substantiated in open court. Secondly, I think that most of the things desired by the Leader of the Opposition are already provided for. We have provided for the person of bad repute. The applicant convicted of an offence under the Act ought, in my opinion, to be left to the Commissioner of Native Affairs, because there are so many sections in the Act that may be breached by the natives prior to their applying for citizenship that would be of little or no consequence at all. For instance, the Commissioner, on behalf of a native, might arrange for him to do some shearing for a farmer, and the native might break the agreement. That would be a breach of the Native Administration Act, and the native could be penalised by the Commissioner. That might be held against him, but in certain instances I do not think it would be serious enough to debar him from getting his certificate of citizenship, because he might have had a legitimate reason for breaking the agreement.

Again, I am fearful that if we permit a municipal council or road board to authorise somebody to raise objections on its behalf against the issuing of a certificate of citizenship it will be a hindrance to the native concerned, because there is no gainsaying the fact that there are local authorities that hold a colour prejudice and do everything possible to keep natives out of their town. Some boards have even tried to chase natives from their districts in recent months. I have taken all the necessary precautions I thought I should take to debar those not likely to be successful if they obtained a certificate, and I have included provisions to deal with those who break faith. It is provided that their certificates shall be suspended for a period or for good, at the magistrate's discretion. It has also been provided that the Commissioner can produce the records of any individual native. I think we should leave it at that. In the course of next session or the session after, if any country members can submit legitimate amendments and prove that the measure is a little slipshod, and that natives are being admitted to citizenship too easily, I shall be prepared to make any amendments I think necessary.

New clause put and negatived.

Title—agreed to.

Bill reported with an amendment.

BILL—FRUIT GROWING INDUSTRY (TRUST FUND) ACT AMENDMENT.

Returned from the Council without amendment.

House adjourned at 10.13 p.m.

Legislative Council.

Wednesday, 11th October, 1944.

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

QUESTION—GOVERNMENT TRAM AND BUS SERVICES.

As to Industrial Disputes, etc.

Hon. A. THOMSON asked the Chief Secretary:

(i) How many stoppages of the Government tram and bus services in the metropolitan area have occurred through industrial disputes in the last 12 months?

(ii) How much revenue, is it estimated, was lost to the Department by such stoppages?

(iii) What were the complaints giving rise to the stop-work meeting on the 7th October last, which caused much public inconvenience and suffering?

(iv) Were these complaints of a nature that could be submitted to the State Arbitration Court and, if not, why not?

(v) Was the State Arbitration Court approached on the matter? If so, with what result?

(vi) If the State Arbitration Court was not approached, was there any sufficient reason why it should not have been?

(vii) Is the Government content to allow stoppages of the nature mentioned to take place without taking action to prevent them?

(viii) If not, what action will be taken to prevent further stoppages?

(ix) Are the employees paid for the hours spent at stop-work meetings?

The CHIEF SECRETARY replied:

(i) Three.

(ii) Exact figures are not available but the total loss of revenue would be in the vicinity of £10,000.

(iii) (a) Guarantee of annual leave as provided by the existing Award.

(b) War loading as from 1st June, 1944, at the rate of 5s. per week for adult workers and 2s. 6d. for juniors. It will be suggested that this remuneration shall be paid into a credit account on behalf of each employee in the form of War Savings Certificates which shall not be redeemable until after the war.

(c) Sick leave of six days per annum.

(d) Elimination of 12-hour spreads on week ends.

(e) No portion of a shift to exceed four hours.

(f) No extension of shifts or call-backs for the purpose of manning specials in connection with trots or other sporting fixtures.

(iv) Yes.

(v) No.

(vi) No.

(vii) and (viii) Every effort is made to prevent stoppages and the State's industrial records over many years indicate a very good achievement.

(ix) No.

BILL—LEGISLATIVE COUNCIL (POSTPONEMENT OF ELECTION).

Third Reading.

THE CHIEF SECRETARY [4.37]: I move—

That the Bill be now read a third time.

Question put.

The PRESIDENT: It is necessary, in the case of the vote on the third reading, that a division be held.

Division taken with the following result:—

Ayes	26
Noes	—
	—
Majority for	26
	—

AYES.

Hon. C. F. Baxter	Hon. J. G. Hislop
Hon. L. B. Bolton	Hon. W. H. Kitson
Hon. Sir Hal Colebatch	Hon. W. J. Mann
Hon. J. Cornell	Hon. G. W. Miles
Hon. L. Craig	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. H. L. Roche
Hon. J. M. Drew	Hon. H. Seddon
Hon. F. E. Gibson	Hon. A. Thomson
Hon. E. H. Gray	Hon. H. Tuckey
Hon. E. H. H. Hall	Hon. F. R. Welsh
Hon. W. R. Hall	Hon. C. B. Williams
Hon. V. Hamersley	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. C. R. Cornish (*Teller.*)

NOES.

Nil.

The PRESIDENT: The question, having been carried by more than the necessary absolute majority, passes in the affirmative.

Question thus passed.

Bill read a third time and transmitted to the Assembly.

BILL—SHEARERS' ACCOMMODATION ACT AMENDMENT.

Recommittal.

On motion by Hon. C. F. Baxter, Bill recommitted for the further consideration of Clause 7.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in Charge of the Bill.

Clause 7—Repeal of Section 13 and new section inserted:

Hon. C. F. BAXTER: For an offence against the Act, according to the proposed new Section 14, an employer will be liable to a penalty not exceeding £10, and for every day during his default, to a further penalty of £2. On the wording, this will mean that default will take place before conviction. The appropriate part of the existing Act, after providing for a penalty not exceeding £10, continues—

and for every day during which or any part of which his default shall continue after such conviction, he shall be liable to a further penalty not exceeding one pound.

I move an amendment—

That in line 8 of proposed new Section 13 after the word "default," the words "after such conviction" be inserted.

The HONORARY MINISTER: The object of the penalty is to ensure that an employer obeys the instructions of an inspector. The matter has to be decided by a magistrate. Therefore I oppose the amendment.

Hon. C. F. BAXTER: The Act is definite that the additional penalty shall operate only after conviction and we must safeguard the position. Surely the Minister does not contend that there should be a penalty of so much per day for every day before conviction!

The HONORARY MINISTER: The proposed new section should be allowed to stand. I believe that in the legislation governing local authorities there is a similar penalty for disobeying an order given by an inspector.

Hon. H. S. W. PARKER: The employer may be served with a notice to carry out certain work and may disregard it. He may then be proceeded against and the magistrate might inflict a penalty not exceeding £10, but he must also inflict a penalty not exceeding £2 for every day during which the employer is in default in complying with the notice. Such a penalty might be very severe. Some time may elapse before action is taken against the employer; and what Mr. Baxter desires is that the penalty should only run from the date of the conviction. The default would commence from the expiration of the date mentioned in the notice. If it is a glaring case, the employer might be fined the maximum amount; but if the offence were a technical one, he might be fined merely a nominal amount, plus a nominal penalty of, perhaps, 1s. a day for the period during which he is in default.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

> That in line 8 of proposed new Section 13 the word "of" be struck out and the words "not exceeding" inserted in lieu.

The Minister, I am sure, will agree to this amendment.

Hon. H. S. W. PARKER: Actually, the further penalty of £2 means "not exceeding £2." As, however, country justices who are unused to this class of language may come to the conclusion that the penalty is £2, it might be wise to insert the words "not exceeding."

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

Bill again reported with further amendments.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. SEDDON (North-East) [4.54]: I do not seek to offer any objection to the subject matter of the Bill, but there is one phase to which I would like to draw attention. It is that the measure proposes to amend two Acts. This is undesirable. Again and again attention has been drawn in this House to the situation that would be likely to arise by passing this type of Bill. The Law Society has pointed out that difficulties and confusion will arise when, on investigating the amending Act, it is found that another Act is also concerned. It would have been far better had the Government brought down two Bills, one to amend the Health Act, and the other the Nurses Registration Act. We would be well advised to request the Government to withdraw the Bill with a view to carrying out my suggestion.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—*New sections:*

Hon. J. G. HISLOP: I move an amendment—

> That in line 7 of the proposed new Section 13B. after the word "infirm," the words "and those declared to be in need of nervous treatment" be inserted.

If we allow the definition to stand as printed, we might exclude to a certain extent the training of nurses at Heathcote. It is possible that a nurse could receive her registration as a mental nurse without going to Heathcote. It is very desirable that a nurse should do the type of the work for which she is qualified. Claremont today is essentially a hospital at which only chronic treatment and care are given, whereas Heathcote is a hospital for the treatment of acute nervous disorders. Heathcote is a portion of the mental asylums system, and while it remains so it should be included in the scheme of things. The addition of the words I suggest would mean that the training of the mental nurses would need to be continued through Claremont and Heathcote.

In all forms of nursing it is essential that nurses should have experience of both the acute and chronic disorders, and it is not possible for a nurse at Claremont alone to get experience in the acute side of mental disorders. The words I suggest to be included are the words normally used on a certificate when one directs a patient to Heathcote.

The HONORARY MINISTER: I have not had an opportunity to obtain professional and technical advice on this amendment, and would not dare at the moment to voice any objections I might have to it. I shall therefore ask the Committee to agree to progress being reported.

The CHAIRMAN: Dr. Hislop has given notice of a new clause to provide that this Bill, if enacted, shall not come into operation until the 31st July, 1945. What he should do is to move to work that into the Title, so that it shall be provided there that the Act shall come into operation by proclamation on such and such a date.

Hon. J. G. Hislop: I am agreeable to that.

The CHAIRMAN: The alteration will be made by the clerks.

Progress reported.

BILL—EVIDENCE ACT AMENDMENT.

Second Reading

HON. J. A. DIMMITT (Metropolitan-Suburban) [5.5] in moving the second reading said: This Bill which seeks to amend Section 101 of the Evidence Act was brought before another place by Hon. N. Keenan, a King's Counsellor, a man who values his reputation as a lawyer and who would not lightly consider any amendment of the Evidence Act. Parents are without doubt very grievously concerned about the increasing incidence of sexual offences against children, and with the evidence of indecent exposure. Only a week or two ago a meeting of the Parents and Citizens' Association was held at the Hollywood State School, in the vicinity of which four sexual offences had been committed within a few weeks of each other. It was a meeting at which great indignation was expressed owing to the fact that it was practically impossible to obtain a conviction against the detestable criminal who will commit such a dreadful offence against a child, because Section 101 of the Act is worded as follows:—

> In any civil or criminal proceedings, or in any inquiry or examination in any court, or before any persons acting judicially, where any child of tender years who is tendered as a witness does not in the opinion of the court or person acting judicially understand the nature of an oath, the evidence of such child may be received though not given upon oath if in the opinion of the court or person acting judicially such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

Sub-section (2) says—

> No person shall be convicted of any crime or misdemeanour on the testimony of a child who gives evidence under the provisions of this section unless the testimony of such child is corroborated by other evidence in some material particular.

Persons who commit these sexual offences and offences of indecent exposure are admittedly mentally warped, but they have a craftiness and peculiar astuteness that prevent them from committing the offence in the presence of an adult person. The result is that the crime is only committed in the presence of other children who are not competent to give evidence on oath that these acts are committed, and it is therefore almost impossible to obtain a conviction under the Evidence Act as it now stands. The section of the Act which I have just read gives a court of summary jurisdiction power to take the evidence of children who, in the opinion of the court, understand the duty of speaking the truth without being sworn, but without corroborative evidence no conviction can possibly take place. That is a wise and proper course to adopt in normal prosecutions, but in the case of these sexual offences and of indecent exposure this provision acts as a complete protection for the criminal.

Members have to consider whether they are to protect the criminal or protect a child against the criminal. It is only a simple matter; it is a question of who is to receive the protection. Today under the Evidence Act the criminal is protected. This Bill will afford the protection in a reverse way. There is very little more to discuss. I leave it to the judgment of members to give the protection to the child even despite the remote possibility of a misdirection of justice owing to the chance of an innocent man being convicted. That is the only remedy. I trust members will support the Bill so that the child will receive that protection to which it is justly entitled, and so that parents may rest easy in their minds. Today the parents of children attending

school are greatly disturbed because of the many occurrences of sexual offences against innocent children. I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

MOTION—ELECTORAL REFORM.

To Inquire by Select Committee.

Debate resumed from the 3rd October on the following motion by Hon. C. F. Baxter:—

That a Select Committee of five members be appointed to inquire into the question of electoral reform, and to advise on amendments to existing legislation with a view to improving the representation of the people in the Parliament of the State.

HON. G. B. WOOD (East) [5.12]: This motion contains a very wide reference. The Select Committee could take evidence on almost anything it liked in regard to electoral reform and in regard to representation in Parliament. It could even take evidence as to the desirability or otherwise of abolishing this House, on the subject of plural voting for this House, or as to the abolition of State Parliaments. I hope that if the Select Committee is appointed it will take evidence on all these subjects. I am not in favour of a joint Select Committee such as has been suggested, because members of another place have definitely said they did not want a Select Committee appointed to deal with another matter. They had the opportunity to appoint a committee but did not avail themselves of it.

If a Select Committee is appointed I hope it will come from this House only. There is great scope for inquiry in connection with the machinery of the Electoral Act. That Act is definitely in need of an overhaul. During the recent elections I came into contact with many incidents which made me certain that several amendments to the Act, as well as much overhauling of it, are desirable. Mr. Fraser in the course of his speech said he was opposed to the appointment of a Select Committee. The only reason he advanced for his argument was that a Select Committee went into the matter of electoral reform nine years ago, but did not get very far. He gave no other reason for his opposition to the motion.

Hon. J. Cornell: It got a long way.

Hon. G. B. WOOD: It does not matter what it did, for nine years ago is a long time. It was a very feeble argument to use against this motion. Mr. Fraser made another statement which renders it desirable that a Select Committee should be appointed. He said that he had put 1,300 people on the roll right up to the time of the closing of the roll. If such a thing is possible it is time that steps were taken to prevent it. He said that it had to be, but I cannot see that at all. One factor that makes it possible is the time of the closing of the rolls. I must admit that I have lodged cards at 10 p.m. because the rolls closed at midnight, but I certainly think the procedure is quite wrong. It does not give the electoral officers a chance to check the cards. If a Select Committee is appointed, I hope to have the opportunity to give evidence regarding some of these points. In my opinion the main roll should close, say, in January and the supplementary roll in March.

I do not see why the rolls should be kept open right up to the last moment so that the organisation with the most money at its disposal can continue putting people on the roll. Mr. Heenan told the House that he had put on 2,000 names right up to the closing date. I do not see why that is necessary at all. The electoral officers should have ample time in which to check the applications. I do not suggest that Mr. Fraser or anyone else would wittingly put in cards improperly, but adequate time should be given to the electoral officers to make the necessary inquiries to ensure that the people were entitled to exercise the franchise. Then again I have discovered that there is no uniformity in the methods employed by electoral officers. Eight years ago it was most difficult to induce a returning officer to accept a card unless the block numbers of properties appeared on it. I know that in my province the officer told me to go away and get the block numbers. At the last election quite a different procedure was adopted.

Hon. J. Cornell: Of course that referred to ratepayers.

Hon. G. B. WOOD: Yes. I am not dealing with the position of householders at all. Nowadays I find it is quite easy to put in cards without the block numbers and they are not queried at all. At times quite a lot of trouble is occasioned in getting the required block numbers. A Select Committee could go into that matter and could decide

upon instructions that should be issued regarding what ought to be done and what ought not to be done. That applies particularly with regard to the double franchise where the wife and the husband each has a vote. Then there is the question of putting people on the rolls. Why should candidates have to undertake that duty? I do not see why the electoral officers should not carry out that task. I have found that of all the clerks of court in country districts only one sent out cards with the object of putting the names of people on the rolls. The fact is that most people are ignorant regarding the qualifications for enrolment. We have heard it said from time to time that the possession of wealth and property is necessary before a person can be enrolled—and people actually believe it. It is because of that that when cards are received people say, "I am not eligible to vote for the Legislative Council. There is some mistake about this." They do not take any notice of the cards. That happened in my province. Later on I visited some of the individuals concerned and put them on the roll.

I am positive that definite propaganda is being indulged in on this matter. For instance, I have a letter in my possession from a man who lives in Northam and it serves to prove what I say is correct when I assert that many of the people do not know that they are entitled to the franchise for the Council. The letter was not written in connection with the present matter but has reference to the franchise Bill and reads as follows—

> I urge you to support the Government's franchise Bill now before the Council. I am the breadwinner of my family but have not a vote for the representatives of my province in your House, the reason being that the property in which we live is in my wife's name who, incidentally, supports me in this request. Trusting you will not hesitate to do as requested.

The writer of that letter is one of very many who are ignorant on this point and there it is in black and white.

Hon. H. Seddon: How many letters have you received?

Hon. G. B. WOOD: I received six in connection with the franchise Bill although two were in the same handwriting. I believe that some people are deliberately spreading the assertion that unless a person has wealth and property he is unable to vote for the Council.

The Honorary Minister: By whom do you suggest that is being said? What party?

Hon. G. B. WOOD: I am not speaking about any party.

The Honorary Minister: Then what individual is saying it?

Hon. G. B. WOOD: Those people who are opposed to the franchise applicable to this House. I say without fear of successful contradiction that those people are deliberately spreading the propaganda. I have read the letter from one man who lives in the heart of Northam. The position regarding postal vote officers should be cleared up. Some of those men seem to regard the taking of a postal vote as conferring a favour. Some when approached say that they have resigned and will not take postal votes any more. I think that only responsible postal vote officers should be appointed, and they should be paid to carry out the work. We should not have all these irresponsible people who are now acting in that capacity. I do not know why the long list of 600 or 700 of them has been compiled. Recently I was doing some canvassing in North Perth and went to inquire about postal votes for some people only to be told that the officer had been dead for 10 years. Yet his name still appeared on the list. That position should be cleared up as a result of the Select Committee inquiry.

Hon. J. Cornell: Dead men have voted before today.

Hon. G. B. WOOD: I cannot understand why the huge list should be maintained and should include names of men who have been dead for years or have resigned. Another question that could be investigated is plural voting, to which I am opposed. For the East Province there are 1,200 postal voters. I do not refer to people who have left the district temporarily, but to 1,200 who are definitely living outside the province. At the last election I received 340 postal votes and my opponent secured 30. That means that out of a total of 1,200 votes under that heading only 370 were recorded although we devoted a lot of attention to the absentees. It shows that those people do not want to vote. In fact, some of them get very annoyed about it. I certainly do not believe that many people want to have two or three votes. We have heard of the individual who has the right to cast 10 votes.

Hon. A. Thomson: I do not think such an individual can be produced.

Hon. G. B. WOOD: Evidence could be taken on that matter. I am sure there were not very many people who voted two or three times at the last election.

Hon. E. M. Heenan: There were quite a lot.

Hon. G. B. WOOD: The Select Committee could investigate the position and ascertain whether plural voting is really worth while. I think the elector who has the right to vote in more than one province should be given the choice of where he would vote. A pastoralist with a station in the North may be residing in Perth. He should be given the choice of voting either for the North Province or for the Metropolitan Province.

Hon. L. B. Bolton: Should he not be entitled to vote in the province where he has large interests, even if he does live in Perth?

Hon. G. B. WOOD: He should be given the choice of where he would vote, either here or for the North Province. Personally, I would always prefer to cast my vote where my main business operations were centred. That is a matter that could be gone into by the Select Committee. I certainly hope the House will agree to the appointment of the Select Committee.

On motion by Hon. W. J. Mann, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY: I move—

That the House at its rising adjourn till Tuesday, the 17th October.

Question put and passed.

House adjourned at 5.28 p.m.

Legislative Assembly.

Wednesday, 11th October, 1944.

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

QUESTIONS (2).

VERMIN.

As to Destroying Emu Beaks.

Mr. KELLY asked the Minister for Agriculture:

(1) Is it a fact that road boards have to forward the beaks or beak of emus destroyed to the Vermin Department before a rebate is made?

(2) Would it not be more practicable and reduce costs if road boards were authorised to destroy emu beaks after inspection and in the presence of the chairman and secretary or police officer?

(3) Is he aware that beaks kept for several days create considerable stench and become very unpleasant to handle?

(4) Have specific instructions as to the method of handling emu beaks been issued to road boards and, if so, what conditions have been imposed?

The MINISTER FOR THE NORTH-WEST replied:

(1) Yes.

(2) Experience in handling vermin for bonus payment, both in Western Australia and the Eastern States, has proved this to be unsatisfactory.

(3) No.