so old. But what better trams could be found in the metropolitan area until just recently? The city trams were on a par with the Kalgoorlie ones and there were times when passengers never knew whether they were running on or off the rails.

The population of the Eastern Goldfields has declined somewhat and this has had a repercussion on the revenue of the board. I still have the highest regard for the company for which I worked. It always gave the general public a good service, but if the former manager of the Kalgoorlie electric trams, Mr. Stanley, had increased the fares as the transport board has done, there would have been an outcry. I hope that the board will experience more prosperous conditions and will give the travelling public a much improved service.

HON. J. M. A. CUNNINGHAM (South-East) [5.8]: As the last of the members representing the Eastern Goldfields to speak to the measure, I support the Bill and commend it to the favourable consideration of members. I trust that the passing of the measure will result in a minimising of our headaches regarding the transport system on the Goldfields. Although members have mentioned the problem of the peak period traffic in Kalgoorlie, we appreciate that the problem is also present in the metropolitan area, but in Kalgoorlie the difference between the peak period and the off period is more accentuated than it is in the metropolitan area.

The district served is roughly in the form of a figure eight or perhaps, to be more correct, I should say kidney-shaped. We have a concentration of population at either end of the route with a narrow waist in between. On one side of the line, which runs along the main artery, there is one row of houses while, on the other side, there is no more than one or two blocks of population. At peak periods the trouble is multiplied a hundredfold because we then have the men travelling between the mines and their homes in the Kalgoorlie district. The traffic in the peak period is more than double that of the rest of the day and it is neecssary to maintain staff and vehicles to cope with the heavier traffic.

I congratulate the Minister upon having introduced the Bill and arranged to give the district such a fair spin. I wish to compliment the officer who was sent to Kalgoorlie to report on this matter. He did not go to the various heads and get a coloured picture. I saw him standing on the corners of various streets throughout the length of the line making his own observations and then, with facts and figures to work on, he went to the office and made further inquiries. I consider that that officer did a marvellous job.

This cry for assistance from the Eastern Goldfields is not a hasty one but, owing to rising costs and falling population, the trouble has become intensified during the last two or three years. Not until every avenue had been explored to find an acceptable solution was this step taken. Unfortunately, it was beyond the means of the district and the industry to do otherwise. In future the trouble may slowly right itself to a certain extent. The narrow waist along the route to which I have referred is the scene of most of the building going on at present and it follows that people who go to live there will become patrons of the service.

Reference has been made to the profit being derived from the mining industry. A certain profit is being made even at the present price of gold, but it is comparatively small, bearing in mind the amount of capital invested in the industry and that it is spread over a large number of investors. Further, that profit is not nearly sufficient to replace the worn out machinery being used in the industry. Mining methods are changing annually—in fact, I might say almost daily—and although the efficient working of the mines is something to be proud of, a point must be reached where the present margin of profit will prove insufficient to cope with the rising costs and the obsolete plant that is being used.

If the industry is to continue, the time must come when much of that plant will have to be replaced with more efficient machinery or at least with new machinery of the type that is being used now. All machinery wears out and nothing can prevent that from happening. Goldmining, of course, is a wasting asset—everything coming out and nothing going back.

I was interested in the remark by Mr. Hall, in complimenting the Government on having provided secondhand buses, that if a Labour Government had been in office, we would have received new buses. Perhaps it is unfortunate that we cannot look to an early return of Labour to power in order to give us new buses, but we are very pleased indeed to get secondhand ones, and shall make them do.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [5.17] in moving the second reading said: The main proposal in this Bill is that, as from the date of proclamation of the Bill if it is approved by Parliament, applications by natives for certificates of citizenship shall be made to a board instead of to a magistrate. The intention of the Bill is that these boards shall consist of a police, resident or stipendiary magistrate and a person nominated by the Minister as the representative of the local municipal or road district. This representative will be either the mayor or the road board chairman, or a person nominated by the municipality or road board. In the event of none of these persons being willing to accept nomination, the nominee shall be someone with a good general knowledge of the district.

A native seeking a certificate of citizenship would be required by the Bill to make application to the board having jurisdiction in the district in which he or she ordinarily resided. It is considered by the Government that these boards would constitute an improvement on the sole jurisdiction now exercised by magistrates. Frequent bitter complaints have been received from local authorities that natives considered unworthy of the privilege had been accorded citizenship rights. If this Bill receives parliamentary approval, these local authorities will have representation on the boards hearing applications from natives resident in their municipal or road districts.

The Bill provides that each board shall satisfy itself that the native applicant is ordinarily a resident of the district, and the decision of the board must be unanimous. If the two members of the board disagree the application will be dismissed,

and the decision of the board will be final. Any application by the Commissioner of Native Affairs or some other person for the suspension or cancellation of a certificate of citizenship will be heard by a similar board, and the same conditions will prevail as are applicable to an application for a certificate.

Another amendment seeks to delete the provision in Section 7 of the prinicipal Act that, in being granted a certificate of citizenship, the holder shall no longer be deemed to be a native or an aboriginal. It is considered that such a provision is wrong in essence, and that no person should be deprived, by legislation, of his race. In fact, I am informed that it is doubtful whether such a provision would be constitutionally or legally correct. For instance, a Chinese may be a natural born Australian citizen and a subject of His Majesty, but he is still racially a Mongoloid, not a Caucasian, and no Act of Parliament could alter his racial descent.

An aboriginal, or part aboriginal, is not, and cannot, be a European and there is no particularly good reason why Parliament should attempt to make him one. On the contrary, it would seem preferable that he be given every incentive to be proud of his race and not ashamed of it.

It may be of interest to members to know that the Government has done a considerable amount of work in the interests of our native population. The Moore River Native Settlement is a case in point. Before the Government took action to hand that settlement over to the Methodist Overseas Mission, conditions at the settlement were deplorable. The area was a dumping ground for native criminals and diseased types, who were thrown into contact with young native girls who grew up in a degrading environment until such time as they were able to accept employment outside, and their outlook on life was naturally affected by the conditions they had to undergo at an impressionable age.

The settlement was reorganised and the children were transferred to various missions. The area was cleaned up and diseased natives were transferred to centres where they could receive attention and treatment. The Native Affairs Department arranged for able-bodied natives to find employment. The Methodist Overseas Mission took charge of the area and caters chiefly for children. The station is known as the Mogumba Methodist Mission, and is supervised by a man of wide experience with natives in Papua and elsewhere.

Missions generally are doing splendid work and I have personally inspected the missions at Norseman, Carnarvon, New Norcia, and Beagle Bay near Tardun. The major missions have been assisted by increasing the grant in aid from 4s. per week per child to 12s. 6d. per week per child, with a supply of clothing, blankets and the provision of medical and dental facilities. The increased cost to the Government is estimated at over £30,000 for the current year. With regard to assistance to missions, the following figures may be of interest:—

	£
Actual expenditure, 1947-48	3,415
Actual expenditure, 1948-49	6,386
Actual expenditure, 1949-50	15,929
Actual expenditure, 1950-51	23,979
Estimated expenditure for current year	55,000

This is assistance to native missions, but the total expenditure of the department on native administration welfare generally is shown by the following table:—

	£
1947-48	83,784
1948-49	105,102
1949-50	139,008
1950-51	162,882

Figures for the present year are not available, but will be in excess of the figures for last year. Grants in aid to missions for buildings and plant and equipment are made on a £ for £ basis, and the Education Department either provides teachers for native schools or undertakes the cost of subsidising mission teachers in lieu.

This year the Government provided premises, known as the Alvan Home at Mt. Lawley, which accommodates approved native girls of teen age, who are specially selected with the idea of fitting them for useful service in the community. Two girls, for instance, have taken up a dressmaking course, and one is qualified as a shorthand-typist and is now employed in the Native Affairs Department. One of the girls at the Alvan Home had been a prefect at the Girdlestone High School.

The Government has now given approval for the purchase of a house in Carr-st., which will be known as the Carr-st. Home, with the idea of affording the same facilities for teen-age youths, which will enable these selected and approved individuals to carry on a secondary education or to be given special training, the idea being that they may be qualified to enter as apprentices to the Midland Railway Workshops, the State Electricity Commission, or the Public Works Department, or with any other organisation where their services can be of use.

The Native Affairs Department pays a high tribute to the work being done by the different missions, but, from conversations which I have had with the mission supervisors, I gather that it is generally recognised that the best work is done by taking children from early infancy up to the age of 12. At these missions the children are sometimes voluntarily surrendered by the parents who are satisfied that by so doing, their children's future welfare is catered for.

At the missions they are given good food, education and training, with provision for games and sport, and generally speaking the missions prefer to retain the children during holiday periods, rather than allow them to return to their native homes, as in many cases the effects of mission training are nullified by the experience of home conditions. It is the general opinion that while successful training of native children can be assured if they enter the mission up till the age of 12 years, results from the age of 12 upwards are of doubtful value.

I know that several members in this House, like myself, have had considerable experience with our native and half-caste population over a number of years, and have an actual appreciation of the many difficulties arising from the native problem, from first-hand experience, and actual contact with natives and half-castes, which many well-meaning people do not possess. Half-castes, particularly in country districts, already enjoy those privileges which white people enjoy, with the possible exception of the right to drink and the right to vote.

Experience has shown that in the interests of the natives themselves, and the community generally very strict supervision over the issue of citizenship rights should be exercised, and the Government is of the opinion that the Bill as presented is necessary and desirable. Before coming into the House this afternoon I was handed two letters from those who would contest the passage of this Bill and I have received two wires having the same purport. I have purposely stressed the work that the Government has done for the natives, because I think it is from the things we do for the natives, rather than from any form of words we may utter—which may mean little or nothing —that their future welfare will flow. I commend the Bill to the House. I move—

> That the Bill be now read a second time.

HON. H. C. STRICKLAND (North) [5.28]: The Minister, in introducing the Bill, told us quite a lot about the money that the Government is spending on the natives generally and, by means of subsidy, through the medium of the missions, but all that has nothing whatever to do with the principle contained in the Bill which, to my mind, is probably one of the most unjust measures that this Chamber has ever been asked to pass. It proposes to set up a board, instead of the present system of a fair hearing in open court, to decide whether a native or half-caste shall be granted citizenship rights.

It is said that too many aborigines and half-castes—deemed to be aborigines—have been granted citizenship rights. The figures do not support that contention or the claim that magistrates have granted citizenship rights to those who have been unworthy of them. There may have been a few such cases, but the Act as it now stands provides that anybody can lodge a complaint against the granting of an application. The Minister, the Commissioner or any other individual can lodge a complaint to the court requesting that the citizenship rights of such natives be not granted or cancelled.

The only reason given by the Minister for the introduction of the Bill is that many local governing bodies have complained that too many unworthy natives had been granted the rights of citizenship. In another place the Minister for Native Affairs gave the same excuse for presenting the Bill, but he also said that a member of a local authority whom he knew very well, in turn knew a native very well who had received citizenship rights but had no right to them. That is the reason for the proposed constitution of a board comprising a magistrate and a member of a local authority, to replace a court comprising a magistrate only.

To my mind it is for the local authority member to substantiate his charges in open court against the granting of a native's application for citizenship. Why is it necessary for him to be appointed as a member of a board of two with the power of veto over the decision of a magistrate, his fellow-member? All he has to do is to disagree with the native's application, and the applicant is denied his citizenship rights. It is most unjust to appoint a board loaded with an extra man for the sole purpose of disagreeing with the magistrate. There is not the slightest doubt that is the object.

Imagine the insult that would be to a magistrate, for I think it is an insult. Before a magistrate grants a certificate, it is necessary that all the evidence shall be placed before him and he has to satisfy himself that the native has lived for two years as a decent citizen and that he is industrious. The applicant must also produce two references of recent date, from two well-known people in the locality in which he lives, stating that he is a good-living person and is entitled to his birthright—his citizenship. That is what it amounts to.

There is no doubt that the Bill is loaded. Firstly it proposes the establishment of a two-man board. I consider that proposed new Section 7B, which is set out in Clause 10, is an insult to any magistrate. That proposed new section reads—

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

The appointment of a layman to a board with the power of veto over a magistrate who is trained in law is something this Chamber should never be asked to approve.

Hon. E. H. Gray: It has never been asked to do it before.

Hon. H. C. STRICKLAND: It is certainly something against all the rules of common law and British justice as we know it and of the Australian spirit which Mr. Menzies, our Prime Minister, chooses to call "a fair go." I do not think the Bill constitutes "a fair go" at all. It seems that the Minister in another place also made reference to the fact that when the finding of the court went against the officers of the Native Affairs Department, in front of other natives who might be in the court, it was embarrassing to the officers concerned.

The figures dealing with the granting of citizenship rights do not support that contention or the assertion that they have been granted loosely. Since 1944, there have been 674 applications made for citizenship rights and of that number 496 were granted, representing 73 per cent. of the applications. The court refused 178 or 27 per cent. of the applications. Of the 496 granted, 449 had been supported by the Commissioner of Native Affairs. The magistrate refused only 53 applications in spite of the fact that the Commissioner supported them and would have liked to have seen the applicants successful in their claims. That figure shows how impartial are the judgments of the magistrates.

The department opposed 108 applications out of the 674 and the magistrate refused 73 of that number. The magistrate granted only 35 applications which were opposed by the Native Affairs Department. When the facts and figures are looked into, I am sure there is no justification for loading a board, as proposed, with an extra member to veto the magistrate's findings. Magistrates have to sift the evidence placed before them and submit their findings in writing. Nine certificates have been cancelled on complaints, three of them on complaints from the department. Only six full-blooded aborigines have been granted certificates since 1944 when the Act was first implemented. In my opinion, they are the only natives that the Act should deal with.

Hon. H. Hearn: What are the half-caste figures?

Hon. H. C. STRICKLAND: There are 481 half-castes holding certificates of citizenship out of a population of 3,346. It would be interesting to the House to know what the half-caste population, under the administration of the Natives Affairs Department, was at the 30th June, 1950. There were 768 males, 538 females and 3,100 children. It can be seen, therefore, that they multiply rather rapidly. Of the total number, roughly, 50 per cent, are adults and 50 per cent. children. In his report the Commissioner of Native Affairs makes no complaint about the administration of the Act. It is working quite well and the figures I have quoted substantiate that fact.

To introduce this measure and state that it is to assist the natives in any way to become citizens, is quite wrong. In my opinion, it will restrict them further and leave the board open to prejudices of all kinds. As I have pointed out, a road board member who quietly asserts that a native has been granted citizenship rights to which he is not entitled, has not the courage to make such an assertion in court in the proper manner. He apparently wants to sit silently alongside the magistrate and disagree with the application and exercise his power of veto. That is what the Bill proposes to do. Is that a fair go? I say it is not!

Hon. A. R. Jones: You are not placing much reliance on the road board member.

Hon. H. C. STRICKLAND: I am referring to road board members; the men evidently responsible for the introduction of the Bill. Time and again, in another place, the Minister was asked who was responsible for this measure, but no satisfactory answer was given. I ask the Minister in this House: Who is responsible for its introduction?

Hon. A. R. Jones: Perhaps the magistrates.

Hon. H. C. STRICKLAND: Seeing that the Bill places the magistrate in such a humble position, I am afraid I cannot agree with the hon. member.

Hon. A. R. Jones: I am not saying it was. I am suggesting it might have been the magistrates.

Hon. H. C. STRICKLAND: I would be surprised if some magistrates I know agreed to sit on a board such as is proposed by the Bill. It is a deliberate attempt to prevent any more natives being granted their citizenship rights.

Hon. A. R. Jones: I would not say "any more".

Hon. H. C. STRICKLAND: The odds against an applicant being granted his citizenship rights are three to one. The only time he can succeed with his application is when the magistrate and the local authority member both agree. He loses if both agree that his application should be refused.

Hon. E. H. Gray: And there is no right of appeal.

Hon. H. C. STRICKLAND: No. He loses if the magistrate agrees to grant the application but the other member of the board refuses. He loses if the other member agrees but the magistrate refuses to grant the application. Thus, the man has three chances of losing and only one that his application will be granted. Is that

fair and just treatment? I am afraid I cannot agree that it is. There has been a public outcry against the Bill. Each daily paper has criticised the principle underlying its provisions, and many people and organisations have protested to members of Parliament asking them to do what they can to prevent the Bill being passed.

I am indeed most surprised that a Liberal and Country Party coalition Government would introduce a measure of this description. I fail to see how it can still govern under its party designation, for the measure is neither liberal nor democratic; it is definitely restrictive. The Minister made reference to the words being deleted from the principal Act where it sets out that some of these people "shall be deemed to be no longer natives or aborigines." It is true that the words are superfluous, as they have legally no meaning or effect. On the other hand, I think that it will have a great psychological effect upon the half-castes.

It is all very well for the Act to set out that half-castes shall be deemed to be aborigines. A half-caste is not an aboriginal but only half an aboriginal. If the law is to insist that such men are aborigines, they must feel degraded, and there must be an adverse effect upon them because of the restrictive implications of the legislation. In these days when half-castes are much better educated than they were formerly, they know what they are doing and they take it as an insult when they are classed as aborigines. To delete from the legislation the provision and allow that stigma to attach to them for the rest of their lives, would be a mistake. I am sure the effect psychologically will be bad.

In dealing with the Bill, we must consider not so much the half-castes of today but rather the future of their children. What are we going to do? Is it our desire that the children shall grow up and suffer the same restrictions as those that now apply to their parents, or do we want the future members of this section of the community to become better citizens? Many of these half-castes are good citizens. They live and dress well, and are law-abiding—until they reach the point of awakening to the fact that they are "deemed to be natives." I am certain that the effect upon them is to give them a set-back. I have pointed out before in this House how the half-caste children play and learn alongside white children at our schools, but their association breaks as they reach adult age, when they find that, because of their colour, they are classed as aborigines and a people apart.

It is wrong to say that they constitute a race. I agree that we would take his race away from the full-blooded aboriginal, because black can never be white. On the other hand, it is mainly the half-caste who is applying under the Act, and to say that he is an aboriginal, as we do by the law, is totally wrong. It is equally wrong to say that the colour of the half-caste population will not change, because proof is available that the white blood will predominate so that eventually they will become white. Why should we regard them as members of a black race when they never were black?

It is in the interests of the half-castes that I ask members to regard the Bill not as one for full-blood aborigines, because that is not the real position. It is the half-castes who are to be deemed aborigines, and that is the section of the community that is vitally affected. They will never be uplifted while we have on the statute book an enactment that decrees that they are aborigines. It is true that we cannot take his race from an Asiatic, yet if Asiatics, such as Chinese, come to Australia, their progeny become Australians. If their children are born within the Commonwealth, automatically they become citizens; there is no argument about it. If a Chinese woman and a Chinese man come to Australia to live, any child born to them in Australia is an Australian.

Hon. Sir Charles Latham: You do not know the law!

Hon. H. C. STRICKLAND: That is the position.

Hon. Sir Charles Latham: An Asiatic cannot become naturalised.

Hon. H. C. STRICKLAND: The progeny are classed as Australians. They enjoy the rights of citizenship and can exercise the franchise. If born in China, for instance, they can not become naturalised. They must go home periodically as the Commonwealth department decrees before they are qualified for a further residential period in Australia. I know that because of the case of a Chinese man and woman and their family in which I am interested. They were born in Darwin, but went home for a trip to China. Their first child was born in Hong Kong five months after they left Australia. Although born in a British possession, that child is classed as Chinese, and is required to return every now and again to China in order that he may receive a license to live in Australia for a further period. He will never become naturalised because he was born in Hong Kong. I have been endeavouring to have the restrictions removed in order that he will not be compelled to return to Hong Kong periodically so that he may again migrate to Australia under license. On the other hand, that child's parents, who were born in Darwin, have all the freedom of Australian citizenship.

Hon. Sir Charles Latham: They must have been born in Australia before the Immigration Restriction Act was passed in 1902.

Hon. H. C. STRICKLAND: I do not know about that, but I should say that would fit in with their ages—if anyone can gauge the age of a Chinese. Members will note the differential treatment. In this instance, we are dealing with the real native Australian whose forbears were here long before any of us were born. Some of the half-castes are descendants of some of our very well-known pioneers. Nevertheless, they enjoy no citizenship rights, whereas that privilege should be their birthright.

Surely, in these days, when the caste population is better educated and many organisations are endeavouring to secure their uplift, it is incomprehensible that a Government that professes to be in favour of movements for the betterment of the status of the native population, should introduce a measure like the one under consideration. Under its provisions, the uplift of the caste population will be prevented. How will the problem develop in the future? Are we to keep the natives in a depressed condition? Surely they must have some outlook in life. I have heard members state in this House that the granting of citizenship rights merely serves to give natives the privilege of drinking alcohol and voting at elections. That is not the position.

Hon. H. L. Roche: Would you give citizenship rights to all of them?

Hon. H. C. STRICKLAND: I think they should be given citizenship rights at birth, and if they proved unsatisfactory in later years, they could then be brought under the provisions of the Native Administration Act. The provisions of that legislation should not apply broadly to all aborigines. I have seen natives in the far North continuing the racial habits of past generations. They will never turn to our way of life unless the people they work for extend a helping hand, house and clothe them properly and teach them to be something better. Some of the pastoralists in the Kimberleys are doing that, but there are many who are not.

Hon. R. M. Forrest: What about the North-West?

Hon. H. C. STRICKLAND: And in the North-West, too. Quite a lot is being done there for the uplift of natives, who are being taught the ways of the white race. The natives there are adapting themselves much more quickly than are those in the Kimberleys. Further north, some still run around completely naked when there is no work to be done. Some of them live under a bough in summer and by a coal fire in winter, with dogs to keep them warm.

A lot can be said about these natives. They cannot be changed merely by our saying they are citizens. They do not know the value of money or of anything, really. How can they? They never move from where they are except to go for a walkabout and then they will only remain in their own area. They may go to a neighbouring station, but they will stay within their tribal boundaries. The semi-educated natives, however, go to town and look for liquor.

Hon. H. Hearn: What is the definition of a semi-educated native?

Hon. H. C. STRICKLAND: I would describe him as one who has been taught much more than the average.

Hon. H. Hearn: Has he been to school up to the leaving age?

Hon. H. C. STRICKLAND: No. There are always some bright boys amongst the natives, just as there are in any other community. The bright ones are usually taken in and, if they are adaptable, are put to looking after windmills or motor cars or making themselves useful around the homestead. They pick up things quickly because they associate to a great extent with the white people on the station and are taught more.

Hon. H. Hearn: You mean they have been in the university of life.

Hon. H. C. STRICKLAND: They have started to enter a different sphere. The ordinary stockmen know only how to sit on horses or how to throw a cow or a bullock; and they can do that very well. They will stick there because they are taught to do so when they are six or seven years of age, and that is all they know. When I refer to the semi-educated natives I include those working near the towns; and some of them are very good. For instance, in Wyndham there are no white motor mechanics working for two of the transporters. They are full-blooded aborigines, able to pull down diesel trucks, overhaul them, put them back again and drive them. They are what I call semi-educated natives. Of course, they look for liquor the same as any white man does.

Hon. E. H. Gray: When they are thirsty.

Hon. H. C. STRICKLAND: Our own people who are under what is called the "dog act" and are on the prohibited list, will still obtain liquor if they want it. I do not agree that all the granting of citizenship rights does is to give natives the right to drink and vote. There are certainly some who would be drinking quietly before they obtained citizenship rights and who, when they received that privilege, would be like men let out of gaol. They would rush for the liquor and drink too much for a start. But that applies to our own people, too. What about twenty-first birthday parties? Many are celebrated around kegs. On such occasions it is the custom to fill the place with grog and have a good time.

Hon. H. Hearn: I take it you are speaking from experience!

Hon. H. C. STRICKLAND: I have been to such parties but have not held them. My parents were too poor to provide such

things for me. With regard to the right to vote—if a person is fit to be a citizen, should he not have a vote?

Hon. E. H. Gray: Certainly!

Hon. H. C. STRICKLAND: Why should not these people have that right? They are taxed whether they have citizenship rights or not. There is the old chap who painted pictures in the middle of Australia. He is taxed.

Hon. H. Hearn: He makes more money than you do.

Hon. H. C. STRICKLAND: Never mind that! The Government will take his money in taxes, but will give him no old-age pension. There are no widow's pension and no invalid pension for him.

Hon. J. M. A. Cunningham: He would hardly qualify for a widow's pension!

Hon. H. C. STRICKLAND: When he dies somebody has to keep his widow. A native in the bush might have several wives to look after. He might be like Solomon. These people are still in that stage. I am referring to the full-bloods. That is why I say we cannot grant citizenship rights broadly to the whole aboriginal community; but we would be doing the right thing if we granted them to the half-castes. They are neither aborigines nor members of any other race.

There is another anomaly. If a white man marries a full-blooded aboriginal, she automatically has citizenship rights, and all the children become citizens although they are still half-castes. Why, therefore, should half-castes who are the progeny of fathers who did not marry the natives be penalised? There are altogether only 1,700 of these folk under the Act. If the first generation of half-castes do not turn out 100 per cent. satisfactory surely we can expect that the subsequent offspring will improve? If given the opportunity, the issue on each successive occasion will become better. They must do so.

But if we keep saying to them, "You are aborigines. You cannot do this. You must get out of this town. You must go on to the native reserve," what hope will they have? I consider they should be allowed to move around in the community and find their place. In the report of the Native Affairs Department it is indicated that there are 768 adult male half-castes, and they will soon be absorbed. The Minister said there was a girl who was a prefect at some school in the city; yet she is to be classed all the time as a native. We have one man who has just gone through the training college and become a teacher in the Education Department; yet he has to be classed as a native. Is that right? Of course it is not!

Hon. A. R. Jones: He would have citizenship rights, surely?

Hon. H. C. STRICKLAND: Not yet.

Hon. A. R. Jones: Has he applied?

Hon. H. C. STRICKLAND: I do not know.

Hon. H. Hearn: But he could.

Hon. H. C. STRICKLAND: Not until reaching the age of 21, unless his parents have citizenship rights. Of the 3,000 children I mentioned previously, most are half-castes on missions. They can never become citizens until they are 21 because they have been taken off the stations, or from black mothers, to be educated and uplifted, and they cannot apply for citizenship rights until they become adults.

Hon. H. Hearn: Is that unjust, if they are under the care of a good mission? I do not think so.

Hon. H. C. STRICKLAND: Does the hon. member want to keep them always in that condition?

Hon. H. Hearn: Is there any great disadvantage in it for them?

Hon. H. C. STRICKLAND: I have not seen a great deal of the missions, but there is one at New Norcia, and I do not think the mission wants to keep the children until they are 21 years of age. Such missions educate the children up to a certain age and up to a certain standard. They are taught religion and hygiene and generally how to be decent. When they are sent out from the mission, what is their position? Nobody can employ them unless he has a permit in writing from the Commissioner of Native Affairs. When they become 21, if they can get two persons to provide them with references as to their good behaviour over the previous two years, they have a chance of securing citizenship rights. Even then they are still on approval for the rest of their lives, quite unlike the Australian-born Indian or Chinese, who cannot lose his citizenship. If he commits a crime he is put in Fremantle gaol; but the natives can have citizenship rights taken from them on the complaint of any person in the community, so long as the charge can be proved in the court.

I oppose the Bill and consider that every other member should do the same. If we allow this measure to pass, the principle of giving a fair deal to these people will be nullified. The Bill will permit a layman to disagree with, and by disagreeing to veto, the finding of a trained magistrate. That is an insult to the magistrates of our State and a great injustice to the people who are trying to uplift themselves. I hope the House will not agree to the second reading.

HON. E. M. HEENAN (North-East) [6.13]: The main purpose of the Bill is to alter the existing system whereby natives can be granted citizenship rights. Although

I listened intently to the Minister when he introduced the measure, I did not hear him make out a sufficient case for its adoption. The only reason he gave why we should support the Bill—or the only reason I remember him giving—was the complaint of certain local authorities that unworthy natives had been granted citizenship rights from time to time. I want to be fair to the Minister and say that if he gave other reasons I cannot recall them.

He did not elaborate the point I have mentioned. My note is to the effect that he said the main reason for this vital amendment to the existing system is that complaints have been made by local authorities. I would have liked to hear more about those complaints, because this Bill seeks to alter the existing system in rather a radical way, and I think the Minister should have made out a case to show that the existing system has failed; that it has broken down; and that there are strong reasons why it should be altered in this manner. I consider that magistrates who are allotted districts in Western Australia over which to travel and in which they preside, are the ones to deal with questions of this nature.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. M. HEENAN: The sum total of my remarks prior to the tea suspension amounted to the fact that the Minister had not made out a sufficiently strong case to justify this radical alteration to the existing legislation. No one will feel very happy about the proposal to give the chairman of a road board or the mayor of a municipality power equal to that of a magistrate in deciding these applications. The magistrates, because of their special training and experience, should have far superior judgment to that possessed by the ordinary person who will be nominated under the measure.

To my mind it is unwise to derogate from the magistrate's powers by bestowing equal authority on the nominee. As Mr. Strickland pointed out, it amounts to this, that if the nominee on the proposed board disagrees with the magistrate, the application will be dismissed because proposed new Section 7B provides—

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

There is no right of appeal. My contention is that magistrates are specially trained; they are not subject to local prejudices; they are accustomed to weighing up evidence and the pros and cons of matters such as this that come before them; they have an overall knowledge, or should have, of their districts and of the problems confronting those districts; and, they should be in a position to implement a common policy.

The Eastern Goldfields magisterial district, for instance, ranges from Kalgoorlie to Laverton in the north, to Esperance in the south and to Southern Cross in the west. In that district there are, I think, nine or ten different local governing bodies. This would mean that the magistrate, in trying to implement a common policy for that vast area would have nine or ten different associates with him on the board. In these districts even the chairmen of the road boards are subject to local prejudices. I have had personal experience of some of them who have expressed strong views on this question, and I am quite certain they would be prejudiced one way or the other when dealing with any applications that came before them.

Hon. H. L. Roche: Would you suggest they did not know the native problem in their area?

Hon. E. M. HEENAN: No, I would not say that, but by virtue of the fact that they are engaged in some particular avocation, they have definite views one way or the other. I have heard people in my province speak most disparagingly of the natives. On the other hand, some have gone to the other extreme. When we have a specially trained magistrate in a district he is the one who should be able to give a fair go to all concerned. He is, by virtue of his occupation, trained in the taking of evidence, and he is not subject to district prejudices.

Hon. R. M. Forrest: Some of them do not know anything about natives. A young man who had never been in the bush might be appointed as a magistrate.

Hon. E. M. HEENAN: In answer to that, I can only say that before a magistrate is appointed, he has to pass an examination and show special aptitude. He is selected from a large number of applicants. When a man is appointed to a magisterial district it can be taken for granted that his integrity is undoubted and his capacity is the best that can be obtained. The magistrate might not know much about station problems or mining, but by virtue of his training he is quick to learn.

When all is said and done, when a native applies for citizenship rights he has to make out a case and produce evidence of his suitability, and then it is the function of the magistrate to sum up the merits or demerits of the application and give an impartial decision. But if we have the magistrate frustrated, or his judgment and wisdom overruled by someone who has not got these qualifications, I think we will get confusion. I cannot support the measure because I do not think it is warranted. The existing system has operated for such a brief period that I believe we should wait before trying to effect such a radical alteration as is suggested here. For these reasons, and those outlined in the splen-

did speech made by my colleague, Mr. Strickland. I propose to vote against the Bill.

HON. SIR CHARLES LATHAM (Central) [7.40]: I listened attentively to the speech made by Mr. Strickland, and I really think he did not give much consideration to the Bill, because all it does, as far as I can see, is to provide that instead of a magistrate alone making a decision, he shall have the assistance of a justice of the peace.

Hon. H. C. Strickland: Not a justice of the peace.

Hon. Sir CHARLES LATHAM: All mayors of towns and chairmen of road boards are justices of the peace by virtue of their office.

Hon. E. M. Heenan: If they are sworn in.

Hon. Sir CHARLES LATHAM: That is not the provision in the Road Districts Act. When I was chairman of a road board, a magistrate told me that it was not necessary for me to be sworn in because I was automatically made a justice of the peace by the Act itself.

Hon. H. C. Strickland: The Bill provides for anybody.

Hon. Sir CHARLES LATHAM: It provides, first of all, for these two, and then, of course, that some other person may be appointed if these people do not act. I want to know what the difference is between a jury and the proposed board. I should say the board will be more carefully selected than any jury.

Hon. H. C. Strickland: A jury tries criminals.

Hon. Sir CHARLES LATHAM: I think the hon. member sitting next to Mr. Strickland will tell him that a jury can deal with a divorce case, and separate a man and his wife forever. There are juries for various matters. We can have special juries and, of course, there are juries for criminal offences. What does a jury do when dealing with a criminal offence—a murder case? It takes away from the judge almost all the rights that he has. Those powers go to unlearned people who have to interpret the evidence and make a decision on it.

Hon. G. Fraser: They are 12 good men and true.

Hon. Sir CHARLES LATHAM: The magistrate is a well-trained man, and he will have one good man and true. I do not see what the fuss is all about. An Act was passed in 1944 to determine the conditions under which these people should gain citizenship rights, and the present Bill does not seek to make any alteration in that regard. All it does is to provide that instead of a magistrate alone having the power to determine whether a native shall be entitled to citizenship rights, he shall have someone who has a knowledge of the district with him. Magistrates' decisions are very questionable, if I may be permitted to say so here. We know that their decisions on questions of law are often upset on appeal. Here we are not concerned with a question of law at all, but one of rights. I cannot understand the objection to the Bill. A man who is of good standing in the district—and he must be of good standing to be the mayor or road board chairman—

Hon. R. J. Boylen: He could still be prejudiced.

Hon. Sir CHARLES LATHAM: We could say that the magistrate might be prejudiced.

Hon. H. C. Strickland: Or his nominee.

Hon. Sir CHARLES LATHAM: The Bill does not say that.

Hon. G. Bennetts. I would not like to be the nominee.

Hon. Sir CHARLES LATHAM: I would not object to Mr. Bennetts being one of these men, although he is not the mayor of the town of Kalgoorlie, but is one of the councillors.

Hon. G. Bennetts: We do not always agree with the mayor.

Hon. Sir CHARLES LATHAM: No, of course the hon. member does not. The Bill states—

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

He is not to be nominated only by the mayor or the chairman.

Hon. R. J. Boylen: He does not need to be a justice of the peace.

Hon. Sir CHARLES LATHAM: No, but why should the term "justice of the peace" afford a man greater ability to determine whether a native should have citizenship rights than one who has not J.P. after his name?

Hon. H. C. Strickland: He would have more power.

Hon. Sir CHARLES LATHAM: He would have more power because it is given to him under the Justices Act, and other Acts of Parliament.

Hon. H. C. Strickland: The nominee would have more power than the magistrate.

Hon. Sir CHARLES LATHAM: He would have power equal to that of the magistrate on all these matters. For the life of me, I cannot see why there is any objection to the Bill. I may be innocent about these things, but I cannot understand members' objections to the proposals.

Hon. E. M. Heenan: What is the objection to the existing provision?

Hon. Sir CHARLES LATHAM: I believe it is far better to have the skill of two men than one man. Why does the hon. member, when in court, sometimes ask for a special jury of three?

Hon. G. Fraser: That is different to one.

Hon. H. S. W. Parker: How can you get that?

Hon. Sir CHARLES LATHAM: I have seen special juries of three.

Hon. E. M. Heenan: But you have a judge presiding.

Hon. Sir CHARLES LATHAM: But he does not give the verdict; the jury does that.

Hon. E. M. Heenan: The jury gives a verdict on the facts.

Hon. Sir CHARLES LATHAM: The judge advises on the law and the members of the jury can ask him about those matters. Where there is an appeal against the decision of a jury, that decision is very seldom upset because the judges generally consider that the finding of a jury is fair and impartial and therefore they do not like to upset it. So I cannot understand why there should be any objection to the Bill. I think it is a safeguard.

Hon. H. C. Strickland: What for?

Hon. Sir CHARLES LATHAM: The magistrate may be prejudiced against the native. I know some police constables who are distinctly prejudiced against the natives, probably for very good reasons. I have seen a number of these men who have citizenship rights and some of them are most undesirable persons. I sometimes think that it would be a good idea if we could place the same restrictions on some of our own people, but I do not suggest that that should be the law.

In one of our outer suburbs, not far from here, there are some of these people who have citizenship rights and they do some of the most brutal things possible. I know, too, that the native who has not the rights of a citizen frequently makes the life of one who has an absolute hell because he wants the native who has citizenship rights to obtain drink for him. The native with citizenship rights is permitted to go into a hotel. As far as I know, the enjoyment of citizenship rights gives a native only two extra privileges that he does not have in the ordinary way; it gives him the right to go into any hotel, drink in the bar and take away what he wants from the bar. It also gives him the right to vote.

Hon. E. M. Heenan: Pension rights?

Hon. Sir CHARLES LATHAM: It may do. In some instances they have that now, although that is not so in all cases. I cannot give a definite opinion on that because I am not fully acquainted with the facts. However, I do know that a native who has served in any of the armed forces is entitled to pension rights, but I do not know whether he would be automatically entitled to what are known as citizenship rights. I think those rights have to be granted by a magistrate. There are a number of these people who are already entitled to the rights of a citizen and many of them have been granted certificates. The Bill will define the position more clearly. It does not really matter a great deal as far as a native under 21 years of age is concerned, because he is not entitled to go into a hotel and is not eligible to vote. So he does not suffer any disability if he is not granted the rights of a citizen until he reaches the age of 21.

Hon. H. C. Strickland: But is he entitled to work where he pleases?

Hon. Sir CHARLES LATHAM: Anyone of these fellows can now.

Hon. H. C. Strickland: Not while he is under permit.

Hon. Sir CHARLES LATHAM: He can work where he pleases, but the man who employs him has to have a permit.

Hon. H. C. Strickland: And nobody is allowed to entice him away.

Hon. Sir CHARLES LATHAM: I know that under the law as it exists at the moment, one is not allowed to go into a native reserve. There are various restrictions such as that.

Hon. H. C. Strickland: You are not allowed to entice them away. For instance, one pastoralist cannot entice a native away from his neighbour if that neighbour has a permit to work the native.

Hon. Sir CHARLES LATHAM: I know that is so, but it is not very often observed because I happen to know about half-castes who have taken on shearing contracts. They frequently walk out in the middle of the shearing and do not come back. So what is the good of talking about permits in those cases. If it suits them, they stay; if it does not, they do not stay. I know that if one follows out the law passed in 1944 one cannot even pick up a native walking along the road and give him a lift in a car. That is against the law. All the Bill does is to simplify the Act and to say that the magistrate's decision shall not be final, but that he shall have somebody with local knowledge with him so that the application for citizenship rights can be properly dealt with.

Hon. E. H. Gray: What is the need for the extra man?

Hon. Sir CHARLES LATHAM: Would the hon. member refuse to have a trial by jury?

Hon. G. Fraser: No.

Hon. Sir CHARLES LATHAM: Of course he would not.

Hon. G. Fraser: But surely you do not call this a jury.

Hon. Sir CHARLES LATHAM: It is a jury of one, with a magistrate. As I have already stated, it is possible to have a special jury of three; and that takes away all the rights from the judge who is presiding.

Hon. H. C. Strickland: But a jury gives its reasons.

Hon. E. M. Heenan: When a jury disagrees, they have a new one.

Hon. H. C. Strickland: That is not so in this case.

Hon. Sir CHARLES LATHAM: No.

Hon. E. H. Gray: The native suffers for life; there is no appeal.

Hon. Sir CHARLES LATHAM: The decision is final, but I do not think there is anything to prevent him making an application to the court a little later on. As I have said before in this House, I do not believe it possible to rehabilitate a man or woman who has reached mature age. But we can do much to help the children, although there is no provision for that in this Bill.

The best thing we can do to help the natives is to bring them up to our ordinary standards of living and conditions, and I am anxious to do everything possible to help in that direction. But for the life of me, I cannot see why there is all this fuss about the Bill and why every member of this House should be sent a telegram telling him how to vote. I had a telegram late this afternoon more or less instructing me what I am to do. I have never been told how I should vote ever since I have been a member of Parliament, and I vote in the way that I believe the majority of my electors wish that I should vote.

Hon. E. H. Gray: We were asked to do it.

Hon. Sir CHARLES LATHAM: I know we were, but here is one member who is going to support the Bill. I believe this measure is in the best interests of the natives because it will ensure a far higher standard than exists today. I know that frequently, when natives are applying for citizenship rights, their stories are prepared for them beforehand by some outside persons. They go along with these stories and on occasions the magistrates do not know the applicants or their associations and consequently the certificates are granted. I listened to Mr. Strickland's speech and to his reference to Asiatics who are debarred from enjoying the same rights as we have. So we are not acting in any unfair way towards our natives.

Many of the native children are going to schools and they will automatically become entitled to citizenship rights because we are rapidly improving their standards and conditions. The children are mixing with white children, and that brings out the better side of their natures. The native children are being treated differently now, and they go to school in a cleaner state than they did in the old days. I feel sure we are vastly improving the conditions of our natives and I cannot see any objection to the provisions in the Bill, either from the point of view of a citizen or a member of Parliament. All the Bill will do is to set up boards consisting of magistrates and, in some cases, justices of the peace.

Hon. H. C. Strickland: Do you agree that justices of the peace should be appointed?

Hon. Sir CHARLES LATHAM: They will act in all cases, except where they refuse to do so. There is no reason why the men who are appointed should not be made justices of the peace, if it is thought that they will do a better job when they have the letters "J.P." after their names. It will give them greater authority, but it will not alter the persons themselves. If a man is a good-living fellow and is appointed to a position on a board, then there is no reason why he should not be made a justice of the peace.

Therefore, if I am willing to place the destiny of my life in the hands of 12 trusted persons, I would be perfectly satisfied, if I were a native, to trust myself to a board such as is set out in the Bill, far more than I would trust myself to the hands of a magistrate alone. A magistrate might have been transferred to the district only a few days before an application is made, and in such a case he would not know the person making that application. For that reason, I support the Bill.

HON. L. A. LOGAN (Midland) [7.58]: This is not a very extensive Bill, but it seems to have created a large amount of controversy, even to the extent of all members receiving telegrams this afternoon. I do not know what these people think they can gain by sending telegrams, other than increasing the revenue of Mr. Anthony and Sir Arthur Fadden. Apart from that, I do not think the sending of telegrams will do much good. The only provision in the Bill is to give the right to a prominent citizen in the district to sit on the bench with a magistrate and give a decision as to whether a native shall or shall not be granted citizenship rights.

Hon. H. C. Strickland: He can go into the witness box now.

Hon. L. A. LOGAN: That is all there is in the Bill, and it is only right that a magistrate should have the advice of local people, who know everybody in the district. That happens quite frequently today. When a native applies for citizenship rights, a magistrate makes it his business to find out from the chairman of the road board, or the mayor of the municipality, what kind of character the

applicant has. If that is already going on in effect, I see no reason why it should not be incorporated in this Bill.

It has been stated that because a prominent citizen of a district is to be put on a board, there will be no further citizenship rights certificates granted. That has been stated by members here this evening. I do not think that is doing justice to the men concerned, because the chairmen of our road boards, the mayors of our towns and prominent citizens know exactly the conditions that apply to these natives. There have probably been instances where magistrates have given certificates and a fortnight later have had to try the same men for drunkenness.

I think a magistrate would appreciate the assistance of a local citizen to back him up. I see nothing wrong with it at all. From the controversy in the Press and from the articles that have been written about the subject, it would appear that before we can treat these people as human beings they must have citizenship rights. That is what I read into it. These people talk about breaking down the charter of human rights as proclaimed by the United Nations. Surely every one of us can treat these natives as human beings and not wait until such time as they have proved their right to citizenship. In my opinion, the controversy is all humbug. This is a plain and simple Bill asking the magistrate to have a prominent citizen, who knows the living conditions of these people in the district, with him on the bench.

What does the magistrate know of the conditions of the natives? Nothing at all. Surely it is much easier for a magistrate who is collecting evidence to have a man with expert knowledge to help him. If the magistrate and the persons concerned have the knowledge and the will to do the right thing, I am perfectly satisfied that anybody who is eligible for citizenship rights will not be knocked back. Not one of them will be knocked back. Just because there is going to be a citizen on the board it does not mean that no more citizenship rights will be granted.

Hon. H. C. Strickland: What about the power of veto?

Hon. L. A. LOGAN: It might be the magistrate who says, "No, I will not give it to him." On the other hand, the man who is appointed to help him could be the one who advocates it.

Hon. H. C. Strickland: What is wrong with the Act now?

Hon. L. A. LOGAN: The magistrate has not sufficient knowledge of the conditions. Would the hon. member know the conditions of the natives down at Carolup?

Hon. H. C. Strickland: Evidence must be produced.

Hon. L. A. LOGAN: That can be sifted out by the two concerned. In his second reading speech the Minister made mention of Alvan House. I would like to ask him whether the Government has given thought to what will happen to those particular girls in the future. They are trained as white citizens and all girls, or a majority of girls, at some particular stage in life have thoughts of marriage. This applies particularly to the dark-skinned girl. I ask the Minister: Just what future have they? If they are not assimilated by the white race, they have got no alternative; they either remain single or go back to where they came from, and the amount of money and training they have received is absolutely wasted. The Minister did mention that it was intended to set up a hostel for youths.

Whether he was going to have eight girls one side and eight boys the other and marry them off, I do not know. If that could be worked out, it might be all right. Unless something like that can be done for these girls, it will be a tragedy and an absolute waste of time and money. The Government must give some consideration to the matter. In the Bill there is only one provision altering the Act, and surely it is the man who knows the conditions of the natives of the district who should have the right to assist the magistrate. He will be a man of integrity and knowledge and will assist the magistrate rather than hinder him; in assisting the magistrate he will assist the natives. I support the Bill.

HON. G. FRASER (West) [8.5]: I have to admit quite frankly that I know very little, if anything at all, about the native question. In this instance, it is not a question of natives but one of giving a fair deal and of what constitutes a fair deal. I was very surprised to see the attitude taken by Sir Charles Latham and Mr. Logan. Sir Charles said he was innocent. I rather think he imagined he was speaking to innocents abroad because he only dealt with half the question. He must have thought we could not read the Bill and he made no reference at all to the main portion of it. He likened this to a jury. What a ridiculous comparison! A board of two which provides that one can win—and Sir Charles likens that to a jury of 12!

Hon. Sir Charles Latham: It could be a board of three.

Hon. G. FRASER: I know that all juries are supposed to be unanimous in their decisions but we are all aware that in practice it is the majority of the jury that counts.

Hon. Sir Charles Latham: What happens to the others?

Hon. G. FRASER: In this case there would be no majority; it is something like our Standing Orders at the Committee

stage—the Noes have it when the voting is equal. The same thing occurs here. Why do Mr. Logan and Sir Charles Latham attempt to mislead the House?

Hon. L. A. Logan: I was not misleading the House at all.

Hon. G. FRASER: The hon. member said that this Bill is merely putting a respectable citizen on the bench with the magistrate. If that were so, I would have no objection to it. What the Bill does say, however, is that if this respectable citizen says "No," then that is the decision. The magistrate is a legal man—

Hon. L. A. Logan: Without any knowledge of natives.

Hon. G. FRASER: —with knowledge of law and with experience in sifting out evidence.

Hon. E. M. Heenan: And he travels throughout his district.

Hon. G. FRASER: That is so. But we are going to put a man on the bench with him and call it a board. This man has no qualifications except that he might be the chairman of a road board.

The Minister for Transport: Or the mayor of a municipality.

Hon. G. FRASER: He may be a good mayor but a bad man on a bench. He may be a good man at controlling debates but a very poor one at sifting evidence. We also must not forget that although he may be a respectable citizen of the town, he received his appointment in the first instance by the vote of the people in the town and not by direct appointment.

Hon. J. M. A. Cunningham: Is that not democratic?

Hon. G. FRASER: It is quite democratic, and I believe in it, but I do not believe in giving him overriding powers over a man whose life's work is to sit in judgment on other people.

Hon. J. M. A. Cunningham: I think there is more than a legal point in this.

Hon. G. FRASER: I know there is.

Hon. J. M. A. Cunningham: The magistrate looks only at the legal point.

Hon. G. FRASER: The magistrate's daily task is to hear evidence, to sift it, and to arrive at a just decision.

Hon. L. Craig: And to be impartial.

Hon. G. FRASER: Exactly. He is not subject to the local prejudice that any chairman of a road board or any man in the district would be subject to. The magistrate is free entirely from all influence that can be brought to bear. Do not we find it nearly every day in the courts? When particular cases are on, particular Js.P. sit with the magistrates.

Hon. E. M. Heenan: But they cannot override the magistrates.

Hon. G. FRASER: I was coming to that point. We do not give these Js.P. the right to overrule a magistrate.

Hon. Sir Charles Latham: We give them equal power where there is no magistrate.

Hon. G. FRASER: We would not give a chairman of a road board the power to override a magistrate if he were sitting with him on an ordinary police case. That could happen in many cases if we gave Js.P. that power. But what do we do here? We prevent a person from getting citizenship rights.

Hon. L. A. Logan: Why? How do you know?

Hon. G. FRASER: Because this Bill says so.

Hon. L. A. Logan: No, it does not.

Hon. G. FRASER: This Bill says if there is disagreement between the two the case must be dismissed. Is not that the position?

Hon. H. L. Roche: You will be disappointed if they are unanimous!

Hon. G. FRASER: If they are unanimous it is all right, whichever way it goes.

Hon. L. A. Logan: You are not giving the man much credit for honesty and integrity.

Hon. G. FRASER: I am giving him every credit for it. But there are certain things which prejudice a man's mind.

Hon. R. M. Forrest: You say you know nothing about natives.

Hon. G. FRASER: I know nothing about natives, but I know a lot about justice. If anybody says that it is justice to give a man who is recruited from the town more right than a man whose life work it is to make decisions, I say it is nothing of the kind. I would like members who are favouring this to give me some justification for doing so.

Hon. L. A. Logan: We have given it to you.

Hon. G. FRASER: As a matter of fact, the hon. member never touched on that phase of the question at all. It is what I am accusing him of. The hon. member talked about the appointment of a responsible citizen, but he never mentioned the powers that responsible citizen would have. I would like any other members who are supporting the measure to tell me where the justice is in appointing a board of two and giving one the right to say no and for that to be the decision.

If we are going to have a board let it be a genuine board; let us make it three, but let us have a majority decision. Do not appoint a board of two and give one man the right to overrule the other whose job it is to make decisions every day. I have sufficient confidence in the magistrates that have been appointed. I am quite happy for them to have the right to

say yea or nay but I am not happy about local persons being given the right to override their decisions. Seeing a Bill of this description I am beginning to regret the many occasions on which I supported the Government.

Hon. Sir Charles Latham: It is so unusual that you are now opposing it.

Hon. G. FRASER: It leaves me speechless when a Bill of this description is brought down.

Hon. A. L. Loton: You seem to be going pretty well.

Hon. G. FRASER: Let the Minister tell us why it was introduced. Down the years, when legislation was introduced, from experience we know that there has always been some reason behind it; possibly somebody has taken the matter up and has discovered that the Act has not worked properly and has requested the Government for some alteration. I did not hear the Minister, when introducing the Bill, give any reason why it was being introduced.

Hon. Sir Charles Latham: What do you suspect?

Hon. G. FRASER: Nothing; as I said, I know nothing about the native question. I do not suspect anything, but I know that the Government would not make an alteration of this sort unless somebody had requested it. I want to know who made the request. Judging by the activities of various bodies since the Bill was introduced, nobody interested in the natives has requested it. If that is so, where did the request emanate?

Hon. J. G. Hislop: Are you looking for the nigger in the woodpile?

Hon. G. FRASER: Yes, and I should like to uncover him. The Department of Native Affairs is the official body that one would expect to request any alteration, and I am wondering whether the request emanated from that department. Hazarding a guess, I should say it came from the Road Board Association. In my district, a lot of local prejudice exists against the natives. People who live in the vicinity of natives' camps want them removed.

Hon. H. L. Roche: Why?

Hon. G. FRASER: I do not know.

Hon. H. L. Roche: Why do not you find out?

Hon. G. FRASER: One of the reasons is that the natives are not living up to the standards that our people think they should observe. How many letters have we read in the newspapers about the native places at Bassendean, Bayswater and Mt. Lawley? We have an odd place in my district, and the people in the vicinity want the natives removed. If this Bill is passed, what will be the position? The mayor, or some resident of the district where people are agitating for the removal of natives, will sit on the board and hear the applications for citizenship, and we know what the result will be.

Hon. L. A. Logan: You are guessing.

Hon. G. FRASER: That is a fact. I have heard Mr. Roche talk about the natives in his district. Suppose some of those at Carrolup applied for citizenship rights and the chairman of the road board was a member of this board, what chance would the native having of being successful? We are being asked to approve of a local man sitting in judgment, and his judgment will be final. If he says "No," the application by the native will be refused.

Hon. H. C. Strickland: Why have a magistrate on the board?

Hon. G. FRASER: I was about to ask the same question. All we need is not a magistrate, but a local citizen who knows all about the matter. Cut out the magistrate and leave it to the local citizen! At least, we might as well do that.

Hon. J. M. A. Cunningham: Probably you would get a more humane decision.

Hon. G. FRASER: A more prejudiced decision!

Hon. J. M. A. Cunningham: I doubt it.

Hon. G. FRASER: I am judging by what is happening in the metropolitan area. If a lot of people had their way, no native would be allowed to live in the metropolitan area, and the feelings of those people are no different from those of residents in country areas. Yet members have the cheek to try to make me believe that a decision given by a local man in the country would be unprejudiced. Well, I think I know human nature better than that.

Hon. L. A. Logan: You certainly know nothing about road board members.

Hon. G. FRASER: Does the hon. member think I have had no experience of road board members? A cross section of any community is generally exactly the same. I should like to hear some reasons for this change. Surely there is some justification for it! The Act has been in operation for a number of years; various applications have been made; some have been granted and some have been refused. If there is to be an alteration, there must be some justification for it.

Hon. E. M. Heenan: The Bill implies that magistrates have not been doing their job.

Hon. G. FRASER: That construction could certainly be placed upon it, and if that is so, the Minister should tell us. Members should justify the right of a layman on the bench to overrule a magistrate in this matter. If they can do that, I shall give consideration to voting with them, but at the moment I am definitely opposed to the Bill.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

BILL—COAL MINES REGULATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th November.

THE MINISTER FOR MINES (Hon. C. H. Simpson—Midland—in reply) [8.22]: Members will recall that, when I was moving the second reading, I assured them that the Bill had been carefully considered by the unions at Collie, by the coal mineowners and by the Mines Department, who had spent several months in going through the proposals and introducing necessary amendments.

I gave the House an assurance that the Bill had been considered by the department and that one provision relating to the new regulation for the control of electricity underground had been agreed to by the State Electricity Commission. Mr. Fraser indicated that he felt some doubt on that point, and I was somewhat disturbed because, on every Bill where I have given members an assurance of attitude on behalf of any department, I have checked up most carefully, and I did not want to be in the position of having made a mistake on this occasion. I have given very careful consideration to the points raised by Mr. Fraser—

Hon. G. Fraser: What did you find out?

The MINISTER FOR MINES: I shall tell the hon. member in a moment. I have reviewed the question and am able to give some facts from the file that have a bearing on the reasons why the departmental regulations should be administered by the Mines Department, information about the agreement that has been arrived at between the two departments on the implementation of the necessary regulations, the guarantee of safety, the reasons why it is desirable that the Mines Department should have the power and also why the Bill was specially framed to give the Mines Department those powers without being overridden by the State Electricity Commission under the Electricity Act.

I shall read something that leads up to the question so that members may know exactly what has happened. The first minute is from the Coal Mining Engineer, Mr. Morgan, who, in representing the matter to the Under Secretary for Mines, said—

> 1. At the conference held in October, 1950, the companies asked—
>
> (a) That the administration of the electrical rules under the Act be vested in the Mines Department.
>
> (b) That a set of rules be compiled which is applicable to mining conditions.
>
> (c) That the complete rules be embodied in the Act.
>
> (d) That provision be made in the Act for the appointment of an electrical inspector who would have mining experience.
>
> The reasons given for the above request are stated in page 2 of the minutes taken at the above-mentioned conference.
>
> The minutes referred to are appended to this report.
>
> Evidence as to why the companies ask for an alteration in the administration was not taken at the conference as it was agreed that the matter was one of departmental policy and the conference had no authority to discuss such policy.
>
> I would state that, provided an electrical inspector with coalmining experience be appointed, the matter of administration is not of material importance.
>
> However, it appears that under the Electricity Act, 1945, the Minister for Electricity has jurisdiction in the administration of electricity in coalmines. Under the Coal Mines Act, 1946, the Minister for Mines has similar jurisdiction. We thus have dual control.
>
> It would therefore appear that, before any decision in connection with the administration is arrived at, a legal interpretation be obtained as to who has the overriding authority.
>
> 2. From the evidence submitted at the conference held in Collie on 10th July, it is abundantly clear that all interested parties are unanimous in their desire to have all electrical regulations applicable to coalmining in one book.
>
> This is not a request of an exceptional character—it is a request for the Western Australian regulations to be brought into line with universal practice throughout the whole mining world and thus avoid any confusion as to what electrical regulations are applicable to coalmining.
>
> In view of the evidence, I cannot help but recommend that this request be given the serious consideration of the Ministers concerned and, if possible, the request conceded, as in their present form the Act and regulations are confusing.
>
> It is stated in the evidence that an electrician must have complete knowledge of the Electricity Act, 1945, the S.A.A. wiring rules, as well as the C.M.R.A.
>
> The S.A.A. wiring rules alone amount to 827 regulations and many sub-regulations, a considerable number of which have no connection whatsoever with coalmining. The same remarks apply to the Electricity Act, 1945.

Any regulation in the State Electricity Act, 1945, and also S.A.A. wiring rules that are applicable to coalmining should be extracted and placed in the C.M.R.A.

3. With regard to request (b) for a set of rules to be compiled which is applicable to coalmining, one infers that the existing rules are not applicable.

This point was not supported with evidence; neither was it established at either conference.

However, at the first conference, after a prolonged discussion the representative of the Miners' Union suggested that the New South Wales regulations be considered with a view to their adoption in place of the existing regulations.

The conference agreed and proceeded to do so, as shown in the minutes of that conference.

I would mention the fact that Mr. McDonald represented the State Electricity Commission at that conference and agreed to the suggested procedure. Mr. McDonald at the last conference stated that he has considered the New South Wales regulations, but does not now agree to their adoption. One is at a loss to explain why Mr. McDonald should change his mind and cause the present controversy.

It is obvious that a decision and direction at high ministerial level is thus necessary, and I would suggest a compromise be aimed at.

The S.E.C. should agree for all electrical rules applicable to coalmining to be contained on one set of rules and the companies to agree to amend the existing regulations.

To amend the existing regulations does not preclude the adoption, where considered necessary, of any of the New South Wales regulations.

I fail to see that either party would suffer any hardship if the above suggested compromise was agreed to.

With regard to the request (d), the S.E.C. agree that it is necessary to appoint a full-time electrical inspector.

In view of the rapid installation of electrical machinery in connection with mechanisation, one cannot dispute the need for such an appointment, as it is highly desirous that the installation and maintenance of such valuable machinery be in accordance with good mining practice.

That was referred to me by the Under Secretary for Mines and I sent a minute to the Minister for Works as follows:—

> Regarding our recent conversation relative to the subject matter of the Coal Mining Engineer's minute, I would appreciate your concurrence in having the administration of the electricity rules and regulations so far as coal mines are concerned included in the Coal Mines Regulation Act and controlled by the Mines Department.

That was on the 1st of August and the Minister for Works referred it to the chairman of the State Electricity Commission. His minute, dated the 6th of August, is as follows: —

> As discussed, the Commission has no interest one way or the other as to what authority should administer the rules and regulations covering the use of electricity in coal mines and in my understanding is only administering the regulations to assist the Mines Department.
>
> You will note that in Tasmania, Victoria, South Australia and New South Wales the regulations are administered by the respective Mines Departments, South Australia being the only State, so far as appears from the correspondence, in which the Electricity Trust reserves to itself the right to refuse supply until inspection by the Trust to ensure that the installations comply with the service rules of the Trust.
>
> I think it advisable, however, that you go carefully through the submission of the Coal Mining Engineer, particularly page 2, paragraphs 2, 3, 4 and 5.
>
> Whatever is done, it would appear to me sound that any man appointed by the Mines Department as an electrical inspector should be fully qualified in accordance with the standards set down by the Commission.

There is another minute by Mr. Orr, who I understand is secretary of the Commission, and a further letter from Mr. Dumas to the Minister for Works. It is as follows:—

> With reference to the Minister for Mines' minute of the 1st instant, the decision regarding the administration of the electricity rules and regulations as far as coal mines are concerned is a matter which comes within the authority of the Minister for Mines and there is therefore no reason why you should not concur in the Minister's request. The Commission's only interest is to see that the standard is maintained and it will help the Mines Department in any way desired.
>
> I would suggest that the Minister for Mines peruse the correspondence on the file as there is a danger in the loose phraseology of the New South Wales regulations.
>
> It is desirable that the greatest care be exercised in the selection of inspectors and that they should be fully qualified men.

That was sent on to me by the Minister for Works and forwarded to the Under Secretary for Mines, whose minute is as follows:—

> I agree with the Commission that the greatest care will need to be exercised in the preparation of the regulations if and when the amending Act is passed and also in the selection of an inspector. As you know, the draft Bill is now with the Crown Law Department for completion, following the preparation of same by the committee representing all sections of the coal industry and chairmaned by you.

That is the Coal Mining Engineer. Mr. Morgan writes that the matter of selecting a suitable person as electrical inspector can be attended to when approval is given to the amended Act and he assures the Under Secretary that the greatest care will be taken in amending the existing regulations.

Hon. G. Fraser: Who would appoint that man?

The MINISTER FOR MINES: The Chief Coal Mining Engineer with the assistance of the State Electricity Commission. The final letter on the file is from the Australasian Society of Engineers, Collie Branch, stating—

> I would advise that the members of the Collie branch of the above organisation have decided that they are favourable to having incorporated under the Mines Regulation Act the principles of the S.A.A. wiring rules and the necessary provisions which are now part of the Electricity Act so that electrical workers employed by the mines at the coal field will be under the jurisdiction of the Mines Regulation Act.

Those were all on the file before the Bill was presented to the House. I discussed the matter again with the Minister for Works and Mr. Dumas and he confirmed the advice which he gave and which appears on the file. I also discussed the matter with the Coal Mining Engineer and we all agreed in discussion that the question of safety was a prime consideration. The men would demand that, apart from any interest that the State Electricity Commission might have in the matter.

But we agreed, also, that all men who would be employed as electricians underground would have to measure up to the standards set down by the State Electricity Commission and that the inspector who might be appointed would also be a man approved by the State Electricity Commission. It was pointed out by the draftsman, in drawing up the Bill, that a gentleman's agreement has no force in law and therefore that it was necessary to define in the Bill itself the authority which would police these regulations—and that was the Mines Department.

When discussing the matter with Mr. Morgan I asked him in what way the electricity requirements for coalmines might not fit into the general standards which the Commission would require of an ordinary electrician, and he pointed out that there are many factors in coalmining that demand a specialised knowledge on the part of the electrician who works there and that many of the regulations that exist under the State Electricity Act would have no application to coalmines. He said, for instance, that water makes in quantity at Collie, so that it is sometimes necessary to remove a pump in a hurry. The pumps are fitted with motors and have switchgear and under the State Electricity Act it would be necessary to get permission from the engineer, who might be in Perth, to move the pump, which by then might be submerged in water.

In some cases emergency action might be necessary and there again, a man with coalmining experience and electrical knowledge would need to be employed constantly on the mine to deal with those special conditions as they arose. There is no trouble at Collie so far with coal gas or coal dust, both of which are highly explosive, but we do not yet know when they might be encountered if we develop deep mines of 1,500 or 2,000 feet. If we struck those conditions we would require a man with specialised mining and electrical knowledge, competent to do the electrical work required.

The continuous miner once cut 27 yards in one day, as against an average cut of four or five feet. In those circumstances the machine moved quickly and the necessary adjustments had to be done several times during that day, again requiring a qualified man to be practically continuously in attendance. For many reasons, therefore, it is necessary to have special regulations applied to mining practice and for the electricians to measure up to the safety standards, as well as having mining knowledge in order to do the work. It has been found in other States that it is desirable that the regulations should be administered by the Mines Department.

Then again, Mr. Fraser raised the question of foreigners being unable to speak the English language, but I have been assured that, if these men work underground, particular care will be taken to ensure that their lack of knowledge of the language will not be a handicap. They will probably be accompanied by another man who can speak English and act as interpreter. There might be other cases in which they would be employed as qualified carpenters or fitters on the surface, in which event lack of knowledge of the language would not be so much of a hazard. To clear up this matter with the State Electricity Commission, I have addressed to the Minister for Works a minute as follows:—

Bill to amend Coal Mines Regulation Act. I refer to our discussion in regard to the new Subsection 3 (a) of Section 49 of the Coal Mines Regulation Act which is included in the above Bill. Should the Bill become law regulations relating to the use of electricity in coal mines will be prepared which will measure up to the standard of safety required by the State Electricity Commission. Any inspector appointed to administer such regulations will, among other requirements, need to be qualified in accordance with the regulations under your Act. It is suggested and desired that qualified representatives of the State Electricity Commission should collaborate with the Mines Department in connection with both the preparation of the regulations and the appointment of such inspectors under the Coal Mines Regulation Act.

I move—

That the Bill be now read a second time.

Question put and passed.
Bill read a second time.

In Committee.

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

Clauses 1 to 16—agreed to.

Clause 17—Section 24 amended:

Hon. G. FRASER: The Minister, when replying, did not fully answer my query about this clause. He mentioned men who could not speak English being employed on the surface as carpenters and so on, but my point was that there is provision for exemption in the case of hardship and the departmental inspector may grant exemption. I want to know what would be deemed a case of hardship. I assumed that it would be with relation to men working down in the mine, and I would like some information on that question.

The MINISTER FOR MINES: This is one thing which I did not discuss with the Coal Mining Engineer, but in conversation with the Under Secretary from time to time it has been visualised that it may be necessary, in view of the increasing demand for coal, to import labour to work at Collie. Therefore, Italians, Dutchmen or other Europeans may be required to work in the mines and I think it was with that possibility in mind that this safeguard provision was included in the Bill relating to people who could not speak the English language.

Clause put and passed.

Clauses 18 to 22—agreed to.

Clause 23—Section 49 amended:

Hon. G. FRASER: This is the clause with which I am mainly concerned. I have given notice of a question and I would like it answered before I discuss this clause. Perhaps the Minister could report progress at this stage.

Progress reported.

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.

Second Reading.

Debate resumed from the 13th November.

HON. E. M. DAVIES (West) [8.48]: I support the measure because in the first place the Government has brought down the Bill on account of the acute shortage of building materials in this State. It has done so on the advice of those who are competent in such matters and not merely for the sake of introducing it. The Government has considered it necessary to continue the legislation and make certain amendments to it because at present we are still passing through the transitory stages that made it necessary when it was first introdueed.

Some members, I know, say that this is wartime legislation and as hostilities ceased over six years ago, it is time it disappeared from the statute book. However, from observations and inquiries I have made from various people who are endeavouring to build homes—particularly self-help builders—I consider control over the issue of material used for the building of homes is still necessary. The suggestion has been made that although permits are automatic for residences up to 15 squares, it is desirable that there should be no control at all over building material for houses.

I consider it is still necessary to have certain controls because we have had evidence of people who are able to obtain as much material as they require to build spec houses, some of which are being erected in my province, and I have noticed, too, that they are erected in quick time. I have also noticed that other premises, such as war service homes, are still in course of erection although the buildings were commenced before last Christmas. I know of one instance of a self-help builder who desired to get 400 feet of t. and g. flooring boards and the proprietor of the timber firm that he approached told him there was no possible hope of getting that timber. Whilst he was there an R.A. truck entered the yard and a contractor said to the timberyard proprietor, "I will take the lot."

That is the sort of thing that small builders have to put up with because timber is not under control. If controls were lifted from other materials, similar incidents would occur. If a large contractor is a regular customer at a timber mill or

yard, it is only human nature that the proprietor of such mill or yard will make available materials more readily to him than he would to a person who is not likely to return to his yard in the future. I realise, therefore, the position in which the people of this State are placed, and I believe it is essential that we should retain controls over building materials.

I would remind members who suggest these controls should be lifted because the war has been over six years, that they should take into consideration the point that if we are to look to the security of this country, it is necessary to continue with a vigorous migration policy. That is borne out by the fact that for some considerable time there has been a gradual infiltration of migrants into this State, not only from the United Kingdom, but also from European countries. Although I have not the correct figures available, I believe that since the war terminated 100,000 people have entered this State and, of necessity, they must be provided with accommodation.

Such a large influx of people has naturally thrown the whole building position out of balance and it will be necessary, until such time as we produce sufficient material to build homes, for the Government to continue certain controls. I can remember some time ago when it was decided to lift the control over bricks and cement, and although these materials are difficult to obtain at present, nevertheless, on the occasion when the control was lifted on them, there was ample evidence of brick fences and brick balustrates on verandahs being erected, while other people who desired 2,000 or 3,000 bricks for a chimney could not get them.

Hon. L. A. Logan: I want some for a brick fence now.

Hon. E. M. DAVIES: Quite a number of other people would want to build brick fences, too, which, of course, would be to the detriment of those who desire a house to live in. Therefore, although I do not think that the imposition of controls should be permanent, on this occasion I must support the Government because in the first place it must have received advice from those who are in a position to know something about the question. The Government has not brought down the Bill just for the sake of introducing it, but it is desirous of maintaining the controls over building materials in the interests of the people generally. I trust that members will ensure that the second reading of this continuance Bill is carried.

I listened with considerable interest to Mr. Craig who must have analysed this question very closely. I believe he made a speech that was not in any way tempered by political bias. He approached the question from a point of view that was in the interests of the people generally. I do not think that he is a man who would support a measure for the continuance of controls unless he honestly believed they were necessary. Mr. Logan also drew attention to the fact that it was human nature for various timber millers and proprietors of timberyards to meet the requirements of a regular customer rather than those of a person who would only need materials spasmodically. As a result, people in the metropolitan area would possibly be in a position to have the first call on materials in short supply to the detriment of those who live in the country.

As to the penalties set down in the Bill dealing with offences, there are many other Acts that provide similar penalties for various offences. For instance, there is the death penalty for murderers and there are severe penalties for housebreakers, horse stealers, cattle duffers and sheep stealers. If people commit such offences, they must be prepared to pay the penalty and suffer the consequences that are laid down by the law.

In this instance, the Government thought that certain penalties should be provided and persons who do not commit a breach of the Act have nothing to be afraid of. Only those who commit a breach are likely to feel their impact. I do not believe there are many people who commit these offences, but unfortunately it is necessary to retain certain controls because there are some individuals who are not concerned whether they abide by the law or not. That is why it is necessary to pass legislation providing penalties for people who are not prepared to obey the law. It is generally agreed that those who commit offences constitute a very small proportion of the citizens, who, in the main, show respect for the law.

I regret that Mr. Watson should have indulged in a certain amount of condemnation of a section of the Public Service. I should say that members of the Public Service are no different from those in other walks of life. One may enter a retail establishment and receive the utmost courtesy and, on the other hand, if one asked for something that was in short supply, the chances are that one would be treated with the utmost discourtesy. That might happen with individual members of the Public Service, but it is no reason why the whole of that body of reputable citizens, who play an important part in the government of the State, should be subjected to criticism such as has been levelled against them.

The Public Service, I consider, plays a most important part in the government of the country, be it that of the State, Commonwealth, a Dominion, or the United Kingdom. Its members are expected to be loyal to whatever party happens to be in power, irrespective of its political complexion. They are expected to render the best service to the Government for the time being, and because they are required, perhaps against their personal inclinations, to carry out the policy of the Government,

it is not right that they should be subjected to criticism because some member has a grudge against the policy of the Government he supports.

How would we in Parliament fare but for the efficient staff that transacts the routine business? Members are elected to represent the people and they sit in Parliament and express their views. They support or disagree with Bills, move and approve of or disagree with amendments, and the staff is expected to give effect to the decisions whether those decisions coincide with their personal likes or not. The same thing applies to the Public Service. These people have been appointed to carry out the functions of government, regardless of their personal feelings in the matter, and I am afraid that Mr. Watson's remarks will do a great deal towards undermining the confidence of the people in the Public Service.

We should not do anything to lead people to believe that constitutional and democratic government is something that can be surpassed by some other system, though a minority in our midst may perhaps make such a suggestion. However, the point I wish to make is that a body of employees who are carrying out the policy of the Government should not be subjected to criticism because members do not like the policy of the Government.

Hon. A. R. Jones: Did not he refer to incompetency?

Hon. E. M. DAVIES: We find incompetency prevailing amongst all sections of the community. That phrase is commonly used as an excuse when it is desired to make a complaint. The time has long since past when criticism of the sort accomplishes any good. A member of Parliament is protected as regards the criticism in which he indulges, and it is only right that he should be, but it is all the more necessary that he should be very careful when offering criticism that perhaps may undermine the very foundation of constitutional and democratic government.

HON. R. J. BOYLEN (South-East) [9.5]: I support the second reading of the Bill. Like other members, I have an intense dislike of controls, but we can appreciate the necessity for them by reason of the fact that the present Government is proposing to continue the controls provided for in the parent Act. The Bill will serve the dual purpose of tightening up control over the use of materials and also of dealing with offenders by increasing the penalties for offences.

Considerable dissatisfaction exists regarding the present distribution of materials. There are some people who have materials in their possession in reasonably large quantities and probably have held them for a period of 12 months. Under the existing law, those materials may be used for purposes for which they would not be issued now, because a permit would not be granted, and yet they cannot be dealt with. Anybody who is prepared to live within the law has no need to fear the penalties provided for breaches of the law.

We have read of people erecting houses of a value of £750, £1,000 or more in contravention of the Act and of their being fined in the vicinity of £50 for the offence. What is a fine of £50 to a man erecting a house costing £1,000? Such a small penalty is merely an encouragement to flout the law rather than live within the law. If the penalty is increased, as is proposed in the Bill, to £200, with a term of imprisonment of, say, 12 months or two years, it will be a deterrent to those inclined to flout the law and influence them to refrain from so doing.

In addition to the provision that an offender may be fined an amount equivalent to the expenditure on the undertaking, I would add confiscation of the materials used. By so doing, we should be implementing the real intention of the measure, besides having the materials returned to the source whence they came and available to be issued by the Housing Commission.

Hon. A. L. Loton: Would that not be a waste of manpower?

Hon. R. J. BOYLEN: If the offender had to pay for the manpower to pull down the structure, it might be advantageous. I remember reading of a case where refusal seemed to indicate extreme hardship, but I concluded that there were cases of greater hardship requiring consideration by the Commission. I consider that the Commission is doing excellent work. I regret that Mr. Watson is not in his seat at present. He pleaded the case of one, Doran, who saw fit to break the law. Doran evidently did not take into consideration that he was coming into conflict with the whole force of the law. He probably thought that he could go ahead with his building, please himself, flout the law and get off with a fine of £50, but he found himself before a magistrate who took into consideration other penalties provided in the Act and, instead of being merely fined, Doran was sent to gaol.

I was astounded to find that Doran went to one of the very men who had helped to put that law on the statute book to plead his case in Parliament, and I was still more astounded to hear the unscrupulous attack made by Mr. Watson on the Housing Commission. The hon. member, as an ex-member of the Public Service, must realise that those employees, whether State or Federal, are there to enforce the law. The hon. member also cast a stigma on those employees when he stated that the Commission could be a breeding ground for

graft and corruption. If the hon. member knows of any such cases, he has a responsibility, not to criticise here, but to bring the facts before the authorities and ensure that those who are culpable are brought to book.

The hon. member has indicated his intention to move an amendment that would really have the same effect as the motion he moved on the rent Bill last session—it would kill the measure. I consider that the hon. member lacks responsibility to the people he represents. Although he was elected to this House by only 10 per cent. of the people of his constituency, he is responsible to the other 90 per cent., as well as to the whole of the electors of the State. He was elected by only 10 per cent. because of the action of himself and his colleagues in denying the franchise for this House to other sections of the community.

Hon. A. R. Jones: That is not in this Bill.

The PRESIDENT: The hon. member should connect his remarks with the Bill.

Hon. R. J. BOYLEN: I am doing so.

The PRESIDENT: The hon. member must refrain from making personal reflections.

Hon. R. J. BOYLEN: I am only referring to remarks made by the hon. member in the course of his speech.

The PRESIDENT: I desire the hon. member to refrain from personal references.

Hon. R. J. BOYLEN: When the Bill reaches the Committee stage, I hope that the first amendment of which Mr. Watson has given notice will be defeated.

On motion by the Minister for Transport, debate adjourned.

House adjourned at 9.12 p.m.

Legislative Assembly

Tuesday, 20th November, 1951.

CONTENTS.

The SPEAKER took the chair at 3.30 p.m., and read prayers.

QUESTIONS.

SECOND-HAND BAGS.

As to Needs of Market Gardeners, Sale and Shortage.

Mr. LAWRENCE asked the Minister representing the Minister for Agriculture:

(1) Is he aware of the cost of top line second-hand bags today?

(2) Is he aware of the fact that bags as used by market gardeners for the marketing of their produce are in extremely short supply?