Legislative Assembly

Tuesday, 5th October, 1954.

CONTENTS.

The SPEAKER took the Chair at 5 p.m., and read prayers.

PERSONAL EXPLANATION.

Hon. C. F. J. North and Question regarding Constituent.

Hon. C. F. J. NORTH: The member for South Perth was good enough to direct my attention to Question No. 1 appearing in his name on today's notice paper and I desire to make the following remarks on it. I wish to state that the Mr. Keys referred to, who resides in Claremont, informs me that he did not approach any member of Parliament about this matter, nor did he know that it was to be raised in Parliament. He took it up with the authorities at the headquarters of the Returned Servicemen's League. Therefore it is not a question that I could have asked, seeing that I was not approached about it.

QUESTIONS.

HOUSING.

(a) As to State Housing Commission Profit on Building Blocks.

Mr. YATES asked the Minister for Housing:

(1) Is it a fact that the State Housing Commission is disposing of building blocks to individual war service home applicants at a figure which shows a profit of 200 to 300 per cent., and that such action is detrimental to ex-servicemen with limited financial resources who desire to erect homes?

(2) Block 173, Mayfair-st., Mt. Claremont, was selected by Mr. I. F. Keys, and he was advised in March this year that the valuation would probably be £185. Two months later, he was told that the land would cost him £400—

(a) What was the reason for this remarkable increase?

(b) Did other purchasers of land on adjoining blocks pay in excess of £150. If so, what was the purchase price per individual block?

(3) What action can he take to stop this iniquitous practice of the State making excess profits out of ex-servicemen?

The MINISTER replied:

(1) Land acquired by the war service homes director is made available at cost to eligible applicants under the War Service Homes Act. However, some applicants desire to select land which is not owned by the war service homes director. It is the normal practice in Western Australia to allow war service home applicants to select State Housing Commission land on the same conditions as apply to applicants under the State Housing Act, namely, at valuation. This system has been in operation since World War I and is a concession to ex-servicemen available only in Western Australia owing to the War Service Homes Act and the State Housing Act coming under the administration of the one department.

(2) (a) Increased valuation: Mr. Keys, on inquiry, was advised that a probable valuation would be £185, the counter clerk basing this estimate on values applying some time previously. Taxation valuation at the time Mr. Keys selected the land was £400. It is understood private sales in the same area have taken place at considerably higher values.

(b) Adjoining applicants obtained land at £150 because that was the value of the land when they selected their blocks and were eligible to proceed with their applications.

(3) War service homes applicants who choose land other than that held by the war service homes director are informed that such land is only available at valution. Mr. Keys was aware of this and elected to proceed at taxation value. He was informed of the valuation within six weeks of selecting the block.

I might add that the State Housing Commission does not make excess profits out of anyone.

(b) Mr. Speaker and Improper Form of Question.

Mr. SPEAKER: I would point out to the House that this question, as appearing on the notice paper, contains the word "iniquitous." As members know, it is not permissible for any hon. member to express his private opinion in a question, especially when it is derogatory to any Government department. Apparently the

word "iniquitous" was overlooked during the screening to which all questions are subjected. However, it will be deleted from the question for inclusion in the "Votes and Proceedings."

The Premier: Evidently Mr. Keys wanted this matter kept private and not made public.

Mr. Yates: It has nothing to do with Mr. Keys.

The Premier: Of course, it has.

Mr. Yates: It has nothing to do with him at all.

LAND RESUMPTION.

As to Amending Basis of Compensation.

Hon. D. BRAND asked the Minister for Works:

Does the Government intend to amend the law covering the basis of compensation to landowners for land resumed under the Industrial Development (Kwinana Area) Act, 1952-1953?

The MINISTER replied:

There is no present intention to do so.

LEAVE OF ABSENCE.

On motion by Mr. May, leave of absence for two weeks granted to Mr. J. Hegney (Middle Swan) on the ground of urgent private business.

On motion by Mr. Yates, leave of absence for two weeks granted to Mr. Bovell (Vasse) on the ground of urgent private business.

ASSENT TO BILLS.

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

1, Lotteries (Control).

2, Criminal Code Amendment.

3, Potato Growing Industry Trust Fund Act Amendment.

BILLS (3)—THIRD READING.

1, Bush Fires.

2, Radioactive Substances.

3, Health Act Amendment (No. 2). *Transmitted to the Council.*

BILL—FAUNA PROTECTION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [5.12] in moving the second reading said: It appears that some amendments to the Fauna Protection Act have become necessary. The main ones embodied in the Bill are designed to conserve and protect; they also aim to simplify administration and in some cases to clarify parts of the parent Act. It is desired to bring aviary birds under control, whether imported or exported, or bred or kept in captivity or confinement. A further provision in the Bill aims at the elimination of trading in birds by unlicensed persons, and the elimination also of the practice of trading in black swan's eggs. Ministerial power is sought for the appointment of wardens or honorary wardens. At the present time the Act provides that the Governor shall appoint chief wardens, honorary wardens and wardens, subject to the Public Service Act, 1904-48.

If the Act is altered by the amendments for which the approval of the House is sought, it will facilitate administrative duties, and will eliminate to some extent the necessity of having to obtain Executive Council permission in the matter of the appointment of wardens and honorary wardens. A new subsection will enable the Fauna Protection Advisory Committee, which will be a body corporate, to be vested with the control of sanctuaries. A further amendment will provide that at meetings of the committee, where there is an equality of votes, the question shall be determined in the negative. At the present time the parent Act is not specific in the matter of absence of members from meetings of the committee. It is intended, therefore, to add the word "consecutive" before the word "three." That will provide a simpler form of maintaining continuity of meetings.

Another provision that will help in assuring the regularity of meetings intact is that which seeks to empower the Minister to appoint deputy members, to replace those members who may, for some unforeseen reason be unable to be present at committee meetings. On some occasions it has been necessary for meetings to lapse because of the non-attendance of sufficient members. In that case, the Minister would have power to appoint deputy members. It is felt that will also help in assuring a continuity of representation. At present ex-officio members of the committee cannot be remunerated under the Public Service Act and provision is made to meet that situation. The remuneration provided would only be for appointed members, and a small fee would be paid them.

I would now like to refer to the matter of the issue of licences. At present, according to the opinion of the Crown Law Department, licences issued under Section 15 are invalid. It is necessary therefore to repeal and re-enact this section to make for greater clarity. Provision is also made in the Bill to call for a current licence in connection with bringing into the State animals or birds whose habits will, in the opinion of the Minister, become, or threaten to become, injurious to local fauna. There is a classic example of this in the finches that were imported from South America. These birds are of an undesirable type and at present there is no means of excluding them.

Power is sought to enable the Minister to exempt from the payment of royalty, skins taken from a specified part of the State by a specified class or classes of persons. It will be necessary in this regard to publish the requisite notice in the "Government Gazette." At the present time provision regarding the royalty on skins covers the entire State. It is sometimes necessary to treat, separately, a specific part of the State that is heavily infested.

Some time ago, I think the member for Blackwood mentioned the situation in his own area and it appeared very desirable to lift the royalty on skins in that district in order to ensure that kangaroos that were destroying crops would be shot. Because of the fact that the whole of the State had to be so treated, it was not thought wise at that time to alter the position, which would have meant eliminating the entire State from compliance with the Act as regards royalties, whereas it was desired to exempt only a separate district.

This provision is also designed to encourage professional hunters to operate during periods when kangaroos, particularly, are a menace to crops. Accordingly, it would help considerably if this small amendment were agreed to. Provision is also made in the Bill for cancellation by the Minister of the conditions prevailing in an area where the case for special treatment had lapsed by virtue of the fact that the vermin had become practically non-existent.

It is desired that all members of the advisory committee be made wardens of fauna. At the present time, the chief warden is the only member possessed of that requisite power. Once a warden is appointed, it is intended to have his certificate of authority signed by the chief warden instead of the Minister. The chief warden will not make the appointment but merely sign the certificate. Every year, it becomes necessary to appoint several hundred such wardens, and it seems a rather unnecessary call on the Minister's time to have to sign these certificates individually. He has made, and is satisfied with, the appointment, and it should be necessary for the chief warden only to sign the certificate. Two amendments to clarify the powers a warden was intended to have under the existing Act, have been proposed. Crown Law opinion is that at present the powers are indistinctly stated.

Another amendment will enable a warden to enter and search on private land, without warrant, where he reasonably believes an offence has occurred. The amendment, however, preserves the inviolacy of a residence. It aims at avoiding the delay in securing a warrant, which often makes detection of offences impossible. Fauna is the property of the Crown, even if on private land. It is proposed that the chief warden of fauna should also sign an honorary warden's certificate of authority.

Some restriction over privileges granted to natives to take rare fauna for food are envisaged by another amendment. It is considered that vanishing species should be exempted from hunting in detribalised areas. When natives have legally taken kangaroos, they will be authorised to sell the skins. At present, natives are not legally permitted to sell skins of fauna taken for food without a licence. A subsection is to be repealed and re-enacted to give protection against a person inciting others to assault or obstruct a warden. Another aims to give a warden the right to claim damages from a person convicted of assaulting him.

An additional section has been designed to provide that illegal devices may be seized and taken before a justice and, after due notice, forfeited unless claimed by the owner. A further new section aims to authorise the sale of such forfeited articles, subject to the Minister's approval. Another section has been prepared requiring a defendant pleading exemption to produce the licence, etc., exempting him from the provisions of the Act. This is a common provision where licences, etc., are issued.

Clarification of regulatory powers in regard to licences is proposed and additional regulatory powers are defined to deal with procedures introduced by the foregoing amendments. It is felt that the proposed amendments, if included in the Act, will assist in a very great measure to simplify its operation. The amendments do not depart in any way from normal practice in other parts of the Commonwealth. It is thought that the Act will be much more easily administered if the amendments are agreed to. I move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—MINES REGULATION ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [5.27] in moving the second reading said: At the risk of being accused of copying another Minister who is absent today, I must state that this is a little Bill. It contains four small amendments.

The first is in regard to the provision in the Mines Regulation Act requiring all accidents to be reported to the secretary of the Australian Workers' Union. The Act provides that certain parties are to be notified of all accidents in which loss of time occurs. It has not been necessary to notify the secretary of the A.W.U. However, what at first appears to be a minor accident may become very serious as time goes on, necessitating an examination. When the A.W.U. is not advised, it has

no official notification. In the event of a claim being made, it is imperative for the A.W.U. to know what took place from the beginning. It is proposed to amend the Act so that the A.W.U. shall be advised of all accidents where loss of time occurs.

There are three other amendments which deal with the hours to be worked underground by persons in charge of machinery. These amendments will bring the relevant sections of the parent Act into conformity with the existing Arbitration Court award. The three sections affected are 36, 37 and 39. Under the present Act, the maximum length of each shift underground is 7 hours 12 minutes; one amendment seeks to alter that to 7½ hours, to make it comply with the industrial award. The award provides for five shifts of 7½ hours, or a total of 37½ hours a week. The hours at present being worked are 40 per week, made up of five shifts of 7 hours 12 minutes and one shift of four hours. These amendments are designed to bring the parent Act into line with the current Arbitration Court award. I move—

That the Bill be now read a second time.

On motion by Mr. Wild, debate adjourned.

BILL—ARGENTINE ANT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren) [5.30] in moving the second reading said: In the opinion of the Government and of local authorities in areas which are infested by what are known as Argentine ants it has become necessary that there should be some legislation enabling an effective onslaught to be made against these household pests. This is not something new to the State.

I think it was in the early part of the war that the Argentine ant was first noticed in one or two parts of Western Australia. In 1944 a select committee, which was later converted into an honorary Royal Commission, was appointed to examine the vermin situation. The chairman of the commission was the member for Stirling. During its inquiry, the commission found that there was a considerable infestation of Argentine ants near the port of Albany. To such an extent had the ants taken hold that they had actually eaten out one family no fewer than three times. There was another spot 50 miles inland at that time which had been visited by the ants. That led the commission to the belief that the ants were not just partial to ports on the coastline, and it felt the matter important enough to make it the subject of a serious recommendation.

But, like a good many other recommendations of such bodies, that one did not receive very much notice; and it was not until some five or six years had passed and the pest had obtained a decided hold, not only in the areas where we had first found it, but in many other parts of the State also, that the authorities and the Government decided that the pest was serious enough to warrant an attempt being made to eradicate it. It was the Public Health Department which, in 1949, recognised Argentine ants not as a menace to health, but as a serious domestic nuisance; and that department attempted, by the methods then in existence, to do something to control it.

However, it can be said that since 1941 the Argentine ant has made rapid progress in establishing itself in the State, so much so that in March of this year no fewer than 40 square miles were definitely known to be infested. The bulk of the infestation is in the metropolitan and outer suburban areas, but there are numerous country centres that will have to do something about the eradication of Argentine ants before the situation becomes too serious, Those centres include Albany, Bunbury, Manjimup, Katanning, Harvey, Mandurah, Cranbrook, Rockingham, and Kalamunda. That is by no means a complete list; and I feel certain that if a survey were made, the number of country districts found to be infested to some extent would be double the number I have listed. Although the bulk of the infestation is in the metropolitan area, there is sufficient evidence to show that in the very near future Argentine ants can become a very potential menace in probably almost every part of Western Australia and certainly in every town.

In the past, D.D.T. as a spray has proved fairly effective as an insecticide; and in the two years following 1949, when the matter came under the control of the Health Department, attempts were made to minimise the nuisance to householders by spraying the streets and public property, and supplying insecticide and baits at cost price for the treatment of private property. An early attempt at complete eradication was made in 1950 with the use of D.D.T., which was the only known poison of any strength at that time. However, the use of D.D.T. as a blanket spray was largely unsuccessful; and the campaign that was initiated, although affording some relief to householders, did not by any means prevent the spread of ants to new areas. Thus, it appeared that the Government was faced with an annual expenditure of £20,000 to £30,000 per annum, with little prospect of reducing the infested area, and certainly with no chance of complete eradication.

It was not until 1951, after experimental work with a new insecticide called chlordane had shown some promise, that a new eradication campaign was planned. During the summer of 1952-53, a large area at South Perth and part of the municipality of Bunbury were tackled seriously with this

spray. The new poison proved quite successful, so much so that the Health Department, which still had control at that time, felt that at last something had been found which, if it were financed and organised properly, would give us a fairly good chance over a period of years of eradicating this pest. It was recommended that, as special legislation would be required to govern the financial aspects and organisation of such a campaign as would be necessary, the whole control should be passed from the Health Department to the Agricultural Department, which has a trained entomological staff. That was done.

Another factor in connection with the changeover is that the Argentine ant is not considered to be a public danger, but only a household nuisance, and therefore there is no real justification for the Health Department controlling the matter any longer. The Department of Agriculture has the men and equipment ready to work in conjunction and complete co-operation with local authorities everywhere. It has everything except legislative power. The department assumed control for the 1953-54 summer, and the programme was as follows:—

(a) Prevention of reinvasion of the experimental area at South Perth.

(b) Prevention of dissemination of ants from market gardens and woodyards.

(c) The treatment of Government buildings.

(d) The provision of spraying material to local authorities and individuals at cost.

The evidence obtained from the experiments at Bunbury and South Perth was sufficient to warrant a programme of eradication spread over a period of five years at a cost which it is estimated will be in the vicinity of £500,000.

As the financial side of any proposed scheme had to be considered, I, as Minister for Agriculture, arranged a conference on the 10th February of this year and invited local authorities' representatives and officers of the Department of Agriculture to attend. In my opinion, this was a most successful conference, which foreshadowed something of what we are attempting to do by this legislation and which we hope will lead to the eradication of this pest within a period of five years. The conference passed the following motion unanimously:—

> That this conference requests the responsible Minister to appoint a committee to examine and recommend proposals for legislation to be submitted to Parliament empowering the Government to collect the funds necessary to control and eradicate the Argentine ant, such a committee to embrace representatives of the Local Government Association, Road Board Association and the Country Municipal Councils' Association.

Provision for suitable Government representation was also to be made. On the strength of that resolution, I immediately took steps to appoint a representative committee consisting of the following:—

Director of Agriculture.

Deputy Director of Agriculture.

Government Entomologist, Department of Agriculture.

Chief Administrative Officer, Department of Agriculture.

Chief Health Inspector, Public Health Department.

Two members of the Road Board Association.

Two members of the Local Government Association.

Two members of the Country Municipal Councils' Association.

Two members of the Perth City Council.

As a result, a number of meetings have been held by the committee and the Bill now before Parliament has its wholehearted endorsement. A circular, to complete the background and history of the movement, was prepared outlining the proposed scheme. It was sent to every road board outside the metropolitan area and to the country municipal councils. This circular informed each local authority of its respective contribution for the 1954-55 season.

Members will note that the measure has retrospective effect to the 1st July of this year. This has been found necessary in order to authorise the collection of contributions by local authorities and to enable them to budget for the rates in this financial year. So the Bill makes the collection of funds retrospective to the 1st July. In support of the circular sent out by the Director of Agriculture, a further circular was forwarded to the Road Board Association, and the proposed scheme now has the whole-hearted support of every local authority and district that is in any way affected.

Mr. Yates: Do the local authorities approve of the contribution they will have to make?

The MINISTER FOR AGRICULTURE: Yes.

Mr. Ackland: Did you say this would apply to all road boards in the State?

The MINISTER FOR AGRICULTURE: No, to all those affected. All of those in the South-West Land Division will be asked to contribute.

Mr. Ackland: Not as you said on the Bush Fires Bill?

The MINISTER FOR AGRICULTURE: We do not want to bring up the argument about the bush fires.

Mr. Ackland: You are as wrong in your argument now as you were then.

The MINISTER FOR AGRICULTURE: I am not wrong now and I was not wrong then.

Hon. A. V. R. Abbott: Was the committee quite satisfied with the Government contribution?

The MINISTER FOR AGRICULTURE: Regarding the Bush Fires Bill, the committee considered that the member for Moore did not know what he was talking about and I personally agree with the committee. However, that has nothing to do with this measure. I have made a close check of the information supplied to me, and the measure is going to apply to the South-West Land Division for the time being, including the metropolitan area, and to nowhere else in the State. There is complete unanimity amongst the road boards in that area. Varying rates will be charged according to whether a particular town or area is infested or not. Those that are infested will pay more for the time being than will those not affected, but all will contribute something and all are prepared to contribute gladly.

Hon. A. F. Watts: A man rated for vermin tax will not be rated under this Bill?

The MINISTER FOR AGRICULTURE: That is so.

Hon. A. V. R. Abbott: Did the committee make any comment on the proportion of funds the Government is going to provide?

The MINISTER FOR AGRICULTURE: Yes.

Hon. A. V. R. Abbott: The commitee was quite happy about it?

The MINISTER FOR AGRICULTURE: Quite. Every point I am placing before the House has the complete support of the committee. This scheme will operate over a period of five years from the 1st July of this year. It may be that even though every possible effort be made during that period, the scheme may not prove to be quite successful, so provision is made in the Bill to permit an extension of the scheme.

Hon. Sir Ross McLarty: It means that the towns only will be rated.

The MINISTER FOR AGRICULTURE: Properties now contributing a vermin tax will not be called upon to pay this tax. Provision is made for the appointment of a committee to be known as the Argentine Ant Control Committee. This committee will consist of five members, four of whom will be nominated. The fifth member will be an ex officio member and will be the person for the time being appointed to the office of Director of Agriculture. He will also be the chairman of the committee. The four nominee members will be appointed by the Governor.

In order to obtain these nominations, the Minister will issue invitations to the City of Perth, the Local Government Association, the Country Municipal Councils' Association and the Road Board Association. Each of these authorities will be requested to furnish the Minister, within a period of not less than 14 days, the name of a person who is willing to accept office as a member of the committee. In the event of one of these bodies not forwarding a nomination, the Minister will inform the Governor, who shall appoint a person to represent that body.

Provision is made for the nominee members to appoint a deputy to act when they are not available, and, in the case of the ex-officio member, a deputy may be appointed by the Minister. All members will hold office for the duration of the scheme, but provision has been made for the Governor to dispense with the services of or remove a member from office for any of the reasons usually stipulated in Acts of Parliament, such as wrongdoing, insanity, etc. Each member, including the chairman, will have one vote only, and when the voting on any question is equal, it will be resolved in the negative. Subject to the Minister, the functions of the committee will be as follows:—

(a) Administration of the Act.

(b) Formulating and carrying out the scheme.

(c) Purchase or hire of equipment and purchase of materials.

(d) Employment of personnel to carry out the scheme.

(e) Enter into contracts.

(f) Delegate any of its powers to local authorities.

(g) Authorise expenditure from the fund.

The Bill will establish a fund to be known as the Argentine Ant Committee Fund. The estimated expenditure each year shall not exceed £105,000. The estimates of expenditure will be prepared each year and a copy will be forwarded to the Treasurer, the Minister, each local authority and the Agriculture Protection Board. The Treasurer, on behalf of the Government, will contribute an amount each year not exceeding £35,000. If the estimated expenditure in any year is less than £105,000, the amount contributed by the Treasurer will be in the ratio of £35,000 to £105,000, as applied to the estimated expenditure. In other words, the Treasurer will contribute one-third of the actual expenditure up to a limit of £35,000.

On the same basis, the Agriculture Protection Board will contribute a sum each year not exceeding £4,000, and the local

authorities a sum each year not exceeding £66,000. The committee will assess the amount which each local authority will pay as its share of the total contribution. The maximum contribution in the Bill for infested districts is ½d. in the £ on the unimproved capital value of a property, or 2½d. in the £ on the annual value of the property, based on the 1952 valuations.

Mr. Owen: Why go back to the 1952 valuations?

The MINISTER FOR AGRICULTURE: Those are the valuations this committee considers are reasonable and just.

Mr. Owen: Some valuations since then have gone up considerably.

The MINISTER FOR AGRICULTURE: Would the hon. member suggest that the valuations should be those of 1954? The committee has estimated the sum of money it requires for the scheme and it considers this to be a fair way of doing it. I do not say this is the fairest way, but it appears to be a fair way. On the basis of the 1952 valuations, the local authorities will contribute £66,000, the Government £35,000, and the Agriculture Protection Board, £4,000. This means that from these three sources we will receive each year a total amount of £105,000. I am told that this committee, comprised of local authorities throughout the South-West Land Division, after a good deal of examination, favoured this method of obtaining that sum. I do not know any more details.

Mr. Owen: There appear to be one or two anomalies in regard to the amount that is expected to be contributed by some of the bodies in comparison with the amount of infestation in their areas.

The MINISTER FOR AGRICULTURE: I do not know, at this stage, where the anomalies will come in, but if during the course of the debate the hon. member points them out, we will give every consideration to them, because we want the scheme to run as smoothly as possible. The Bill has been drafted as the result of meetings of these local authorities, plus the Department of Agriculture. They have gone into the whole matter very closely, but I must admit that this Bill, like all Bills, is not perfect.

If the hon. member can point to any provision which, in his opinion, ought to be changed, then no doubt the Government will give consideration to altering it. I have just dealt with a district that is infested. In respect of a district which is not infested, the maximum contributions are one-sixth of a penny in the £ on the unimproved capital value, or five-sixths of a penny in the £ on the annual value. The year 1952 will be taken for valuations, and not the present day. The Bill, as I have already said, exempts from the payment of contributions, any property which is subject to the Vermin Act.

Mr. Owen: That does not apply to infested districts, does it?

The MINISTER FOR AGRICULTURE: The first lot of figures that I quoted concerned the infested districts, and those I have just mentioned are the ones applicable to districts within the South-West Land Division which have not yet been unlucky enough to be infested, but as they are in this particular area and have been consulted in the past by this committee and have agreed to contribute to the scheme, that is the basis of their contribution. If the ant attacks their districts, they will have to make the higher payments. The Minister will, from time to time, declare the infested districts by notice in the "Government Gazette."

The committee may, by an authorised person—

(a) enter premises;

(b) inspect premises for the purpose of detecting ants;

(c) rid the premises of litter, or by written notice, require the owner of premises to do this;

(d) remove or require the owner to remove any movable thing which is likely to harbour ants or hinder treatment of premises;

(e) carry out treatment designed to control, prevent or destroy the ants.

The committee is required to cause as little inconvenience and damage as practicable, and must give an owner as much notice of its intentions as possible. Where owners do not carry out the instructions of the committee within a specified period, the committee may do the work and recover the expense of so doing in a court of competent jurisdiction.

This is an attempt made at this stage to give legislative sanction to a body being formed of people who are anxious to do their best to rid their districts, and the State in general, of this terrible curse that we have amongst us at the present time. I think the Bill is a good one but, as I said earlier, it is open for general debate and amendment in order to knock it into better shape if members so desire. I move—

That the Bill be now read a second time.

On motion by Mr. Yates, debate adjourned.

BILL—NATIVE WELFARE.

Second Reading.

Debate resumed from the 30th September.

HON. D. BRAND (Geraldton) [5.58]: I speak to this Bill because not only do we recognise the problem of native welfare as one which is basically national, but

because in my electorate the native presents a very real problem to all authorities within that constituency. This is so mainly because the district verges on the pastoral areas from where the natives migrate from time to time and, as a result of contact with the conditions of the whites, eventually settle in towns such as Mullewa and Mingenew, where they create a social problem which, I believe, the Minister, through this Bill, intends to alleviate in some way, or bring about a solution of it.

If there is evidence of goodwill in respect of the problem, it can be tackled if we have sufficient money to do so and it is done through such organisations as churches and missions, where the people concerned are undertaking this job purely as a work of love, which they feel it incumbent on them to assist in this life. That is one reason why in many respects State organisations and institutions often fail. It is because those employed by such institutions do not feel that they can go that extra mile in regard to the job they are doing.

With regard to the missions that take the native youngsters, train them and bring them up to semi-adult life, I have in mind particularly the Palotine Mission and others within the area that I represent, and I would urge all members of Parliament to visit some of those missions and see for themselves really what is being done for the native youngsters and what can be done, provided there is the will to do it and the money available to secure the requisite amenities and the wherewithal to educate these children. I feel that if the State is sufficiently interested, it could well provide the money to establish institutions of this nature and to help the missions throughout the State so that in the broadest sense the rising generation of the native population—apart from those who live in the far north or in the bush proper—may be better dealt with.

It would seem to me that from the time the native leaves school at 14 years of age, whether he attends a State school or spends his child-life in a mission, he begins to face his real problem, that of mixing with the outside world and trying to make his way in life alongside the white man who, up to the present at all events, has not been over co-operative. We hear a lot from women's organisations and other bodies that set out, purely from the propaganda angle, to do something for the natives, but their policy is one of theory only, and I wish that those who talk so much of what could be done for the natives would go out and endeavour to put into practice the theories that they put forward.

As you know, Mr. Speaker, representing as you do a large area in the North, the great difficulty is not so much the clash of colour, but rather the fact that the white is aware of the great difference between himself and the coloured person in the matter of hygiene. If the Government and the missions can place sufficient emphasis on the necessity for teaching the native to be clean and encouraging him to a greater sense of responsibility in health matters, I believe he will be more readily accepted by the white population wherever he may be. We often hear of the position which existed in the army and of how well their comrades thought of the natives who soldiered on, together with their white colleagues. I feel that it was because they were called upon to maintain certain standards of discipline and hygiene, with the result that they were readily accepted by their fellows.

There was one native in the section to which I belonged and I found him to be a very worth-while soldier and had no complaint whatever about him. I am convinced that if we can train the native population to be clean and to realise that the whites are prepared to accept them if they are clean, and can make them understand that the difference is not really one of colour, we will have accomplished a great deal.

In the Bill now before us the Government does not intend to give an overall citizenship right to all natives except full-bloods, and I am pleased to see that the Minister, in his wisdom, has decided not to press that amendment of the parent Act again this year. Although it is highly desirable that the native should ultimately be accepted by the white as an equal and be received into our society, I am convinced that the placing upon him by law, of the responsibilities of citizenship is not necessary and will not achieve that end.

In my electorate there are many natives who, although keen to join with the whites in their society and to work alongside them, are not anxious for citizenship rights. They would be happy, even though they were not allowed to go into hotels and do all the things that full citizenship rights would allow them to do, provided they were accepted by the white people. I am anxious that whatever legislation in this regard is brought before the House should not be directed towards forcing the native on the white, but rather towards the training of the native so that he will understand that if he conforms to certain standards of cleanliness and accepts certain responsibilities of citizenship, he will find that the white section of the community is willing to accept him.

I realise that the conditions under which the natives have lived in the past did not encourage those attributes which make for good citizenship or help them to grow into responsible citizens, but there again, if the powers that be are willing to make available sufficient money, decent accommodation can be provided for the natives, either in centres set aside for that purpose or within existing townsites. The department

has made some effort by providing ablution facilities in certain native camps in the area I represent. From what I can see, the natives are taking advantage of the fact that water is available, but these structures will deteriorate very quickly if they are not made more substantial and the natives who are using them are not taught how to look after them.

We know, too, that the Minister has stated that houses will be built in country centres and that certain selected natives will be placed in those houses as tenants. I think that is being done mainly as an experiment. The Minister will recall that on one occasion I wrote to him and pointed out that certain residents had protested because natives were being placed in houses which were erected on blocks in certain built-up areas. If the Minister and the Government are adamant on that point, and intend to force these families on the white people, do they not think that it will engender a feeling which we hope will be avoided? Would it not be wise to give consideration to the protests of these people rather than for the Government to say that these native families shall live in the midst of these white people? We know what has happened in the past. Immediately the native families are ostracised by the whites living on either side of them. I think it would be more profitable, and certainly a step in the right direction, if we could bring these people to the country towns by providing homes on the outskirts or within the townsite but not within residential areas already established.

The Minister for Housing: Why not?

Hon. D. BRAND: Because, if the Government intends to force the white population of country towns to accept native families by living alongside them, it will engender that feeling of dislike and that atmosphere which we are hopeful of avoiding and which I know the Minister desires to break down.

The Minister for Housing: Why pander to such prejudices?

Hon. D. BRAND: It is not a matter of pandering to these prejudices, as the Minister puts it. He is not one directly concerned. If he were placed in the position of living alongside a native family, it might be a different story. It is all very well for the Minister for Housing to shake his head; we all know that he will stick in his own electorate and not move far from it.

The Minister for Housing: Wherever it has been done, it has worked out satisfactorily. At first there was that feeling, but that was based purely on prejudice.

Hon. D. BRAND: It has not worked satisfactorily.

The Minister for Housing: Where the Housing Commission has placed coloured people?

Hon. D. BRAND: I am talking about those who have been settled in such districts. If there is a family which the Minister can recommend, or which is recommended by the local governing authority, to live among white people in residential areas in a country town, let them do so by all means. But do not remain adamant about native families who are to go there, irrespective of the type of people they are, because the whites will not have them.

Mr. May: I do not think they do that, do they?

Hon. D. BRAND: They do, and the hon. member knows they do.

Mr. May: No, because they are not doing it in Collie.

Hon. D. BRAND: I do not know the situation in Collie, but I do know that if we wish to make any progress in providing residences for natives in country towns, it must be brought about by stages so that the people there will accept them.

Mr. May: The member for Narrogin can tell you something about that.

Hon. D. BRAND: There may be many towns in which the experiment has been successful. But I ask the Minister not to lay down the idea as a matter of policy; he should treat each case on its merits, and in cases where he finds there is a reluctance on the part of the whites and the experiment is not working, he should do something about it and not jeopardise the scheme because he is bound by a clear-cut policy in this regard.

Under the Bill, the Minister intends that natives shall be allowed to enter hotel premises. I can readily understand the Minister's desire, but I do not believe that he or his department has taken into full consideration the reactions of the people concerned, namely, the travelling public, hotel proprietors and people who live in country towns where there is only one hotel. If we could be sure that all natives who entered hotels were reasonably clean—the member for Murchison smiles because he knows that what I say is true—and were acceptable to the white community or the travelling public, I am sure the Minister would be on the right track. But we all know that, in practice, it will not work.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. D. BRAND: I was discussing the problem that will arise if the Minister is successful in his move to repeal the section of the Act that prohibits natives from entering hotels except with the permission of the Commissioner of Native Affairs. Under the existing law a suitable native, who appreciates the standards required of him in taking his place in a hotel, can use such facilities, in the same way as any other citizen, if he applies for citizenship rights. Under this provision,

however, the Minister proposes to enable any native to enter any part of a hotel, including the bar or the lounge, in order that he shall be served with a soft drink if he requests it.

Despite that privilege, it will still be a breach of the law to serve him with intoxicating liquor, for which the person responsible, would incur a very heavy penalty. I can imagine many difficulties arising as a result of trying to decide which of the natives in the hotel bar holds citizenship rights. It could be that the one who holds such rights might be darker than the others. Therefore, the hotel, keeper would find himself in a most invidious position if he attempted to police the Act as it should be.

As the Leader of the Opposition has pointed out, the penalty for such a breach of the law is extremely heavy. Whilst we can appreciate the good intentions of the Minister to make those natives living in country towns feel that they are free to move anywhere as citizens, I claim that there will be some who will jeopardise any move in this direction by creating trouble in a hotel, by assuming an attitude of bravado and demanding accommodation when perhaps they may be the very type who would not be acceptable under any circumstances.

Mr. May: You get that type among whites, too.

Hon. D. BRAND: I expected that interjection to come forward, and rightly so, but the Minister, in the early part of his introduction of the Bill, asked that an amendment to the Act be made by substituting for the words, "and to protect them against injustice, imposition, and fraud" the words, "as the Minister in his discretion considers most fit to assist in their economic and social assimilation by the community of the State." That is a very desirable object, but I claim that, by throwing open all the hotels to all the natives that one may see around the countryside, he will not achieve his objective. On the contrary, he will build up prejudice, and, although the Minister for Housing says that we should not build up such prejudices, nevertheless, this amendment will build up prejudices among the white communities which will thwart the general progress that the Minister hopes to make towards assimilating the natives into society.

The people of the metropolitan area do not see this problem as closely or as personally as those who live in country towns. The hard, cold facts are that the travelling public today are demanding higher standards of accommodation and better service wherever they go. How then can a hotel proprietor be expected to cope with a problem such as this? Therefore, in the interests of the native himself, the Minister should not persevere witb this amendment, but be satisfied to allow all of those who obtain citizenship rights to enjoy what services or amenities they may find in a hotel.

I repeat, that to allow them within the precincts of a hotel and to say that they must not consume alcoholic liquor is something that will create a great problem and will constitute another law that we cannot police. I would like the Minister for Police to express himself on this subject because I am sure that his commissioner would readily point out the invidious position that local policemen would find themselves in trying to deal with this problem.

The Minister for Native Welfare: Do you know that many natives, under the Licensing Act, are entitled to enter hotels now?

Hon. D. BRAND: I know that. I have said so.

The Minister for Native Welfare: Well, what are you arguing the point about?

Hon. D. BRAND: The difficulty is that there are natives who have not reached a suitable standard to enable them to become eligible for citizenship rights.

The Minister for Native Welfare: If they have citizenship rights they are not natives under the law.

Hon. D. BRAND: I know that, but they are natives nevertheless and they are allowed to go into a hotel.

The Minister for Native Welfare: But those natives without citizenship rights are allowed to enter hotels.

Hon. D. BRAND: They are allowed to enter hotels with the permission of the Commissioner of Natives Affairs.

The Minister for Native Welfare: No, under the provisions of the Licensing Act.

Hon. D. BRAND: Yes, but there are certain conditions applying to their entering a hotel and I ask the Minister to reconsider his decision to amend the Act to allow all natives to enter any part of a hotel. I believe the reaction will be bad and I am sure the Minister will find that this will jeopardise the ultimate progress towards his objective of assimilating the native into our society.

We should go about this problem the other way. We should foster goodwill among the people living in country towns and ask for their assistance and co-operation, in order that the natives may be encouraged to feel that it is worth while to improve themselves so that they may ultimately obtain the amenities and rights which are indicated in this measure. Accordingly I am hopeful that the Minister and his department will reconsider their point of view. I know that the Licensed Victuallers' Association is very anxious about this amendment because its members see many difficulties if they are expected to police this Act, as they will be, if this

Bill becomes law. They are asked to accept great responsibilities and I should have thought their advice would have been sought, not so much the advice of those situated in the metropolitan area, but those who hold hotel licences in one-hotel towns.

I should imagine also that the Commercial Travellers' Association would be very interested in the problems arising out of the proposed law. It would be interested in seeing that the hotel proprietor is encouraged to maintain a high standard, and be able to say whom he shall have in his hotel, within certain limits. The Leader of the Opposition has an amendment on the notice paper which, if passed, will certainly improve the situation. I hope members will listen to the arguments put forward because I believe the suggestions that will be made arise from practical experience and not from theory.

In the past there has been too much theory in respect to this problem of helping the native; there has not been a sufficiently practical approach to it. I believe the local country policeman could make many practical suggestions as to the best way of dealing with the problem, because he is the one who in the ultimate is asked to carry the responsibility of policing the law, especially those problems arising out of its sudden amendment. Apart from those comments, I have no real objection to the Bill. There are many amendments proposed which I feel will be quite acceptable to the Chamber.

There is an awakening of the public conscience to the need to do something, but I believe this will be achieved only through the goodwill of the white population and not through legislation passed in this House that forces the acceptance of conditions in regard to natives, which they are not required to accept as they relate to the existing white population. I hope the Minister will give every consideration to the suggestions put forward in this House, and those that may be put forward in another place with regard to what should be the most practical approach to a problem with which we have so far not made a great deal of progress.

MR. MANNING (Harvey) [7.45]: I would like to take this opportunity of expressing an opinion on this measure. The Bill in its present form is much more acceptable than the one which came before the House last year. Although the bulk of the Bill is devoted to the deletion of many of the provisions of the parent Act, it still does not touch the contentious subject of citizenship rights. My main purpose in taking this opportunity to speak is to express the opinion that the Government should render all possible assistance to church missions in the work they are doing in this field. This has long been my opinion, and it is one that I have expressed here before. It is an opinion I should like to express again.

With considerable interest I noted that the member for Kimberley also touched on this angle. As he is one who has had considerable experience with native welfare work, he must speak with some authority on the subject. I know, and I know the Minister knows because he has said so, that the church missions have done a tremendous amount of work in the uplifting of the native population.

Down through the years they have been hampered in their work by lack of finance and assistance generally. But that assistance is slowly but surely being stepped up; and as it becomes more readily available, their work will expand. One thing is certain and it is that as this work is handed over to the missions, so the time will come when the need for citizenship rights will no longer exist. I think that is the line along which we should approach this problem, and I feel that the Government should turn its attention to the assistance of the missions in the work they are doing, and should encourage them to expand their activities farther and farther afield as time goes on.

As the work of the missions expands, so the responsibilities of the Department of Native Affairs, and the Government through that department, will be reduced very considerably, and slowly but surely the native population will come more into line with, and up to the standards of, the white population. I do not wish to speak at any length on this subject because I feel that the amendments on the notice paper can be debated during the Committee stage. But I would like to stress to the Minister that any assistance he gives to the church missions will reap a good reward in the field of native welfare.

THE MINISTER FOR NATIVE WELFARE (Hon. W. Hegney—Mt. Hawthorn—in reply) [7.48]: I do not propose to make an extensive reply to the debate, but I would like to say that, generally speaking, it is most pleasing to note that there has been a marked change in the attitude of members opposite regarding their reception of the Bill. When introducing the measure I indicated that I would invite amendments. I did the same about this time last year, but on that occasion members of the Opposition adopted rather a negative attitude and eventually the Bill was defeated in another place. On this occasion a number of amendments have been placed on the notice paper which is an indication that members generally propose to address themselves to the provisions of the Bill with a view, I hope, to ameliorating the position of the native community generally today.

I want to deal, firstly, with the remarks and suggested amendments of the Leader of the Opposition. They are not vital and

I am prepared to give consideration to them in Committee. His main objection was to the amendment dealing with reserves. It is proposed to amend the section governing the entry into native reserves. I would like the Leader of the Opposition to amplify his remarks on that amendment when he deals with it in Committee. He also referred to Section 61, a few subsections of which the Government proposes to repeal.

In the course of his remarks, the Leader of the Opposition said that any confession of guilt made by a native could not be admitted in evidence. I agree that that is the present law. He suggested that it be amended for the reason that the natives referred to knew as much about the law as the white population. That was the purport of his remarks. He said they understood the law and knew what they were doing, therefore they would be fully responsible for their actions.

But there is a vital difference, and I make no apology for pointing it out. While inequality exists between one section of the community and another, I am not prepared to impose more hardships or restrictions on the less favoured section. If, as in this particular instance, a confession is made by a native to a police officer and it is produced in court, it is not accepted as evidence. The existing law protects the native. I suggest that should be the position until such time as the less favoured section enjoys an equal status with other sections of the community.

That is my view. It is a fair and, I think, a humane one. If, as it is said, they are fully responsible for their actions and they know the purport of what they do, then natives are entitled to be regarded as full citizens, and to have all restrictions on their social and economic status removed. That is my opinion respecting Section 61 of the principal Act. Until the lot of the native is altered, I hope that section will remain as it is.

The Leader of the Opposition also suggested that a native should be returned to his ordinary place of residence at the end of his employment. I am prepared to consider that amendment. The member for Mt. Lawley suggested that the section in the Native Administration Act, which empowers the commissioner to fix wages, should be removed. That provision has been in operation for many years. I may point out that the commissioner does not override the provisions of an industrial award or registered industrial agreement.

Hon. A. V. R. Abbott: Why would he not override them?

The MINISTER FOR NATIVE WELFARE: Those provisions have not been overridden by the commissioner, and the question has never arisen. Without quoting a lot of figures, I want to explain the reason for the power being given to the commissioner to fix the wages for natives. The only place in which he exercises that power is in the far north of the State.

Hon. A. V. R. Abbott: Why?

The MINISTER FOR NATIVE WELFARE: I shall explain it.

Hon. A. V. R. Abbott: You keep on making assertions without explaining.

The MINISTER FOR NATIVE WELFARE: I do not propose to deal with this question extensively because there is some saneness in the suggestion for continuing the power of the commissioner. In the South-West Land Division, persons who are regarded as natives can command a fair wage for their work which, unfortunately, is to a large extent seasonal. A number of half-blood persons are doing shearing work in the Great Southern part of the State, and also in the wheat-belt. They are rendering a useful service.

Hon. D. Brand: I agree.

The MINISTER FOR NATIVE WELFARE: As far as I am aware, those persons are all members of the Australian Workers' Union, and they receive the award rates of pay. It is not proposed that the commissioner should fix their wages.

Hon. A. V. R. Abbott: He could.

The MINISTER FOR NATIVE WELFARE: He cannot.

Hon. A. V. R. Abbott: Why can he not?

The MINISTER FOR NATIVE WELFARE: Because, as the hon. member knows far better than I do, Commonwealth law overrides State law, and it is a Federal award which applies in the shearing industry.

Hon. A. V. R. Abbott: That deals with only one aspect.

The MINISTER FOR NATIVE WELFARE: The hon. member asked me that question, and I have given the answer.

Hon. A. V. R. Abbott: You admit the powers of the commissioner could override any State award.

The MINISTER FOR NATIVE WELFARE: I am not going to admit it. I think the member for Mt. Lawley is trying to be difficult. I was explaining the reason for the retention of the power given to the commissioner to fix wages under certain circumstances.

Hon. A. V. R. Abbott: I am not asking for your reason. I think you should explain to the House the view of the Crown Law Department on the law relating to this matter. I see you do not want to.

The Premier: The member for Mt. Lawley seems very savage tonight.

The MINISTER FOR NATIVE WELFARE: The hon. member is off the target. As far as I know, the provision giving this power to the commissioner has been in the Act for some 50 years.

Hon. A. V. R. Abbott: You know very well that the Arbitration Court award does not apply, because natives can only be employed under permits. That is why the provision has been there.

The MINISTER FOR NATIVE WELFARE: I want to clear that point up because I do not want any misunderstanding.

Under the present Act, a permit must be issued to an employer before he can employ any person of full-blood, or any person of less than half-blood, or any person of half-blood under 21 years of age.

Hon. A. V. R. Abbott: And over 21 years of age also.

The MINISTER FOR NATIVE WELFARE: The reason for retaining the power of the commissioner to fix wages is this: I have here a rather comprehensive statement setting out approximately the wages for station-hands, including females, employed in the Kimberley Division. It is suggested that as the full-blood aborigine in the far north is excluded from the provisions of the Federal award which, therefore embraces the cattle industry, it is reasonable for a representative of the Department of Native Affairs to have the authority to negotiate with any employer who desires to employ natives, on a reasonable wage.

Hon. A. V. R. Abbott: The commissioner's representative would not negotiate. He would simply say what he thought was a fair wage.

The MINISTER FOR NATIVE WELFARE: I think the hon. member will find that that position has never arisen yet. I shall not labour the reference of the member for Mt. Lawley because he will have another opportunity of discussing it in Committee.

The member for Greenough made some reference to the question of housing accommodation for the natives. I would like to reiterate that the principle being followed in connection with the solution of that problem is this: I believe that housing is one of the main factors which must receive the consideration of the Government. We propose progressively to build a number of houses for the accommodation of native families. The only complaint I have received has been from the member for Greenough about a particular block on which a home has been, or is proposed to be built for the native community.

Hon. D. Brand: I was not basing what I said purely on that. I was suggesting to you that you should not be adamant in regard to this problem if the experiment appears to be failing.

The MINISTER FOR NATIVE WELFARE: I think the hon. member can be assured that the whole of the circumstances at York are being closely watched. I invite him to look at the houses there at any time and discuss the position with near neighbours, and he will find that the people in the district are in full accord with what has been done. The position in the far north is different. A number of homes are being built, and the question of hurting the feelings of any white residents does not enter into the matter. I can assure the hon. member that everything possible is being done to have these people assimilated into the community, and not to offend any particular resident in any given area.

Hon. D. Brand: Could you make any comment on the experiment at New Norcia with concrete houses?

The MINISTER FOR NATIVE WELFARE: I know that, at the mission's own expense, a number of monocrete houses have been built on the main road. I have had the pleasure of seeing them, and I am advised by the Lord Abbott that the people are looking after their homes very well. Those buildings were erected for the married employees of the mission, and replaced some of the old outmoded dwellings.

Hon. D. Brand: They are being watched with interest.

The MINISTER FOR NATIVE WELFARE: Yes. It has been suggested to me that certain natives will not appreciate the houses provided for them. In that respect I think that people are anticipating a good deal. I know that up to date the homes that have been provided have been pretty well kept. I will guarantee that the ex-Minister for Housing, and the present Minister, know of people who have obtained homes from the State Housing Commission and who have been very careless and dilatory in looking after them. They are not natives, but white people; and there are quite a number of them.

I am glad that there has not been any violent opposition to the proposals in the Bill. I would like briefly to mention a matter that was raised by the member for Greenough regarding entrance into hotels for the purposes of obtaining board and lodging. I notice that the Leader of the Opposition has an amendment on the notice paper to which serious attention can be given. But I would point out that under the Licensing Act the position is, to an extent, obscure; and if certain people who are now regarded as natives demanded accommodation and were refused, they could make things fairly awkward for the licensee. The wording in the Native Administration Act is a little different from that in the Licensing Act. Section 152 of the latter reads as follows:—

> Every aboriginal native of Australia and every aboriginal half-caste—

they are two different classes of people—

—or child of a half-caste (such half-caste or child habitually associating and living with aboriginal natives), shall be deemed to be an aboriginal native within the meaning of this Act, and the court adjudicating upon any complaint may, in the absence of other sufficient evidence, decide on its own view and judgment whether any person, with reference to whom any proceedings are taken under the Act, is or is not an aboriginal native.

Hon. D. Brand: Under those conditions he would not have much chance of getting in if a hotel proprietor did not want him.

The MINISTER FOR NATIVE WELFARE: We will just see. Do not go too fast! Section 118 of the Licensing Act reads as follows:—

(1) Any holder of a publican's general licence, an hotel licence, or a wayside-house licence, or an Australian wine and beer licence, who, without reasonable cause, refuses to receive any person as a guest into his house, or to supply any person with food, liquor, refreshment or lodging, or (unless stabling accommodation has been dispensed with) to receive the horse or horses of a traveller and to provide them with sufficient provender and water, whether the owner or person in charge thereof lodges in his house or not, commits an offence against this Act.

So it will be seen how confusing the present licensing law can become. It is sought by means of this Bill, for the purpose of trying to make progress by instalments, to enact that the provision dealing with the prohibition against obtaining liquor be left as it is. But there are a number of people who are not entitled to enter a hotel for the purpose of obtaining accommodation or a meal, and it is felt that they should be entitled to consideration in that direction.

Last night I saw a man—I will not mention his name—who is one of many. He is an ex-member of the forces, and a highly respected member of the community. He served in Korea. That man was refused a meal in a hotel. I know another young man who is working in the country for a builder. He was educated at McDonald House; but he is not entitled to enter a hotel to obtain a meal, even though the hotel may be the only place where meals are provided.

Hon. A. V. R. Abbott: I thought you read out the Licensing Act to show—

The MINISTER FOR NATIVE WELFARE: I am showing the confusion that can arise. Certain people could now make it awkward for licensees if they wanted to. It is suggested that the Bill, either with or without an amendment of Clause 50, should be given a trial. If there is any abuse of the provision, it can always be amended. I do not know whether other members have had the experience, but I have shared a room in a hotel with whites who have come into the room drunk and committed all sorts of filthy abuses.

Hon. A. V. R. Abbott: That was not pleasing, was it?

The MINISTER FOR NATIVE WELFARE: No. But the tendency is to point the finger of scorn at some person who is a little darker in the skin than ourselves. There is a lot too much of that. In conclusion, I reiterate that it is very encouraging to know that, generally speaking, the Bill has been received favourably. I hope that means that the major provisions will be adopted by this Chamber and will be eventually passed by another place.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 8—agreed to.

Clause 9—Authority to acquire, improve and dispose of land to natives:

Hon. Sir ROSS McLARTY: I move an amendment—

That the words "on the recommendation of the Commissioner" in lines 31 and 32, page 3, be struck out.

I do not know why the words have been included, and I am glad that the Minister is prepared to have them deleted. There is no reason why the Minister should have to wait until he received the approval of the commissioner, because that is what it amounts to.

Amendment put and passed.

Hon. A. F. WATTS: I move an amendment—

That the words "and where there is inconsistency between regulations made under this Act and regulations under the Land Act, 1933, the regulations made under this Act prevail" in lines 11 to 15, page 5, be struck out.

As the Leader of the Opposition pointed out on the second reading, the inclusion of those words is not desirable and is likely to cause difficulty. If the words were deleted, the subclause would read—

(3) Notwithstanding the provisions of Subsection (2) of this section, the Governor may make such regulations as he thinks necessary or convenient for the purpose of giving effect to Subsection (1) of this section.

That would be satisfactory without including the succeeding words.

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

Clauses 10 to 12—agreed to.

Clause 13—Section 10 amended:

Hon. Sir ROSS McLARTY: I move an amendment—

> That after the words "Penalty: One hundred pounds" in line 37, page 8, the words "or six months' imprisonment or both" be inserted.

The clause relates to the issuing of a permit to a native under certain conditions, including a condition that the native shall submit himself to medical examination by such medical practitioner or medical practitioners as the Minister from time to time nominates. This is a safeguard against the spread of leprosy. I do not want to see a native imprisoned, but where is the native who could find a penalty of £100? That is not a practical proposition. If a monetary penalty were imposed, very few natives could find even a much smaller sum.

The need to guard against natives suffering from certain diseases was admitted by the Minister, and he made particular reference to leprosy. If a penalty of imprisonment were not provided and the fine were not paid, no punishment could be inflicted. The Minister might claim that a penalty is already provided in the Criminal Code. This may be so, but it would be wise to include the alternative provision in this Bill.

The MINISTER FOR NATIVE WELFARE: I am not against the idea of the Leader of the Opposition in wanting to impose the alternative penalty of six months' imprisonment, or both imprisonment and a fine, but since 1941, Section 10 of the parent Act has contained a provision to prevent the spread of leprosy. The fine under that section is £50 for a native who commits a breach; and any white person who causes a native to breach the law by coming below the 20th parallel without a permit is liable to be fined £100, with no imprisonment.

When I discussed the matter with the Crown Solicitor I thought the penalty of £100, without imprisonment, was not too severe. This provision is additional to Section 10. Under that section it is not possible for the Minister to allow certain natives residing north of the 20th parallel to come south of it for the purpose of employment. He cannot allow people to go in a pearling lugger from Broome, which is north of the 20th parallel, to Port Hedland which is south of it.

A young girl at the Church of Christ Mission at Roelands wanted to visit relatives at Fitzroy Crossing, and no less than three Ministers had to collaborate in order to allow her to travel there by plane and return. The clause only extends the provisions of Section 10 to safeguard the position with regard to the spread of leprosy. If the Leader of the Opposition insists on including the imprisonment penalty, it will be inconsistent with what is now in the Act.

Hon. Sir Ross McLarty: I do not mind wiping out the words, "or both."

The MINISTER FOR NATIVE WELFARE: I did not include any reference to imprisonment, because I followed the existing provisions.

Hon. Sir Ross McLarty: In many cases a fine could not be paid.

The MINISTER FOR NATIVE WELFARE: That is very likely.

Hon. Sir Ross McLarty: So no punishment could be inflicted.

The MINISTER FOR NATIVE WELFARE: I suggest that the Leader of the Opposition asks only for the addition of the words "or six months' imprisonment."

Hon. Sir Ross McLarty: I will agree to that.

The CHAIRMAN: Does the Leader of the Opposition ask leave to withdraw the words, "or both"?

Hon. A. V. R. Abbott: Have I the right to speak to the amendment before these words are withdrawn?

The CHAIRMAN: Yes.

Hon. A. V. R. ABBOTT: This is not unimportant. I regard this penalty as somewhat serious, because a native can be allowed to go south on certain conditions; and the Minister may direct a native to return, but he may not do so. The position there is different from where a native wanders off on his own accord. A native may be suffering from leprosy and the Minister may have given him permission to go south. If then he breaks his conditions, or does not return, I do not think the penalty is too much.

Mr. Lawrence: Are you opposing the Leader of the Opposition?

Hon. A. V. R. ABBOTT: I am having my say, yes. I am opposing the Leader of the Opposition on this matter. I agree with the amendment he moved. Under Section 16 the penalty is £200 or imprisonment with hard labour for two years, or both. I do not think the offence is half as serious as this other. I cannot see why the legislation should not be consistent and provide for a penalty of £100 or six months' imprisonment, or both. That would only be following the ordinary precedence.

The Minister for Native Welfare: I was merely following Section 10.

Hon. Sir ROSS McLARTY: I am not particular about including the words, "or both." A magistrate would not be likely

to impose a penalty of a fine of £100, plus imprisonment for six months. If we take out the words "or both," I do not think we will be doing any harm. This will indicate that there is no desire to inflict very severe penalties. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. Sir ROSS McLARTY: I move an amendment—

That after the words "One hundred pounds," in line 37, page 8, the words, "or six months' imprisonment" be added.

Amendment put and passed.

Hon. Sir ROSS McLARTY: I move an amendment—

That after the words "One hundred pounds" in line 23, page 9, the words "or six months' imprisonment" be added.

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

Clause 14—Section 11A added:

Hon. A. F. WATTS: I would like members to be certain that they know what would be the result of passing this clause because it seems to me to be far-reaching in its effect, particularly in view of earlier amendments to the Act. If this new section became part of the Act, the powers of the Public Works Act would be used to resume land for the purposes of native welfare. When we, a little while ago, passed a clause providing for new Section 6A we gave the Minister power to acquire land "with or without improvements whether by purchase, exchange, lease or otherwise for the purpose of sale or lease in accordance with the provisions of this section."

It would appear that if we pass the present clause, the land required may be resumed under the Public Works Act because the purpose for which it is required will be the purpose of this Act as contemplated by proposed new Section 11A. I am not entirely happy about that. I have on more than one occasion said here that I am not anxious to extend the resumption powers of the Crown. I realise that they must exist and in the main they have been exercised with discretion, but in more recent times, with more and more discomfort to members of the public whose property has had to be requisitioned.

I would therefore hesitate to include this power in the Bill in the present circumstances and unless the Minister can offer some sound explanation of the reason for its inclusion, I propose to vote against the clause.

The MINISTER FOR NATIVE WELFARE: The Public Works Act gives the Government of the day the right to resume land for public purposes and I think reference is made to that in the State Housing Act.

Hon. A. V. R. Abbott: But only for a specific period.

The MINISTER FOR NATIVE WELFARE: The Cown Solicitor and the Parliamentary Draftsman suggest that if land is at any time required for public purposes, reference should be made to it in this Act and the land resumed under the Public Works Act. This provision is required to clarify the whole position with regard to the acquisition of land. If the clause is passed we will not resume properties just for the sake of doing so—

Hon. A. V. R. Abbott: You might not always be Minister.

The MINISTER FOR NATIVE WELFARE: Unfortunately, no. I hope the member for Stirling will not persist in opposing the clause.

Hon. A. V. R. ABBOTT: I cannot see why natives should in this respect receive preference over other citizens. If the clause were passed, I might have a farm which the Government thought would be of use to the natives and it could be taken from me irrespective of my right to retain it. That is not reasonable and I think any acquiring of land should be by negotiation. The Act, of course, contains power to deal with Crown land, but I do not think land should be taken from private citizens for use by natives. I propose to vote against the clause.

Hon. A. F. WATTS: By a route different from that taken by the member for Mt. Lawley, I arrive at the same result and do not think the clause should remain in the Bill. For many years the Native Administration Act has been without the power of resumption and I do not think its requirements have materially suffered thereby. I would remind the Committee that no power of resumption has been exercised by the Crown in respect of any land settlement project under the war service land settlement agreement and yet all the desirable properties required were, with a few exceptions, acquired by private contract.

I do not think we want another power of resumption added for the purposes of this Act. If the Minister, in a year's time, said he had not been able to acquire property by a reasonable amount of negotiation, I would listen to him; but in the present circumstances I think the law should remain as it is, and I will oppose the clause.

Hon. D. BRAND: On what the Minister has said, I also propose to oppose the clause. I agree with the member for Stirling that if it is found necessary, in the interests of native welfare in this State, for this power to be given, Parliament will in due course agree, but I think there is too much resumption these days—

The Minister for Native Welfare: You should know!

Hon. D. BRAND: Perhaps, and I found nothing more nauseating during my three years as Minister than having to resume properties in the cause of progress, even though the owners were given real value and compensation in return.

The Minister for Lands: But you expected to have the power of resumption when you were Minister.

Hon. D. BRAND: Yes, in order to carry out certain public works.

The Minister for Lands: But you used it only where it was necessary, I take it?

Hon. D. BRAND: I believe that in the interests of safety first we should not include in the Bill authority for the Minister for Native Welfare to have powers of resumption. I believe it is not necessary at present and I feel sure that the Minister could, through private negotiations or private treaty, achieve all the objectives necessary as regards land or property resumptions, and I oppose the clause.

The Minister for Lands: You have not given any reasons for it.

Mr. BRADY: I think the Government should have power, under the Act, to resume land, and I am rather surprised that the member for Stirling should oppose this clause. When we discussed a similar measure last year, the member for Stirling twitted me about speaking ridiculously in regard to a provision similar to this. In other words, he complained that there was no land available for white people, let alone natives. That was the implication.

Hon. A. F. Watts: I would like you to prove that statement.

Mr. BRADY: It will be found in "Hansard."

Hon. A. F. Watts: My complaint was that no provision was made for half-castes.

Mr. BRADY: The inference was that there was no land available for white people, let alone natives. Not long ago the Broken Hill Pty. Co. Ltd. wanted some land in Western Australia, and nobody quibbled about a resumption of land for that purpose. Yet when the Government contemplates resuming land in order to settle certain human beings whose forbears have had a pretty raw deal in Western Australia for 150 years, members express surprise that it should be done. We do not mind resuming land for secondary and other industries, and I think we should agree to the same principle when it concerns human beings. I hope the clause will be agreed to.

Hon. D. Brand: I would like the member for South Fremantle to be here.

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

Ayes	19
Noes	18
Majority for	1

Ayes.

Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. O'Brien
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Styants
Mr. Johnson	Mr. May
Mr. Kelly	*(Teller.)*

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Ackland	Mr. North
Mr. Brand	Mr. Oldfield
Dame F. Cardell-Oliver	Mr. Owen
Mr. Cornell	Mr. Perkins
Mr. Court	Mr. Thorn
Mr. Doney	Mr. Watts
Mr. Manning	Mr. Wild
Sir Ross McLarty	Mr. Yates
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. J. Hegney	Mr. Bovell
Mr. Guthrie	Mr. Hutchinson
Mr. Nulsen	Mr. Hill
Mr. Tonkin	Mr. Nalder
Mr. Rhatigan	Mr. Mann
Mr. McCulloch	Mr. Hearman

Clause thus passed.

Clause 15—Section 13 repealed:

Hon. A. V. R. ABBOTT: As I said on the second reading, it is a pity that the Minister did not make provision, in this measure, to enable him to classify treatment under various sections. I can imagine circumstances in the far north-west of the State, where the authority now granted to the Minister under Section 13 would be most desirable. On the other hand, I agree with the Minister that it would not be desirable in the South-West where the natives are in closer touch with city conditions or the way of life which the average citizen leads.

Does not the Minister consider that circumstances may occur in the North-West where it would be desirable to ensure that a native remained in hospital for treatment; or may be a native becomes troublesome with other natives in the town and in such a case it would be desirable to send him to his own reserve for a period? The Minister mentioned the Health Act, but the Health Act gives the Minister authority to deal only with people who are sick or who have some disease that may be injurious to the community. A native may have a prejudice towards a hospital or the treatment he is receiving, and it may be necessary to discipline him in such circumstances. If the section is repealed the Minister will have no power to do that. Many natives are superstitious regarding medical treatment, which may be necessary to save their lives.

Mr. Lawrence: Does not that happen with a white man who has tuberculosis?

Hon. A. V. R. ABBOTT: That is so, and it could happen with a native. However, I am not speaking of a disease that is so infectious and in respect of which the necessary authority is given under the Health Act. The Minister could perhaps consider leaving these provisions out of the Bill this session in order to further review the matter.

The MINISTER FOR NATIVE WELFARE: Among other portions of the Act, it is desirable that this section should be repealed. It has been in the measure for approximately 20 years and if it is read closely it will be found that it gives a Minister of the Crown very wide powers. There is sufficient power under the Health Act to authorise the taking of precautionary health measures. Under Section 10, which has been amended, there is provision to curtail the movements of anybody who has contracted leprosy. Under this provision a Minister may order a native to be kept on a reserve, in an institution or in a hospital. If the native decides to walk off a reserve, for example, the Minister can prosecute him.

We want to make this a welfare provision if we can. It must be understood that the Health Act, the Police Act, the Traffic Act and any other Act apply to natives in the same way as to whites. Therefore, why have special Acts to impress upon the native community that they are singled out for certain restrictions to be imposed upon them? I am prepared to go to the fullest extent to protect the community against leprosy. However, a clause of this nature is long outmoded. In Derby, Hall's Creek or Wyndham the natives have been in contact with the white community for many years and they do not now run away from medical treatment as they did in the past. We should repeal this section and others of a like nature and then see what happens in the meantime. If it is found to be working disadvantageously to the community, we can reconsider the matter.

Clause put and passed.

Clauses 16 and 17—agreed to.

Clause 18—Section 16 amended:

Hon. Sir ROSS McLARTY: Section 16 provides a penalty against those persons who unlawfully remove a native from a reserve. Under the Bill it is proposed to add new Subsections (3) and (4). Why is it necessary, before a complaint can be lodged, to first obtain the approval of a protector?

The Minister for Native Welfare: That is a fair question.

Hon. Sir ROSS McLARTY: Take for example the far north, where there are certain reserves. A station-owner might be of the opinion that certain people were entering a reserve with the intention of creating trouble, but before he could take action, he would, according to this proposed amendment, first have to obtain the approval of a protector. He might not be able to obtain such approval readily and meanwhile the offending persons could be hundreds of miles away and no action could be taken against them. The Minister might be able to give reasons why it is necessary to obtain the permission of the protector in the first instance. I think we would be doing the right thing if we decided not to insert these subsections.

The MINISTER FOR NATIVE WELFARE: One of the reasons for introducing these provisions is that a native may apply for citizenship rights and receive his certificate, but his mother, uncle or sister may be on a reserve where he was previously residing. Is it reasonable to suggest that that native, who has lived in the company of his relatives for years, shall be excluded from entering the reserve when he desires to visit them?

Hon. Sir Ross McLarty: That would be most unreasonable.

The MINISTER FOR NATIVE WELFARE: Another point is that a prospector might enter a reserve in complete ignorance. He might be prospecting for gold or uranium and be completely unaware that he was on a reserve. Instead of bringing him before a court, the protector could be called in and if a reasonable explanation was put forward, no action would be taken.

Hon. A. V. R. Abbott: He is going to make and unmake the law. He will adjudicate, will he?

The MINISTER FOR NATIVE WELFARE: The member for Kimberley was a protector and a welfare officer in the Department of Native Affairs prior to his election to Parliament. These people will not run around looking for prosecutions. If they find anyone is trying to interfere, they will take action.

Hon. Sir Ross McLarty: Are we not going to wipe out the clause concerning reserves to which the Minister refers?

The MINISTER FOR NATIVE WELFARE: The reason why this provision has been put in is to prevent people being prosecuted in the cases I have mentioned. That is all.

Hon. Sir Ross McLarty: In the circumstances, who would prosecute them? The police would not, would they?

The MINISTER FOR NATIVE WELFARE: The police would be entitled to take action.

Hon. A. V. R. Abbott: But would they?

The MINISTER FOR NATIVE WELFARE: As a matter of fact, a number of policemen are protectors. The manager of a station could go on to a reserve looking for stockmen.

Hon. Sir Ross McLarty: But have not we dealt with this under another clause in the Bill?

The MINISTER FOR NATIVE WELFARE: This is the provision concerning the penalty for unlawfully going on to a reserve. It is not proposed to delete all the provisions but to prevent anybody being unduly harassed if he happens to go on to a reserve quite innocently.

Hon. A. V. R. ABBOTT: I do not think it matters very much, but surely the position is that the law, once it is enacted, should be enforced! It should not be the right of any person to say whether it should or should not be enforced. Why should discretion be given to the protector to say whether someone who has broken the law should or should not be prosecuted? The Minister is not usually given the right to say whether someone shall be prosecuted or not. It is an unusual provision.

The Minister for Native Welfare: The protector is the legal protector of the natives.

Clause put and passed.

Clauses 19 to 34—agreed to.

Clauses 35—Section 33 repealed and reenacted:

Hon. Sir ROSS McLARTY: I move an amendment—

> That the words "ordinarily lives" in line 8, page 13, be struck out and the words "was engaged" inserted in lieu.

During the second reading, I explained why I wished to move this amendment. A native may be engaged in a long droving contract. As the Minister said, he might come from the Kimberleys as far as Wiluna or Meekatharra. I can understand the justice of returning him to the place from whence he came. But there is the difficulty of his coming to such a place, meeting some of his friends and deciding to go to other parts for a few weeks. In that case, I do not think it would be fair to ask the employer who has employed him for a period to be responsible for transporting him to Broome, or wherever the place might be from whence he came. It should be the place where he was engaged. It is a safeguard and I think it is fair. I am glad the Minister agrees.

Amendment put and passed.

On motions by Hon. Sir Ross McLarty, clause further amended by striking out the words "ordinarily lives" in line 11, page 13, and inserting the words "was engaged" in lieu; and by striking out the words "ordinarily lives" in line 19, page 13, and inserting the words "was engaged" in lieu.

Clause, as amended, agreed to.

Clauses 36 to 38—agreed to.

Clause 39—Section 37 repealed and reenacted:

Hon. Sir ROSS McLARTY: I move an amendment—

> That the words "and includes a native who ordinarily lives upon the property of the employer and is wholly or partially dependent upon the earnings of the employer, or who would, but for the receipt of a pension, be so dependent" in lines 16 to 21, page 16, be struck out.

Those who have knowledge of the North-West realise that frequently when a native is employed, he brings with him many followers, such as his relatives and others who claim to be his relatives. How far are we to say that an employer should be responsible for all such followers? If my amendment is agreed to, the definition will read as follows:—

> "employee" means a native who is employed as an employee, or who is engaged as an independent contractor, by an employer.

I suggest to the Minister that the responsibility of an employer should end there. From his knowledge of the North-West the Minister must be aware that what I have stated is factual regarding the number of followers that may go on to a station because of the employment of a relative or friend. It is not reasonable to ask the employer to be responsible for the whole tribe. His responsibility should cease with the individual employed.

The MINISTER FOR NATIVE WELFARE: Under the present regulations under the Native Administration Act, an employer is responsible for conveying the dependants, including pensioners of employed natives, to the nearest hospital or nearest protector. That has been the position for a considerable number of years. In the northern part of the State where this regulation applies, it has proved to be in the interests of the employer. If he is to keep a native employee on the station, an employer knows that he has to look after the dependants as well. This is not a case of a native employee receiving high wages.

Hon. A. V. R. Abbott: He may be getting full wages.

The MINISTER FOR NATIVE WELFARE: It has been the practice of the employers to convey natives and their dependants to the nearest hospital. This is provided for in the regulation.

Hon. A. V. R. Abbott: At whose expense?

The MINISTER FOR NATIVE WELFARE: At the employer's expense.

Hon. A. V. R. Abbott: Was there not a medical fund?

The MINISTER FOR NATIVE WELFARE: Yes. The Leader of the Opposition is aware of the circumstances which operate in some of the Kimberley cattle stations. The owners would not worry about this clause because they have in the past conveyed the dependants to a hospital in case of illness. This clause would not appear in the Bill if natives had been receiving the award rates of pay. I have taken out some figures of the average wage paid to natives in the Kimberley district. I shall not quote the names of the stations. In the Fitzroy area, one head cattle-man received £7 a week, a cattle-man £1 a week, and two at £1 10s. a week. There are seven who received less than £1 per week.

Hon. A. V. R. Abbott: Was that not by agreement with the department?

The MINISTER FOR NATIVE WELFARE: I am merely stating what they received. There are others who received smaller amounts than those I mentioned and some higher.

Mr. Oldfield: How many others besides the employee does this station-owner keep?

The MINISTER FOR NATIVE WELFARE: Four, five or six. That is the position in the Kimberley district in which this regulation operates. It does not operate in the South-West Land Division.

Hon. A. V. R. Abbott: Of course it does.

The MINISTER FOR NATIVE WELFARE: Not in districts served by bitumen roads such as at York where it is a matter of running a sick native five miles to the hospital. It is different where a station-owner has to bring a native 150 miles to a hospital.

Mr. Yates: They do that under the regulation.

The MINISTER FOR NATIVE WELFARE: It is done by regulation now, and it has been the practice for years. It is proposed to lift the wording of the regulation into the Act. Where a native suffers an accident in the course of his employment, it is hoped that the provisions of the Workers' Compensation Act will apply under which he will be entitled to free transport to hospital.

Mr. Yates: But not his dependants.

The MINISTER FOR NATIVE WELFARE: No. This clause refers particularly to sickness. I do not know if the Leader of the Opposition will now persist with his amendment. The reason why it is intended to amend the Act is because the regulation has been in operation for years. I have studied a comprehensive statement of wages paid to natives, and I consider that this clause will work, not to the detriment of station-owners, but to their advantage. I suggest that the provision be left as it is in the Bill.

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

Ayes	18
Noes	19
Majority against	1

Ayes.

Mr. Abbott	Mr. Nimmo
Mr. Ackland	Mr. North
Mr. Brand	Mr. Oldfield
Dame F. Cardell-Oliver	Mr. Owen
Mr. Cornell	Mr. Perkins
Mr. Court	Mr. Thorn
Mr. Doney	Mr. Watts
Mr. Manning	Mr. Wild
Sir Ross McLarty	Mr. Yates

(Teller.)

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. May
Mr. Lapham	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Bovell	Mr. J. Hegney
Mr. Hutchinson	Mr. Guthrie
Mr. Hill	Mr. Nulsen
Mr. Nalder	Mr. Tonkin
Mr. Mann	Mr. Rhatigan
Mr. Hearman	Mr. McCulloch

Amendment thus negatived.

Hon. A. V. R. ABBOTT: We have to take into consideration the fact that if conditions of employment of a native are made too stringent, the native may be done harm and not good, because he will not be employed. The Minister says that, as far as possible, he is trying to place natives on an equal footing with other citizens. But in this clause he has gone a very long way. It is provided that when an employee becomes sick, or is affected by disease, or suffers an injury, the employer shall notify the fact in writing to the nearest protector; and, if it is expedient in the native's interest to remove him to a hospital, the employer if directed to do so by a protector must provide free transport and send the native to the protector, and provide free transport for conveying the native from the protector to the nearest or most accessible hospital.

I consider that is going a bit too far. I do not know whether the Minister has appreciated the fact that if a native said he had a bad pain and the employer failed to take him to the nearest hospital, his next-of-kin, in the event of his death on account of acute appendicitis or something like that, would have right of action against the employer. If a native got it into his head that by his merely asking that he be taken to the nearest hospital his employer would have to do it, he would take advantage of that. Does the Minister not think that is so?

The Minister for Native Welfare: No.

Hon. A. V. R. ABBOTT: I doubt whether the Minister is right. I think a lot of white men would do so, and I do not consider that a native is morally different.

Mr. Lawrence: Speak for yourself.

Hon. A. V. R. ABBOTT: I will speak for myself. I might even do so, too; and I think the member for South Fremantle might, if it suited his purpose. Not only is it required that the employer shall take a native to the nearest hospital, but he might have to take him 100 miles to the protector, and another 100 miles to a hospital that the protector considered suitable. That is making matters too difficult. If I were an employer, I would not employ a native under those conditions, because the risk would be too great.

It was said by the Minister that this provision has been embodied in the regulations. I know of no regulation to compel an employer, at his own expense, to take a native to hospital. Contributions have been made to a medical fund, and the fund has been responsible. Surely if a native is sick, his care is a Government responsibility and not that of an individual! If it is a Government responsibility, that is a different matter; and I would have no objection. But here the responsibility is thrown on the employer to make up his mind whether the native is genuinely sick. If the man's illness happened to be genuine, and he was not taken to hospital, the liability of the employer might be very serious.

That is taking the matter beyond the fair interests of the native. To insist that the employer must take the native to the protector and then convey him from the protector to the nearest or most accessible hospital is a little unreasonable, and I doubt whether it would operate in favour of the native.

The MINISTER FOR NATIVE WELFARE: The member for Mt. Lawley has overlooked the fact that this provision has been in the Act, word for word, for 19 years. The only part to which it would apply would be the far north where the wages are low.

Hon. A. V. R. Abbott: Do not say that, because it is not accurate. You know that it would apply anywhere in the State.

The MINISTER FOR NATIVE WELFARE: Only in the far-flung areas, such as the cattle stations in the far north and the sheep stations towards Pilbara would this position arise. The Act also requires employers to provide first-aid kit. Since I have held office, I have not heard of any dissatisfaction being expressed by employers at having to convey a sick native to hospital for treatment.

Mr. Court: There is a major difference in that the new measure provides for workers' compensation.

The MINISTER FOR NATIVE WELFARE: I am glad that that point has been mentioned. The premium rates for workers' compensation would be based on the wages paid per £100.

Mr. Court: It would include board and lodging.

The MINISTER FOR NATIVE WELFARE: I invite members to look at the figures I have before me. The wages bill is not high.

Mr. Court: Would that include the cost of camp-followers also?

The MINISTER FOR NATIVE WELFARE: No; but the employer would keep some camp-followers in order to retain native workers on the job.

Mr. Court: That has been so for a long time.

The MINISTER FOR NATIVE WELFARE: In workers' compensation cases, this would not apply, because the worker under that Act would be entitled to transport to the nearest hospital.

The CHAIRMAN: If the member for Mt. Lawley moves the amendment of which he has given notice, it will debar the Leader of the Opposition from moving his amendment.

Hon. A. V. R. ABBOTT: Then I shall move my amendment in this form—

> That the words "provide free transport for the native and send him to the nearest and most accessible hospital" in lines 34 to 37, page 16, be struck out.

Amendment put and negatived.

Hon. Sir ROSS McLARTY: I move an amendment—

> That the word "or" in line 37, page 16, be struck out.

If this amendment is agreed to, I shall move to delete the whole of subparagraph (ii) on page 17, which states that the employer shall—

> (ii) if directed to do so by a protector, provide free transport and send the native to the protector, and provide free transport for conveying the native from the protector to the nearest or most accessible hospital.

It could happen that the sick native would have to be conveyed past a hospital in order to reach the protector, which would mean additional expense to the employer. Why should not the native be taken direct to hospital?

Mr. Lawrence: The protector might go to see the patient.

Hon. Sir ROSS McLARTY: The employer might have to travel a long distance past the hospital in order to reach the protector. A number of pastoralists have discussed this provision with me and

cannot understand the reason for it. Why should the advice of the protector be obtained before conveying the native to hospital?

The MINISTER FOR NATIVE WELFARE: What the Leader of the Opposition objects to is part of the Act, and has been for 18 years.

Hon. A. V. R. Abbott: That does not say it is right, though.

The MINISTER FOR NATIVE WELFARE: I will undertake to discuss this point with the Commissioner of Native Affairs, and if there is any substance in what the Leader of the Opposition suggests, we will give consideration to amending the Bill in another place.

Hon. Sir Ross McLarty: Very well.

Amendment put and negatived.

Clause put and passed.

Clauses 40 to 49—agreed to.

Clause 50—Section 50 repealed:

Hon. Sir ROSS McLARTY: I move an amendment—

> That the word "repealed" in line 23, page 18, be struck out with a view to inserting in lieu the following words:—
>
> > "amended by adding the following proviso after the word 'Act' in the sixth line of the section:—
> >
> > > Provided that nothing in this section shall render it unlawful for any holder of such licence to admit any native upon his licensed premises for the purpose of having board and lodging therein.
> >
> > Subsection (2) of Section 50 of the principal Act is repealed."

From many angles this is the most contentious clause in the Bill. Representations in regard to it have already been made to a number of members representing rural areas. Under the Act, the offence of supplying liquor to a native is considered so serious as to warrant a maximum penalty of £100, or six months imprisonment, or both. The minimum fine provided is £20. It has been usual to fine a person, on his first conviction, the minimum amount of £20. This provision will still remain, but it is proposed to repeal Section 50. What would then be the position? It would mean that a native would have the right to enter any part of a hotel; he could demand accommodation; he could enter any bar or lounge. The hotelkeeper, however, would still be liable to a penalty if he or any of his employees—

The Minister for Native Welfare: I agree to this.

Hon. Sir ROSS McLARTY: Very well. My amendment will mean that a native cannot enter a hotel bar or lounge. I move the amendment because of the almost impossible position that a hotel proprietor or his employees would be placed in. We can imagine a crowded bar in which there are some natives with citizenship rights and others without them. How would the hotelkeeper discriminate between them? How would he know who should, and who should not be served? My amendment will get over that difficulty because it will not give natives the right to enter hotel lounges or bars, but it will not interfere with the Minister's proposal to allow them to have accommodation in hotels. The same conditions will apply to natives seeking accommodation, as apply to the rest of the community. If a person under the influence of liquor goes to a hotel, the hotel proprietor can refuse him accommodation. If he is in an unclean condition, accommodation can easily be refused, and that will still apply. I am glad the Minister has agreed to my amendment to this clause.

Hon. A. F. WATTS: I support the amendment moved by the Leader of the Opposition as I think it will be better than the original clause, but do not think it will solve the problem. I feel that the Government should entirely reconsider the clause. Like the member for Greenough, I do not think we will solve the problem by altering Section 50. What that hon. member said earlier this evening summarised, reasonably and carefully, the reactions of the various parties to this proposition. Unless, as he indicated, we educate both parties a little more than has been done in the past, I do not think simply repealing Section 50 will overcome the difficulty.

The amendment moved by the Leader of the Opposition would make clearer than it was previously the situation of the publican in regard to the native citizen—by that I do not mean the native with citizenship rights but any native. The native will not be eligible to seek refreshment in any part of the premises as might have been the case in view of the somewhat cloudy state of the law indicated by the Minister. I feel that the clause should be taken out of the Bill and an effort made to solve the problem.

Mr. ACKLAND: I am sorry the Leader of the Opposition has moved to amend the clause because I think Section 50 should be retained. The Minister has said, both last year and today, that he is anxious to break down the prejudice that he believes exists against natives in country districts. The repealing of Section 50 will, I think, start a greater wave of resentment than the Minister has any conception of. There are in my electorate a great number of coloured people, many of whom congregate

around Moora, and the people of that centre are particularly concerned at the intention of the Minister in this regard.

Yesterday I received a telegram from four hotel proprietors who conduct business in and around Moora. It states—

> With reference to the Native Administration Act, Section 50, we the undersigned request your strong support in the retention of Section 50 Native Administration Act.
>
> (Sgd.) J. Anderson, Miling Hotel.
> J. Paddon, Mogumber Hotel.
> George Houston, Commercial Hotel.
> J. McHenry, Moora Hotel.

I know just how concerned those and other people in the district are. In the Moora area there are some of the hardest workers and the finest women working for the welfare of natives that one would find anywhere in the State. Some of those women have given up a great deal of their own comfort and have admitted coloured people to their homes, and have done their best for them.

If the Minister's provision is agreed to and the natives are given the run of hotels and are allowed to go anywhere they like on licensed premises—and enter the lounges and bars, even though under the Act they cannot obtain intoxicating liquor—the Minister knows as well as I do that they will obtain alcohol. Although there are some coloured people who are just as clean as whites, the great majority of them are not, and if they are given the right which the Minister wants to give them—not as the Leader of the Opposition wants it—

The Minister for Native Welfare: I am prepared to accept his amendment.

Mr. ACKLAND: —the conditions in country hotels, particularly where there are a large number of natives, will become intolerable. I will vote against both the amendment moved by the Leader of the Opposition and the clause.

Hon. D. BRAND: Apparently we have arrived at a stage where we think that allowing natives to go into hotel premises will be a move towards solving their problems; but, on the contrary, I believe the amendment moved by the Leader of the Opposition would overcome many of the difficulties arising through allowing natives to go into hotels. The Minister has already pointed out that under the Licensing Act there is provision for natives to get hotel accommodation.

The Minister for Native Welfare: Certain of them.

Hon. D. BRAND: I wonder why, in view of that, he now proposes to delete Section 50? I feel that natives would be far happier if we kept them away from hotel environments where they would tend to mix with a lower grade of whites than would otherwise be the case. I think no good purpose will be achieved by deleting Section 50. We could do more for the natives by providing them with amenities and giving them more ginger pop and less alcohol. We should endeavour to keep them away from the atmosphere and environment of hotels.

The MINISTER FOR NATIVE WELFARE: I do not want anyone to get a wrong impression. I have tried to be cooperative and amenable to argument, as has been demonstrated. That is why I indicated that I would be prepared to agree to the amendment of the Leader of the Opposition.

Mr. Ackland: Why not report progress and have a thorough look at it?

The MINISTER FOR NATIVE WELFARE: I will go further and say that if it is considered there is still room for argument regarding the amendment of the Leader of the Opposition, I suggest it be agreed to and I shall discuss it with the Crown Law Department and the Commissioner of Native Affairs. No doubt it will be discussed in another place, and the Bill will be the subject of a conference.

Hon. A. V. R. ABBOTT: I do not altogether agree with the amendment that the Leader of the Opposition proposes to move because at the end it is proposed to repeal Subsection (2). Surely there must be a penalty imposed on a native who enters upon premises other than for the purpose of getting accommodation. Subsection (1) imposes a penalty on the licensee if he allows a native to go on premises other than for the purpose of obtaining accommodation, and if he permits a native to go there and loiter, he is subject to a severe penalty. If the amendment is agreed to and a native enters premises for the purpose of obtaining liquor, he will not be subject to a penalty. So I think Subsection (2) should be allowed to remain. If that is agreed to, the court would interpret the section as meaning that if a native entered premises for legitimate purposes it would be all right, but if he went there to obtain drink it would be all wrong.

Hon. Sir ROSS McLARTY: I had proposed to repeal Subsection (2), but the member for Mt. Lawley says that no penalty would be provided for a native who was on licensed premises for illegal purposes. I would be willing, if the Minister agreed, to allow Subsection (2) to remain in the Act. I discussed the matter with the Leader of the Country Party, and I would like to know his views on the proposal.

The CHAIRMAN: The position is that the member for Murray has moved that the word "repealed" be struck out. The hon. member can alter his proposed amendment after the word "repealed" is struck out, if he so desires.

Amendment put and passed.

Hon. Sir ROSS McLARTY: I move an amendment—

That in lieu of the words struck out, the following words be inserted:—

"amended by adding the following proviso after the word 'Act' in the sixth line of the section:—

Provided that nothing in this section shall render it unlawful for any holder of such licence to admit any native upon his licensed premises for the purpose of having board and lodging therein."

I have not moved to include the repeal of Subsection (2) and I would like to hear what the Minister thinks about it. Does the Minister think it should be repealed?

Hon. A. V. R. Abbott: I do not.

The MINISTER FOR NATIVE WELFARE: I accept the amendment as moved. Does the Leader of the Opposition propose to leave in Subsection (2).

Hon. A. F. Watts: No, that will be repealed.

The MINISTER FOR NATIVE WELFARE: That is all right.

Hon. Sir ROSS McLARTY: If we repeal Subsection (2) would any penalties be imposed upon a native who committed a breach of this particular section of the Act?

Hon. A. V. R. ABBOTT: I think it would read quite clearly. If a native has a right to enter premises for board and lodging he will be exempt from the provisions of the subsection. That is my view.

The Minister for Native Welfare: You mean the proviso would exempt him from the provisions of the Act.

Hon. A. V. R. ABBOTT: Yes. If he enters with the intention of obtaining liquor, or for any purpose other than obtaining board and lodging, he would be liable to a penalty; but if he enters for the purpose of obtaining board and lodging, he would be exempt. That is the interpretation I would place on it.

Mr. COURT: I think it is too dangerous to pass this amendment in its present form because I think we will have a hotchpotch Section 50. Even if Subsection (2) remains in the Act it will still not prove satisfactory either to the Minister or the Leader of the Opposition. I would prefer to report progress so that the legal aspect could be considered. I would not be happy if the only amendment to Section 50 was to be the insertion of the words proposed by the Leader of the Opposition.

The Minister for Housing: Why?

Mr. COURT: Because whether we leave Subsection (2) in or agree to delete it, the section would still not be satisfactory.

The Minister for Housing: If Subsection (2) is left in it will not be a satisfactory section.

Mr. COURT: If it is left out, it still will not be satisfactory. This should be the subject of a calm legal approach outside the Chamber.

Progress reported.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR EDUCATION (Hon. W. Hegney—Mt. Hawthorn): I move—

That the House at its rising adjourn till 2.15 on Thursday next.

Question put and passed.

House adjourned at 10.12 p.m.

Legislative Assembly

Thursday, 7th October, 1954.

CONTENTS.

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

QUESTIONS.

LOAN FUNDS.

As to Total Available for Public Works, etc.

Hon. D. BRAND asked the Minister for Works:

What were the total loan funds available for—

(a) public works;