by rail instead of by road transport to some small siding where they would be loaded on to motor lorries in order to carry them on to their ultimate destination. Therefore, I consider that the amendment proposed to be moved by the member for Stirling is quite reasonable. Nevertheless, I would like to see the amendment widened to embrace all outports because at Carnarvon and other North-West ports members are fully aware of the volume of goods that have to be transported from those centres.

Hon. A. F. Watts: The Act does not go beyond the 26th parallel in respect of this restriction.

Mr. OLDFIELD: I was under the impression the Act covered the whole State. Perhaps my information is wrong. Licences are needed by operators operating from Carnarvon, Wyndham or Albany if they travel more than 25 miles from their locality. An operator working from Carnarvon is allowed 25 miles free of permit, but after that he has to take out a licence. It could happen when there are two operators in a district up North that both apply for a permit to travel 25 miles, and one operator may be granted it but not the other.

Mr. Norton: The only licences I know of are those covering the journey from Carnarvon to Geraldton.

Mr. OLDFIELD: My information may be incorrect. If so, I apologise. I hope the Minister will see fit, during the Committee stages, to accept the amendments of the member for Stirling. I support the second reading.

On motion by Hon. A. F. Watts, debate adjourned.

House adjourned at 6.10 p.m.

### Legislative Council

Tuesday, 15th December, 1953.

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Government Employees (Promotions Appeal Board) Act Amendment (No. 1),

# BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT (No. 2).

Assembly's Amendment.

Amendment made by the Assembly now considered.

#### In Committee.

Hon. W. R. Hall in the Chair; Hon. H. Hearn in charge of the Bill.

The CHAIRMAN: The Assembly's amendment is as follows:—

Clause 2, line 17—After the word "specification" add the following:— "or any other reference to quality or make indicated by a label or stamp."

Hon. H. HEARN: I move-

That the amendment be agreed to.

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

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

## BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.10] in moving the second reading said: This is a small Bill designed to give effect to the desire of the Western Australian Fire Brigades Board, the Western Australian Fire Brigades Employees' Union and the Western Australian Fire Brigades Officers' Association for the provision of a promotions appeal board for the permanently employed firemen.

Discussions to this end have been taking place between the Fire Brigades Board and the two industrial organisations since 1951. All parties have agreed to the proposal, and it is considered that the best way to give effect to their wishes is by bringing the firemen within the ambit of the principal Act.

The opportunity is taken also to repeal the definition in the principal Act of "seniority" as applicable to school teachers. I have been informed that the teachers are not satisfied with the definition and that the Teachers' Union has requested the Minister for Education to have it deleted from the Act. The result will be that the teachers will then be covered by the general definition that applies to civil servants. I understand that they would prefer this to their present special definition.

Reverting to the firemen, they submitted a proposal for a special promotions appeal board from the fire brigade organisations. However, the Government decided that rather than set up another board, it would be preferable to amend this Act and bring the firemen under it. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

## BILL—BULK HANDLING ACT AMENDMENT (No. 1).

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [3.13] in moving the second reading said: The purpose of the Bill is to enable Cooperative Bulk Handling Ltd. to collect on the bulk deliveries of oats and barley tolls similar to those collected on wheat. While the company has exclusive rights for the handling of wheat, bulk deliveries of oats and barley will remain on a voluntary basis.

Members will be aware that oats and barley have been successfully handled in bulk by Co-operative Bulk Handling Ltd. for several years and it is unreasonable to expect wheatgrowers to continue to bear the whole cost of providing and maintaining bulk-handling installations and facilities while producers of the other cereals have free use of them. Growers of oats and barley themselves have expressed a desire to pay the toll and thus become shareholders of Co-operative Bulk Handling Ltd.

The parent Act provides for certain tolls to be collected by the company. One is known as the "foundation toll," the maximum of which is ld. per bushel, while the actual amount payable is fixed by the Governor. The other is known as a "port equipment toll", the maximum of which is 2d. per bushel, and again the amount payable is fixed by the Governor.

These tolls are actually an advance by the growers to the company to enable it to fulfil its obligations and establish country and port facilities. They represent a debt owed by the company to the growers which is repaid by debentures over five-yearly periods. Each wheatgrower from his toll credits acquires a single share in the capital of Co-operative Bulk Handling Ltd. and retains this share so long as he is an active grower of wheat. In this manner the company remains under the control of active wheatgrowers.

The application of the tolls to wheat-growers under the parent Act has been briefly explained because the Bill proposes that they will apply in a similar manner to growers of oats and barley. It is stressed that the Bill in no way departs from the present voluntary system of delivering oats and barley in bulk and does not therefore give the company any exclusive statutory right to handle oats and barley in bulk. This measure was requested by Co-operative Bulk Handling Ltd. and also by the growers of oats and barley. As it appears to be necessary and suited to their wishes, I move—

That the Bill be now read a second time.

On motion by Hon. L. C. Diver, debate adjourned.

### BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Recommittal.

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clauses 6, 7, 8, 16 and 17.

#### In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 6-Section 7 amended:

Hon. J. G. HISLOP: The object of the several amendments appearing on the notice paper is to amend the Act so that the Second Schedule may be introduced. In that schedule there is a basis of payment of 100 per cent. incapacity representing an amount of £2,000. In certain instances, that sum has been exceeded. In order to make such payments possible, the amendments are necessary and consequential.

Whenever we have altered the amount before, it has been necessary to reword every one of these clauses. On this occasion I have undertaken to put in amendments which will obviate having to do that in the future. If my amendments are carried, the position will be that when the schedule is altered from time to time, the clauses will stand because they contain no fixed figure, but only the appropriate amount as indicated in the schedule. It would be possible to go through every one of the amendments I have on the notice but all they mean is that if an individual is entitled to £2,000 for total incapacity, he receives up to that amount. and if he is entitled to something in excess of that figure, the amount is arranged for under the various headings. I move an amendment-

That all words after the word "amended" in line 2 be struck out and the following paragraphs inserted in lieu:—

- (a) by substituting for the words "amounts indicated in the second column thereof" in lines 6 and 7 of paragraph (a) the words "the appropriate amount indicated in that Schedule";
- (b) by substituting for the words "one thousand seven hundred and fifty pounds" in line 14 the words "two thousand pounds or where the amount indicated in the third column of such Schedule in respect of that injury exceeds two thousand pounds then the amount so indicated";
- (c) by substituting for the words "amount set out in the second column of" in line 2 of subparagraph (ii) of paragraph (e) the words "appropriate amount set out in the said table";
- (d) by substituting for the words "one thousand seven hundred and fifty pounds" in lines 5 and 6 of paragraph (f) the words "two thousand pounds in respect of any personal injury resulting from the one

- accident or where the amount indicated in the third column of such Schedule payable in respect of any injury resulting from the one accident exceeds two thousand pounds then such indicated amount";
- (e) by substituting for the words "one thousand seven hundred and fifty pounds" in lines 10 and 11 of paragraph (g) the words "two thousand pounds or where the worker has suffered an injury compensable under the table and the amount indicated in the third column of the table in respect of such an injury exceeds two thousand pounds then such indicated amount".

Hon. H. HEARN: I wish to state that I thoroughly agree with this amendment and the others appearing on the notice paper under Dr. Hislop's name. We previously got beyond the scope of the Bill, and I assure the Committee that all these amendments are consequential upon what we did to the Bill when it was in Committee.

The CHIEF SECRETARY: I assure the Committee that I disagree with the amendments, but I accept them because the schedule has been altered, and it is necessary now to carry them so that the Bill can be read in conjunction with the schedule.

Hon. H. K. Watson: You agree that they are consequential?

The CHIEF SECRETARY: Practically so, but I do not want the false impression gained that I willingly accept them. I accept them because I have no option. The procedure here is rather unusual. As a rule we alter the schedule to fit in with the Bill. This is the first time in my experience that we have altered a Bill to fit in with the schedule.

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

Clause 7—Section 8 amended:

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

That in lines 1 and 2 the words "Section eight of the principal Act is amended by" be struck out.

Amendment put and passed.

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

> That paragraph (c) be struck out and the following inserted in lieu:— Subsection (14) of Section eight

of the principal Act is amended—

(a) by substituting for the words "one thousand seven hundred and fifty

seven hundred and fifty pounds" in lines 12 and 13 the words "two thousand pounds or where such other disease results in an injury compensable under the Second Schedule to the Act and the amount indicated in the third column of such Schedule in respect of such injury exceeds two thousand pounds then such indicated amount";

- (b) by substituting for the words "Any worker who subsequent to the coming into operation of the Workers' Compensation Act Amendment Act, 1948, receives the full amount of one thousand two hundred and fifty pounds or who, prior to the coming into opera-tion of such Act, received the full amount of seven hundred and fifty pounds in respect of such period or periods of incapacity" in lines 23 to 26 inclusive the words "A worker who has received the full amount of compensation-
  - (a) of seven hundred and fifty pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1948;
  - (b) of one thousand two hundred and fifty pounds prior to the coming into operation of the Workers' C o mpensation Act, Amendment Act, 1951;
  - (c) of one thousand seven hundred and fifty pounds prior to the coming into operation of the Workers' Compensation Act Amendment Act, 1953; or
  - (d) after the coming into operation of the Workers' Compensation Act Amendment Act. 1953, of the sum of thousand pounds in respect of such period or periods οf i ncapacity or, in the case of a worker whose disease has resulted in an injury also entitling

him to compensation under the Second Shedule of the Act, of the appropriate maximum amount in respect of such period or periods of incapacity and such injury.

The lesser paragraphs (a), (b), (c) and (d) might be better marked in small Roman figures.

The CHAIRMAN: I take it this amendment has been drafted to fit in with the Act.

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

Clause 8-Section 11 amended:

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

That in line 5, after the word "pounds" the following words be added:

or where the worker in respect of the accident causing such permanent partial incapacity is also entitled to compensation under the Second Schedule for an injury mentioned therein and the amount indicated in the third column of such Schedule in respect of such injury exceeds two thousand pounds then such indicated amount.

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

Clause 16—Clause 11 of the First Schedule amended:

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

In line 5, after the words "two thousand pounds," the following words be added:—

or where the incapacity, liability for which is sought to be redeemed, was caused by an accident also resulting in an injury in respect of which the worker is entitled to compensation under the Second Schedule and the amount indicated in the third column of such Schedule in respect of such injury exceeds two thousand pounds then such indicated amount.

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

Clause 17—Second Schedule amended:

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

That in the Second Schedule inserted at a previous Committee the subheading—"Basis of computation: 100% Disability—£2,000", being the subheading of the table in such Second Schedule, be struck out and

the following heading inserted in lieu:-

In this table the basic index percentage of 100 is £2,000 and is used as the basis for the computation of the amounts specified in the third column of this table;

and that the heading-

"Recommendation (amount)"

wherever it appears at the heading of the third column of the table in such Second Schedule be struck out and the word "Amount" inserted in lieu

When this was first drawn up, there was doubt as to the manner of heading the schedule in order to make it clear that 100 per cent. disability equalled £2,000. It was later found that the word "disability" does not appear in the Act and that there could be a legal battle between the words "disability" and "incapacity." We have now been advised that the wording contained in this amendment will clear the matter up.

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

Bill again reported with further amendments and the reports adopted.

### BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st December.

HON, H. HEARN (Metropolitan) [3.35]: I know members will appreciate a brief speech at this stage of the session and so I will endeavour to keep within bounds, bearing in mind that we have a great deal of work to do before the session ends. This Bill, quite unlike the workers' compensation measure, which had something that we could amend in order to do justice to the workers, is, to my way of thinking, of no value and should be defeated on the second reading, as it contains nothing to justify our allowing it to go into Committee.

The more one examines the Bill the more apparent it becomes that it will achieve nothing of value but will give back to a militant minority the position it held prior to the 1952 legislation and by means of which it played such havoc with our State economy during the metal trades strike. The Bill seeks to attain the following objectives:—

- To amend the definition of "industrial matters".
- (2) To reinstate the old definition of "strike".
- (3) To grant preference to unionists.
- (4) To grant the right of entry to union officers.

- (5) To include domestics in the definition of "worker".
- (6) To limit independent action of the court on basic wage variations.
- To exclude lawyers from appearing in the Arbitration Court.
- (8) To practically abolish all gaol terms and substantially to reduce fines.

Arbitration was first introduced into this State in 1901, following the Commonwealth legislation of 1900, but very little was accomplished until 1912; and the Act, as we finally knew it prior to the 1952 amendments, was given to us in 1925. It has been my privilege to see the working and effect of arbitration on the industrial life of this State. I was a worker in 1912 when the furniture trade received its first Arbitration Court award and for the last 30 years I have been intimately associated with employers' bodies, dealing continuously with arbitration.

During the Address-in-reply debate I referred to arbitration at some length and mentioned that. in my opinion, workers' battle for hours, wages and working conditions had been substantially won. During the postwar years all unions, both State and Federal, have been on the receiving end of arbitration, and I think that at present the trade union leaders feel that very little can be gained for the unions in the next few years by means arbitration. of I sometimes whether it is that fact that makes the recognised trade union leaders, particularly in the Commonwealth sphere, so critical of arbitration. There is no doubt that from 1939 onwards they have won victories and have secured improved conditions for the worker, and it may be that at present they feel that, because of conditions that are just around the corner, they can hope to gain little through arbitration over the next few years.

the beginning Arbitration Court awards were based on need; in short, the court considered the question of what sum of money was necessary to keep a worker, his wife, and two children in a reasonable state of comfort. In the postwar years there has been a completely altered approach to the question and now it is based on the apparent capacity of industry to pay. When the Minister replies to the debate, I would like him to state explicitly why this Bill has been introduced this session. Certainly, it has not been introduced because of pressure from the public; it may have been introduced because of the pressure brought to bear by one or two I would remind left-wing trade unions. members that the 1952 legislation was introduced for a specific purpose. only a short time afterwards, a measure such as this is introduced, and it will revoke everything that we did on the pre-vious occasion. Had the Government waited for two or three years, so that it could have quoted some of those imaginary hardships that might be created by the legislation of last year, I could have understood it; the Government would have had a better case for introducing such legislation. But this savours of pressure from a small section of the industrial movement. When I say a small section, I mean a small section, because I believe that most of the trade union leaders in this State, and certainly thousands of trade unionists, feel that the wise thing was done in the 1952 amendment.

Hon. R. J. Boylen: That is only your story.

Hon. H. HEARN: Paragraph (a) of Clause 2 of the Bill seeks to amend the definition of "industrial matters", and to include in it "any matter which, the opinion of the court, may be the cause or contribute to the cause of a strike". If members study the principal Act they will find that about two pages are used to qualify "industrial matters". If paragraph (a) of this measure is passed, it will open the door so wide that the present definitions could be eliminated from the Act. All a union would have to do would be to go to the court and say, "We do not like the suit of clothes that John Brown is wearing the morning. It may have some influence the morning. It may have some influence on the good order and regulation of the fac-tory in which he is employed." On that On that filmsy excuse alone, the court could go into the works and make recommendations. To my mind, if this clause is agreed to, the present qualifying provisions of "industrial matters" contained in the Act, become unnecessary.

One illustration comes to my mind and probably some Fremantle members know of the case. There is one organisation in Fremantle, all the employees of which are East Fremantle Football Club members. It might be that a South Fremantle Football Club member joins the happy throng, and, as feelings run high on the question of sport, that could easily cause some disagreement in the establishment concerned. Are we going to say that the Arbitration Court or the Conciliation Commissioner should resolve such a stupid dispute as Some members may think that I am quoting extreme cases, but I am trying to illustrate just how widely the doors will be opened if paragraph (a) of Clause 2 is agreed to.

The paragraph not only concerns industrial strife, but it could also deal with certain machinery in a factory. The court could go into a factory and say that a particular type of machine did not suit its requirements and could order the proprietor to install any machines the court liked to specify. Some members may think that is the height of absurdity, but that sort of thing could happen.

Some time ago the unions were severely criticising conditions in the Railway and Tramway Departments. I wonder what the Minister for Railways would have thought if the court had been able to dictate just what type of amenities, machinery and the rest of it had to be used in the rehabilitation of the railways. Yet that could be the case if we adopted this particular provision.

Paragraph (b) of the same clause seeks to repeal the 1952 definition of "strike" and to reinsert the old definition. We all admit that for many years that definition was quite adequate in Western Australia. But in view of the development of communist sabotage in industrial affairs in Australia, that definition proved to be utterly useless in 1952; we found that out to our cost.

Prior to the evolution of the Communist Party as a wrecking force in Australia, any industrial strike was based on a genuine demand by the employees for a remedy of an industrial grievance or for an increase of wages. How many strikes in Australia, since the disastrous metal trades strike, have been held as a protest against certain political happenings? There is no need for me to go into the question; it is all history. Unfortunately, that sort of thing has been far too common in the industrial life of the Commonwealth. By the 1952 legislation, we endeavoured to protect the industrial life of this State, but after only a few months we are asked by the present Government to abolish those safeguards and open up the position. If we agreed to this Bill, we could have those strikes again and we would find ourselves just as helpless in time of trouble.

When the Act was amended in 1912, the definition inserted on that occasion made it impossible, so the then Government thought, for a strike to take place. Members are probably aware that in this State a strike is entirely illegal. As years passed and with subversive forces at work, we found it absolutely necessary to do something so that we might at least be able to fight openly the creeping paralysis of the rolling strike. Is it not strange that since that legislation was passed we have had no industrial trouble? I wonder whether the people who knew something of industrial troubles at that time realised how quickly, how hurriedly, the men who had taken these men out on strike, and kept them out for months, rushed for cover!

They realised that if the Bill became law, they were due for a lengthy stay as guests of Her Majesty! No genuine trade unionist objects to the existing legislation, but, with influences at work so near to us in the Pacific, I am absolutely satisfied that we need this legislation for the defence of our industrial standards. Possibly the Minister, in reply, could tell us just how much of the increases in freight we had to pass on as a result of the tremendous losses incurred through

the metal trades strike, both directly and indirectly. I cannot imagine why a responsible Government at this stage should want to revoke a perfectly good piece of legislation without giving it a trial for at least two or three years. Paragraph (c) of Clause 2 seeks to extend the definition of "worker" by bringing domestic servants in private homes within the scope of the Act.

Hon. G. Bennetts: Do not you think that is fair?

Hon. H. HEARN: I must admit that possibly at one time in the history of Australia it might have been fair, but if there is one section of the community now that can look after themselves as far as wages and conditions are concerned, I would immediately say it would be domestic servants, because, as members have found to their cost, they are almost an unknown quantity. There is no doubt that people employing domestic servants today are paying far more than would be paid to them if this amendment were agreed to. I know that the Minister will immediately say, "Why object to including them?" In my opinion, this provision is nothing less than an attempt to invade the sanctity of the home.

Hon. G. Bennetts: Domestic servants are being exploited.

Hon. H. HEARN: That will be the day! One could be sitting down at dinner and there could be a knock at the door, and on inquiring who it was, one would find it would be the industrial officer who had arrived to inquire into the conditions of the domestic servants one was employing. To my mind, that would be entirely distasteful. If anyone can tell me that a home can be run like a business, I am open to be convinced.

Clause 3, which seeks to amend Section 25 of the Act, is an attempt to reduce the penalties already provided, and this is followed by other amendments which aim at abolishing all penalties imposing terms of imprisonment for six months, with the exception of one which proposes to reduce the term of imprisonment from six to three months. These terms of imprisonment were incorporated in the Act to make certain that communist trade union leaders faced up to the full responsibility of the job they were doing. Of what use would it be to fine a communist trade union leader £100, £200, or any other sum? The Communist Party would pay. That party could always get men to do things for it as long as only a fine was imposed.

If the same man had to face up to a gaol term, he would find it a very different proposition. From the point of view of the industrial life of our State, the penalties enforced by the 1952 legislation were our only safeguard. I always remember the Chief Secretary, when sitting on the other side of the House and when

we were discussing penalties relating to breaches of the building regulations. We were talking about terms of imprisonment, and he said, "Why not send a man to gaol?" He would impose a term of imprisonment on a man for working, but would impose only a fine on a man who would sabotage our industrial movement.

I am amazed that this provision should be introduced. If communists were successful in obstructing the holding of a regular ballot or in conducting an irregular ballot, they would willingly pay any fine to ensure that those irregular ballots stood, and that their men were elected to office. In my opinion, the only consideration that prevents them from taking such action is a penalty of imprisonment. One other point we should not lose sight of is this: The 1952 Commonwealth legislation was passed in the hope that it would be in the interests of the Commonwealth and would prevent the machinations of the communists. That legislation was introduced by Dr. Evatt, who was Attorney General in the Chifley Government, with that object in view. Therefore, the previous Government in this State did nothing more nor less than follow his example by imposing terms of imprisonment and fines when it introduced its Bill in 1952. However, as it turned out, we did better than that because, in another place, on the suggestion of the then Leader of the Opposition, the fines were cut by half.

Therefore, we should leave well alone and ensure that this legislation continues to do what I claim it has done—preserve industrial peace. I think the Chief Secretary will be very hard put to it to persuade members in this House that it has done anything else. As for its spoiling employer-employee relations, that suggestion, to my mind, is a lot of bunkum, because the employer who is interested in his men and the men who are interested in their work are not affected by this legislation but are protected from the people who would wreck their efforts.

Clause 5 seeks to repeal Subsection (4) of Section 36F. This subsection gives parties the right to legal representation on an inquiry into an election. To my mind, the outcome of such an inquiry would be so serious, from a trade union point of view, or a trade union officer's point of view, that it is incredible to think that the Government should seek to prevent counsel from appearing at an inquiry which ultimately could result in a criminal prosecution. In fact, the Minister for Justice may be represented on such an inquiry. The employers are not involved by this subsection, but I would still like the Chief Secretary to tell me why he desires to make it impossible for a union to be represented at such an inquiry because, after all is said and done, anything could result from the holding of such an inquiry. If a criminal prosecution is to

follow, is it not fair and reasonable that the union secretary, or the union itself, should have the right to be represented?

Sitting suspended from 4.0 to 4.27 p.m.

Hon. H. HEARN: Before the suspension, I had mentioned that Dr. Evatt found it necessary to include the provision in the Commonwealth Arbitration Act to which I had drawn attention, and our own Government met the then Opposition in a reasonable fashion. Under Subsection (3), the Minister for Justice may be represented by counsel at any inquiry, but the parties will not be allowed counsel if that subsection is deleted. I have made it quite clear previously that this provision relating to legal representation is as much for the benefit of the union and the union secretary as it is for the employer, if not more.

Coming now to Clause 15, which deals with Section 67 (4), prior to 1952 counsel could not appear other than by agreement between all the parties except in a trial for an offence. The 1952 amendment allowed the court discretion as to whether counsel should be admitted where a question of law was involved. I think that is a very reasonable provision, having regard to the far-reaching effect of the court's decisions, and I am absolutely sure that it is necessary for the judges to have the benefit of counsel on such occasions.

The New South Wales and the Commonwealth Arbitration Acts allow the court, at its discretion, to permit counsel to appear on any matters, and I am absolutely certain that during the short period that the provision has been in the State Act there has been no abuse of it, and the Chief Secretary cannot tell me of any. I would like to quote two incidents on record concerning the attitude of the judges in this connection. First there is the case of "Cooke," (Industrial Inspector) v. Everett and Son (No, 33 of the W.A. Industrial Gazette, page 223). In that case Mr. Justice Jackson said—

Secondly, this case could, had the evidence been different, have been an extremely interesting one from the point of view of industrial law, and in such circumstances I must express my personal regret that the appellant in this case did not seek the services of counsel to conduct the case for him.

In the case Allen v. the Boot Trades Union, reported in Volume XXX of the "W.A. Industrial Gazette" at page 535.
Mr. Justice Jackson said—

When the matter was first argued before us, the union's secretary appeared, but it became obvious during the argument that questions of law arose. The court suggested that the union brief counsel to allow us the benefit of his assistance.

The union, wisely, I consider, adopted the suggestion.

Clause 16 proposes the insertion of a new Section 71A which deals with preference to unionists. This, of course, is the union secretary's dream. It means that he could sit back in his office and be sure of maintaining the numerical strength of his organisation without much physical effort on his part, and what is more tragic, as time went on, without endeavouring to stir himself. In a long-range plan, preference to unionists could do trade unionism quite a lot of harm. When the Chief Secretary dealt with the proposal by this Government and at this period, I cannot believe that he was optimistic enough to think that we would be prepared to approve of it.

My own objection is based chiefly on the restriction of personal liberty. We have heard something about human rights. May I quote from the "Chartered Accountant of Australia" of the 20th October, 1953, as follows:—

The Declaration of Human Rights signed in Paris in December, 1948, states that everybody shall have the right to all possible freedom but that no one may be compelled to join an organisation.

Australia is a signatory to that document. The International Labour Organisation has, by resolution, endorsed the statement that workers must be free to form an association, but that the individual must be free to decide whether to join or not to join. Australia is affiliated with that organisation. Yet we are asked to be in the vanguard of the free world in making a mockery of those declarations.

Hon, C. W. D. Barker: Do you believe that the Declaration of Human Rights should be carried out to the letter?

Hon. H. HEARN: The hon. member may speak when I have finished. The Minister in another place, when moving the second reading of the Aborigines Welfare Bill, referred to the doctrine of human rights. Yet so consistent is the Government, that in one Bill it cuts right across that declaration and in another explores this avenue as though Labour were the sole champion of liberty and freedom! I say definitely that the decision whether a man shall join an industrial union, bearing in mind that by so doing he is also tying himself to a political party, should be left to the discretion of the in-Unless we definitely maintain dividual. that principle, we shall be taking a retrograde step. Of course we shall be told that a man should join a union and that a unionist must have preference regardless of any other consideration.

The Minister for the North-West: Just the same as doctors.

Hon. H. HEARN: I am not a doctor, but I am saying that if a man has the capacity to do a certain job, the question of whether he is a unionist or non-unionist should not enter into consideration. I believe in trade unionism, but not in compulsory trade unionism. I am quite satisfied in my own mind that when the Government brought down this provision, it was certain that it would not be passed, and I suspect that the Government was actuated by some political motive in including it in the Bill.

A recent congress of the Australian Labour Party decided that each affiliated union must pay a contribution in respect of every member. This was possibly before the recent decision as a union to exclude members when making its per capita contribution to the funds of the party. Following a recent congress, however, it is imperative that the union secretary submit a complete return of all members. To follow this to its logical conclusion, a man who may be a communist, a Labourite or a member of the Country Party, on becoming a trade unionist, must subscribe to the political funds of the Labour Party. And they call this freedom!

Clause 18 of the Bill seeks to repeal Section 98A which empowers the court to cancel or suspend an award during a time of strike or industrial trouble. The court may suspend or cancel an award in whole or part or in respect of any person, class of person or locality where the union is defying an award of the court or contravening the Act or an award and there is sufficient reason to believe that it is continuing to do so. Again I remind members that this provision was first instituted in the Commonwealth Arbitration Act by Dr. Evatt in 1947. This is a necessary power to meet an emergency, as was discovered when the Chifley Government was having so much trouble with the rolling strikes instigated by the communists. We have had this power in our Act since the amending measure was passed last year and it has done nothing but good, because there has been no suggestion of any industrial trouble. Yet the Government now desires to delete it from the Act.

The Chief Secretary: We went many years before that without its being in the Act.

Hon. H. HEARN: That is so, but, as I have pointed out, the industrial conditions prevailing today are very different from those that operated in 1925 and 1912.

The Chief Secretary: Last year's legislation was panic legislation.

Hon. H. HEARN: Panic legislation, after a strike that had cost the State millions of money! So far it has not been necessary for the State court to avail itself of this power, and it would be used only when a union receiving the benefits of an

award, refused to accept the court's authority. If the union is not prepared to accept arbitration, it should not be entitled to the protection of the court. If a group of workers is on strike and continues on strike, why should the award of the court continue to give it any rights? I repeat that since the insertion of this provision in 1952 we have had no industrial trouble, and the amendments then made to the Act have proved most effective.

The Act provides that the court may adjust and amend the basic wage quarterly, but the Bill endeavours to alter the word "may" to "shall". After hearing the parties and considering the evidence and circumstances, the court now decides whether it should make an adjustment, but the Government is asking Parliament to say that the court must do what it has already decided is wrong. That is, in my opinion, an attempt to interfere with the jurisdiction of the court. If that provision were agreed to, our court would be the only Arbitration Court in Australia compelled to continue quarterly adjustments, although I believe that there is similar legislation before the Victorian Parliament at present.

I again remind members of the favourable position of the worker in this State where his basic wage is 10s 6d. higher than the Federal standard. I emphasise once more that the award in this State is not an award based on needs, but on the capacity of industry to pay, together with a prosperity allowance. For the good of the Commonwealth and its people, any move that can be made to arrest inflation and bring value back into our Australian currency should be given a fair trial.

My chief argument against the Bill, apart from what I have alread said, is the fact that the Act as it stands has not been given a fair trial. The next provision with which I will deal is that relating to the right of entry, a subject that has been discussed by unions and employers for many years. From my own great experience of industrial affairs—not only in my own business, but also in the whole field of Western Australian industry I say that never, with the exception of an infinitesimal number of instances, has any employer refused a decent union On one or official the right of entry. two occasions unreasonable officials have made a nuisance of themselves in fac-tories and have been refused entry from then onwards; but, by and large, the practice of allowing union secretaries to enter worked satisfactorily factories has throughout the years.

We are now asked to make what we gave as an act of courtesy, an inherent right of union secretaries. It appears to me that the Government, in introducing the provision, must have known little of industry. If union officials are given the right of entry under the Act, it could mean that an industry which had secret machinery or secret processes might find it difficult to maintain the privacy it desired in that regard. I would like the Chief Secretary, when replying, to give some reason why freedom of entry should be incorporated in the Act.

Of course there is the question of the official being proved wilful, but I would like any member to tell me how that could be proved in a court of law. If this provision became part of the Act, there is no question but that a person nominated by the union would have the right of entry into a factory. The more I examine the measure, the more satisfied I am that it should not survive the second reading. We must bear in mind that the provisions which the Bill seeks to alter have had only one year's trial and during that period we have had industrial peace. All that the Chief Secretary could say in justifica-tion of the proposal, when introducing the measure, was that an attempt was being made to improve the relations between employers and employees. I will vote against the second reading.

HON. C. H. SIMPSON (Midland) [4.46]: Having listened to the speech so ably made by Mr. Hearn, and his recommendations regarding the Bill—in which I entirely concur—I feel that the ground has been covered and that the copious notes I have perpared would simply mean recapitulation of what has already been placed before the House. I will, therefore, not labour those points, but repeat that I heartily concur in each of the submissions made by Mr. Hearn.

Members will recall that it was my duty—as Leader of the House at that time—to introduce the legislation embodying those amendments to the Industrial Arbitration Act which the Bill now before us seeks to amend. That legislation was rendered necessary by the worst strike in our history, which lasted for six months and the effects of which were felt for at least 12 months. The strike commenced in February and ended in August, 1952, but it was not until May of this year that the engine power of the railways was sufficiently restored to enable the railway services to be built up to their previous capacity.

I have vivid recollections of the trouble experienced—I was Minister for Railways at that time—over a period of six months and the atmosphere of uncertainty as to what was going to happen from one day to the next. Every week or so there were rumours that the strikers were going to talk terms or give in and go back to work, but each time, after these alarms and rumours, nothing happened. The main trouble was that owing to the overlapping of the Federal and State court awards, and the fact that our Arbitration Act was not sufficiently comprehensive to

deal with persons actually keeping a strike going, there was necessity to alter the Act so that such persons could be dealt with.

It is significant that when the legislation was being introduced and its terms became known, the strike immediately fizzled out. During the period in which consideration was being given to that legislation, there were taken into account two Acts which were on the statute books of other States, one in Victoria and one in New South Wales. The first was the Essential Services Act of Victoria and the other, I think, was known as the Emergency Services Act of New South Wales. At all events, that emergency legislation enabled the Executive in each of those States to take over from the judiciary and suspend all existing laws and, in effect, become dictatorial for the time being in order that the public might be safeguarded.

The New South Wales Act was brought into being at a time when a coal strike was paralysing the industry of the country and such legislation was necessary to enable the Commonwealth Government to place soldiers at the disposal of the State in order that the coalmines might be worked and coal provided to keep essential services going. We did not go as far as that and I mention that fact because the Bill we passed has been called a punitive measure, while, in fact, it was nothing of the kind, but was designed to protect the worker himself against the extremist element. Had we desired to be punitive. we could easily have passed an Act along the lines of those I have mentioned in order to give the Government, for the time being, powers similar to what is contained in those Acts.

There is something to be said for the idea that the Government should have powers such as that in case of emergency and for transferring complete power for the time being from the judiciary to the Executive. The function of the judge of the Arbitration Court is essentially conciliation and arbitration, and there are limits to the powers which might be vested in him because he does not desire to apply punitive measures when possibly, within a short time, he may face the same people in a matter requiring conciliation. From that point of view, there is merit in the Government's taking over responsibility for the time being.

In the Acts of both New South Wales and Victoria there are the necessary safe-guards. In each case the Government is obliged to call Parliament together within a limited time—or so many members of Parliament could demand that Parliament be called together—to decide, in debate, whether the action taken by the Government under those powers was justified in the circumstances existing. Directly the legislation which we passed last year was

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introduced, and while it was still the subject of debate in Parliament, the strike collapsed and, as Mr. Hearn has said, we have had industrial peace ever since.

I think it would be interesting to place on record the figures relating to the days lost and the money lost in wages for the I have six months ended March, 1953. taken that six months because it represents a period, as far as this State is concerned, during which the Arbitration Act at present on our statute books was operating. For the six months ended March, 1953, the figures are as follows; working days lost, New South Wales, 226,706 with an estimated value of wages lost, £723,344. The figures for Victoria were, 20,180 days lost; and wages, £82,380. For Queensland the days lost were 26,733 and the value of wages was £84,841. In South Australia the days lost were 45,921 and the value of wages was £175,593. In Western Australia 4,942 days were lost and the wages lost amounted to £15,539; while in Tasmania 57,546 days were lost for a wages value of £18.288.

The Chief Secretary: Those figures are pretty high. They work out at from £3 to £4 per day in some cases.

Hon. C. H. SIMPSON: Those are the figures which have been compiled—

The Chief Secretary: They are pretty tall.

Hon. C. H. SIMPSON: They are accurate.

The Chief Secretary: The New South Wales figures work out at about £4 per

Hon. C. H. SIMPSON: I am quoting the figures for comparison and I can assure the Chief Secretary they are accurate.

The Chief Secretary: You can prove anything with figures.

Hon. C. H. SIMPSON: Western tralia thus accounted for less than 11 per cent., against an Australian average of 7 per cent.; that is, 12 per cent. of days lost to Western Australia as against 7 per cent. for the total population of the Commonwealth. We are now sure that the provision which was regarded as essential—the provision of prison sentences for certain offenders-was a most effective part of the There was no desire to be legislation. punitive but we realised that the continuance of a strike is generally due to the persistent efforts of one or two individuals. If it is a matter of an organisation being fined, such individuals do not worry very much because a fine of £500 does not mean much to a large union which pays the fine, but when it is a matter of an individual going to gaol, it is an entirely different question.

We know that at least two people in Western Australia were very much concerned about that provision, to which has been due, to a great extent, the good behaviour that has been manifested in the past 12 months. A little while ago I mentioned that there were both State and Federal awards operating in this State, and it might be of interest to inform the House of the number of employees operating under each class of award. Under State awards, the figures are as follows:—

Adult males			102,212
Junior males			17,572
Adult females			18,138
Junior females			13,022
Total	,		150,944
Under Federal awar	rds th	iere a	re—
Adult males	rds ti	nere a	re— 8,888
Adult males Junior males		nere a 	
Adult males Junior males Adult females		nere a 	8,888 1,528 5,728
Adult males Junior males		nere a 	8,888 1,528

The number of employees working under Federal awards is roughly 14 per cent. of the number working under State awards; and in a sense that can be understood when it is realised that, where there is a choice, the worker generally prefers the State award, because under it he receives a higher rate of remuneration.

20,256

Total

Without labouring the points which have been covered by Mr. Hearn, I ask the House to vote against the Bill because in essence it simply seeks to repeal all that was done last year and to restore the provisions that were in the legislation before last year's amendments came into force. If agreed to, it would recreate the very conditions which allowed last year's disastrous strike to continue. The results of that strike and the realisation that it cost this State millions of pounds is too recent in the memory of members to warrant any action other than to vote against the Bill at the second reading stage.

HON. C. H. HENNING (South-West) [5.0]: The Chief Secretary, in introducing the Bill, stated that it was most important. I was rather surprised, therefore, that his remarks were so brief and that he did not explain in any way the real ramifications of the measure. Last year, when amendments to the Act were passed, we were told that they were most ill-conceived; that they were going to cause a great deal of industrial unrest. However, as that has not occurred, I personally cannot see any reason why the amendments in this Bill are necessary.

I say "personally" because I can also see why the Government considers the amendments are necessary. After all is said and done, everything that is contained in the Bill is part and parcel of the platform to which it subscribes and, naturally, it is the duty of the Government to bring it forward. Nevertheless, that does not mean that it is the duty of any one who does not subscribe to the platform of the Government to support the Bill, and it is not my intention to do so. We have heard a great deal of what could have

been caused by last year's amendments, but every member of the Government must know that that amended legislation had a considerable effect in making the red rats scurry back to the Eastern States last year and eventually resulted in a settlement of the metal trades strike.

If the amendment to the Act had not been passed in 1952, is it not likely that we would have had a series of strikes in this State instigated by those who led the 1952 metal trades strike? I am certain we would have. If we repeal this portion of the legislation, I am confident that we are going to have a recurrence of industrial trouble.

The preference question is rather intriguing. I believe in unionism. If I did not, I would not belong to the Farmers' Union. But I was not coerced into joining. and I do not think any man should be coerced into joining a union, or be com-pelled to pay a subscription to give him the right to work. If we increase the scope of the Act and get more and more people into the unions, eventually the stage will be reached where no man, unless he subscribes to a union, can work in this State. We might find, as people do in New South Wales, that we can go to a barber's shop and take out a union ticket, just the same as we can buy a lottery ticket. Would it not make unionism extremely cheap and farcical? After all, this is only a step to compulsory unionism.

The most important provision in this Bill is the clause that the court "shall" instead of "may" do certain things. In the "Daily News" a couple of months ago there was an excellent cartoon, which everybody here has probably seen. It showed a couple of men holding a banner, bearing the words, "Labour Stands by Arbitration", and underneath, a political man carrying a smaller banner with the words, "As Long as Arbitration Stands by Us". That cartoon absolutely sums up this portion of the Bill.

When the quarterly adjustment came up for review before the State Arbitration Court, it decided not to increase the basic His Honour stated that, in his opinion, the Commonwealth Court's decision was plain and should be followed and adopted by the State Court. In other words, we have in this State a legal man, or, as in the Commonwealth court, a number of legal men, sitting as judges and trained in all aspects of arbitration to take an unbiassed view of the cases presented after listening to all sides of the question. Yet in this Bill we are asked to say that we really know more than the learned judges. I do not think the combined knowledge of everyone in this Chamber regarding the details of arbitration would equal the knowledge of one of those judges.

I quote from the "Sydney Morning Herald" of the 28th October, 1953. In the judgment of the Commonwealth court, it is statedThere are some important features of the economy that cannot be regarded as less than disturbing.

Further, it says-

Good seasons and high income from exports have enabled the economy to adjust itself to the new cost level.

That is what has often been said in this House—that Australia is riding on the sheep's back. The article goes on—

The prospects of the future were not unsatisfactory, provided prices for the principal exports were substantially maintained, rural production did not fall, and there was no rise in costs, and internal prices were stabilised.

Those are a few lines from an article in a newspaper, but they are of the greatest importance to everyone in Australia. The court also stated that it believed that reasonable stability had been attained by the Australian economy at a new level, but this view is subject to a number of important qualifications. The nation is vulnerable to a fall in export prices, and to a bad season. Are we taking into account in this Bill the effects of a bad season, or a decline in rural production from any other cause, or any other rise in costs?

The court also stated that over the 1934 rate the purchasing power of the present basic wage was 25 per cent. more. It is interesting to see how Labour leaders of Australia reacted. Mr. D. Lovegrove, Federal president of the ALP., said that political Labour would immediately assist the trade unions, by all means in its power, in resisting the court's decision. Mr. Monk said the court apparently intended in future to deal only with applications for a just and reasonable wage, which would involve lengthy and costly hearings each time an attempt was made to alter the minimum wage. Mr. Doherty said that the Commonwealth Arbitration Court was forcing the unions to turn hopefully to the State Arbitration Court systems.

Now, what does that mean? If, through political pressure or by an Act of Parliament, we compelled the State court to adjust the basic wage, and let us assume it went up and up, there would soon be plenty of industrial unrest. If the State wage were to go above the Federal wage, there would be a general outcry. When we consider that aspect, let us not forget the election debacle of 24 years ago when there was talk of Federal arbitration vacating the field.

I shall not speak at length, as the two previous speakers have. We should endorse the remarks, especially in regard to this provision, of the learned judges who for many months heard both sides of the question, and were satisfied that it was best for Australia that there should be no rise or adjustment of the basic wage at present.

Hon. G. Bennetts: Then steps should be taken to keep the cost of living down.

Hon. C. H. HENNING: How can we keep the cost of living down if wages go up? That is the whole basis of the court's decision.

Hon. G. Bennetts: Wages are already three months behind the cost of living.

Hon. C. H. HENNING: That is only one section. Do not forget that dairy farmers are 18 months behind costs. If we bring in legislation such as this which, after all, is a matter of political expediency, to affect the court of this State, then we are making arbitration a mockery. I oppose the Bill.

HON. A. F. GRIFFITH (Suburban) [5.12]: I have never had any doubt in my mind as to the value of the Legislative Council, but if I had had, I am sure it would now be completely dispelled. This session members of this House have been presented with a series of Bills which a certain section of the people believe in. While I do not propose openly to criticise those who are responsible for bringing down this legislation, I am adamant in my belief that it is not the best type of legislation. It is obvious that the Bill—in addition to others we have dealt with and others to be brought forward—has been introduced by a Government which believes in the basic principles of socialism.

In another place one private member who had the courage of his convictions and I admire him very much for it-voted against a certain clause of this Bill in Com-He crossed the floor and voted mittee. against his own Government. We all remember that his action-I repeat that I admire him for his courage—brought forth a good deal of comment in the Press. Then we saw in the Press that the same member was called before the executive of the Australian Labour Party and asked to give reasons why he voted against that clause. We also saw at about the same time the edict from the general secretary of the A.L.P. that for a misdemeanour of the nature committed by this hon member, the result could be expulsion from the party. We might well look at Section 61 of the Criminal Code, which provides-

Any person who-

(1) in order to influence a member of either House of Parliament in his vote, opinion, judgment, or action, upon any question or matter arising in the House of which he is a member or in any Committee thereof, or in any joint Committee of both Houses, or in order to induce him to absent himself from the House or from any such Committee, gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, any pro-

- perty or benefit of any kind to, upon, or for such member, or to, upon, or for any other person; or
- (2) attempts, directly or indirectly, by fraud, or by threats or intimidation of any kind, to influence a member of either House of Parliament in his vote, opinion, judgment, or action, upon any such question or matter, or to induce him to so absent himself;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

This section concludes with the words, "The offender cannot be arrested without warrant." I think that in this case there was, without doubt, intimidation by a certain section of the community who said to that member, "You have committed a breach of your party laws by voting against a clause of the Bill, and when it comes before the House again we suggest you vote for the clause." We saw that when the Bill was recommitted the same member voted with the Government.

The reason he voted against the clause in the Bill was because he said he did not believe in compulsory unionism, and that is something on which great stress has been laid in the House this afternoon. I, too, do not subscribe to compulsory unionism. I believe in unionism, but surely in a free country we are not going to reach the stage of being told that we cannot be employed unless we are members of a trade union. We will reach that state of affairs if the Bill becomes law.

Hon. G. Bennetts: Non-unionists obtain the same benefits as unionists.

Hon. A. F. GRIFFITH: If the hon. member wants to make a speech on this matter, I suggest he do so when I sit down. If any other members of the Labour Party would like to speak on the measure. I would be pleased to hear them because they might be able to tell me something about arbitration that I do not already know; and to be quite frank, that would not be difficult. I am discussing this matter now not so much from the point of view of my knowledge of arbitration, as from that of common sense and what is right. I do not think intimidation of this nature is correct. The caricature in the "Daily News", to which Mr. Henning drew attention, is typical of what happens sometimes in these cases. I do not think the Labour Party's policy is directed so much by the Labour members of Parliament as it is by the people at Trades Hill.

The Minister for the North-West: Who directs the Liberal Party?

Hon. A. F. GRIFFITH: The members of the Liberal Party. If Mr. Strickland would like to join our ranks at any time, and become a member, we would be pleased to have him, and he would find he would have very little restriction placed upon him as a member of that party.

The Minister for the North-West: Members of the Labour Party direct the Labour Party in just the same way.

#### The PRESIDENT: Order!

Hon. A. F. GRIFFITH: Arbitration is all right for some union leaders so long as it gives them that which they ask for, but when it ceases to do so, they know of one or two measures they can take in an endeavour to ensure that it will. The that some particular weapon unions use is the strike weapon. Some months ago we saw that power taking effect in this State; and it was under a Federal award under which not one man The in Western Australia was employed. legislation that was brought down by the McLarty-Watts Administration, has had an effect because, since that date, we have had no major or, in fact, minor cases of industrial unrest; and I venture to suggest that everyone who is fair-minded will agree with that.

When thinking about this matter—and I do think about it a great deal, because the question of industrial peace in our community is an important one—I often wonder what Hon. Alex. McCallum would think about the present state of affairs if he were able to return and see what is happening. When he introduced amendments to the Industrial Arbitration Act—in 1935, I think—he did so with the idea that they would strengthen the prospects of industrial peace in Western Australia; and to a large extent the Bill he brought down had the desired effect.

In February of this year we had a State election, which was fought on fairly bitter lines. To bear out the point I have made concerning direction from Trades Hall, I shall show what has happened in particular cases. Just prior to the State election on the 14th February last, we had both Federal and State basiz-wage declarations. No increase was given by the Federal declaration, but there was a slight increase as the result of the State declaration.

In order, I suggest, to hoodwink the people into thinking that the McLarty-Watts Government was responsible for the state of affairs at that time, the Labour Party subscribed to an advertisement which, by its size, was a costly one. At the bottom of it we find the words "Prepared and authorised by F. E. Chamberlain, Trades Hall, Perth." Most of these advertisements have only the word "authorized," but this one has the words "Prepared and authorised." It appeared in the issue of "The West Australian" of the 28th January, 1953, and it is headed "Labour Wants Basic Wage Stability, But It Also Wants Basic Wage Justice." These

are the words which count: "Is there any political significance in the alleged overnight stability?"

An advertisement of this nature which states, "Is there any political significance in the alleged overnight stability?" is, without question, saying that the Arbitration Court was directed at the time by political influence. I think that any fairminded individual would agree that not only is that statement untrue, but it is also malicious. I think that is most significant, as far as the Bill is concerned, because the Bill, in one of its clauses, will direct the Arbitration Court to make quarterly basic wage adjustments in accordance with the "C" series index.

I suggest that on the 28th day of January, 1953, there was, in the mind of the person who authorised this pamphlet, the feeling that the basic wage should not be directed by the Arbitration Court, because the advertisement goes on to say, "It is not a matter for the court. It is a matter for the Government." So we now have a Bill being introduced which tells us that the matter shall be one for the Government and not the court. The introduction of this measure is quite unnecessary. The Bill introduced by the previous Government in the last session of Parliament has not had much opportunity to stand the test of time; but even in the period that has elapsed since its introduction, it has been shown to be good legislation, because we have had no industrial unrest during that time. I propose to vote against the second reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.28]: I wish to refer to the misquotation of Mr. Griffith when he spoke of a member of the Labour Party who crossed the floor of the House in another place and voted against the Government. He said that hon. member did not believe in compulsory unionism. I have looked through the remarks as reported in "Hansard," and I want to say that, whether deliberately or by design, Mr. Griffith misquotes what members say in another place to bolster up his case. I do not think that is quite fair. In this instance, I think he is trying either to mislead the House or to place a different construction upon the action that member took.

Hon. A. F. Griffith: If the Minister will point out where I am wrong I shall be pleased.

The MINISTER FOR THE NORTH-WEST: The hon, member can always come down. I do not think members should make statements which are incorrect and the hon, member's statement in this instance was deliberately incorrect.

Hon. A. F. Griffith: None of us should be too proud to come down.

The PRESIDENT: Order!

The MINISTER FOR THE NORTH-WEST: Some members have said that they cannot understand why the Government should bring legislation of this type to Parliament. I cannot see why the workers of this country should not receive some consideration through legislation in the same way as other sections of the community do. It is true that when non-Labour Governments gain power they always attempt to tighten the industrial laws of the State. The amendment passed last year was most restrictive. A lot has been said about the freedom of the individual, but the legislation passed last session takes away the freedom of any working individual or any person who comes within the scope of the Industrial Arbitration Act, because it denies him the right to cease work.

Hon. H. Hearn: That is an illegal act, and has been so.

The MINISTER FOR THE NORTH-WEST: It has been but now—

Hon. H. Hearn: Surely you do not want to legalise it?

The MINISTER FOR THE NORTH-WEST: It has been tightened to a degree where only two persons need consult about leaving a job and they are committing a strike. They do not need to act as a body, or the union need not take any hand in it.

Hon. C. H. Simpson: Only if the judge so decides.

The Chief Secretary: It is of no use the hon, member trying to excuse it. Those are facts.

The MINISTER FOR THE NORTH-WEST: That is the interpretation placed upon it by one of the leading industrial lawyers in this town.

Hon. H. Hearn: Has it ever been used?

The MINISTER FOR THE NORTH-WEST: It is not a matter of whether it has ever been used; it is on the statute book and could be used. It is a definite restriction and would be used by unscrupulous employers—some employers, not all.

Hon. H. Hearn: It could not be used by them; it must be used by the court.

The PRESIDENT: Order! Will the Minister please resume his seat. During this debate I have repeatedly tried to preserve order by frowning on interjections, which are highly disorderly. Every member has the chance to speak and I trust that members who speak will be allowed to proceed uninterrupted.

The MINISTER FOR THE NORTH-WEST: Mr. Hearn said that compulsory unionism would be introduced through this legislation. He says that compulsory unionism takes away political freedom from those who have to join unions, and he says he has fears about it. Of course, his ideas of compulsory unionism are quite different from those of the Liberal Leader in the Senate, Mr. O'Sullivan. He stated.

only two or three months ago in the Senate, that compulsory unionism held no terrors for him because he had seen it in practice in Queensland for several years. Those were the words he used, or at least that was the effect of them.

In other words, a man who has seen compulsory unionism tried out and has proved that it has no ill-effects on the community has different ideas from Mr. Hearn. I believe in compulsory unionism; and any person who, through the activities of an organisation, secures benefits and conditions for which the organisation has fought should contribute to the funds of the organisation.

Hon. L. Craig: Of course he has to contribute to the funds of a political party the views of which he may not like.

The MINISTER FOR THE NORTH-WEST: The constitution of the A.L.P. states that all unions affiliated with it—only those affiliated with it—shall subscribe a certain amount per head to the Australian Labour Party funds.

Hon. L. Craig: No. They will have to belong to a union but they may entirely disagree with the views of the party.

The MINISTER FOR THE NORTH-WEST: That may be so, but they do not have to vote for the Labour Party; they can please themselves and vote for whom they like.

Hon. L. Craig: But they have to contribute to the funds of the party.

The MINISTER FOR THE NORTH-WEST: Unionists please themselves about how they vote; that is proved by the continual changes of Government in all States and in the Commonwealth.

Hon. H. Hearn: Why should they have to support the party?

The MINISTER FOR THE NORTH-WEST: I think I have given good reasons why workers should subscribe to the funds of a union which does so much for them. Workers are receiving protection from the union and the benefits that the union wins for them in much the same way as a person could insure himself. The trade union movement is not the only organisation which demands compulsory payments from members. If a close examination were made of other organisations—wealthy organisations—

Hon. J. McI. Thomson: What do they do?

The MINISTER FOR THE NORTH-WEST: —we would find that their members are asked to subscribe very heavily.

Hon. J. McI. Thomson: May I ask what they are?

The MINISTER FOR THE NORTH-WEST: I would say members of the Employers' Federation would subscribe to Liberal Party funds.

Hon. H. Hearn: You are quite wrong.

The MINISTER FOR THE NORTH-WEST: I could be. I said "I would say."

Hon. H. Hearn: You are quite wrong; I want to assure you of that.

The Chief Secretary: From where do they get their funds? From the workers?

The MINISTER FOR THE NORTH-WEST: I would say that the woolgrowers of this country, or at least a section of them, also subscribe rather substantially.

Hon. L. Craig: But there is no compulsion about it.

The PRESIDENT: Order! The Minister might connect his remarks with the Bill.

The MINISTER FOR THE NORTH-WEST: I am of the opinion that compulsory unionism and compulsory payments do connect with the contents of the Bill. But as I said before, if an examination could be made of the organisations in this State we would find that although it is not written in their constitutions, pressure and compulsion is placed upon them to subscribe.

Hon. H. Hearn: That is entirely untrue.

The MINISTER FOR THE NORTH-WEST: I have said that I suggest that that is what happens.

Hon. L. Craig: I have never heard of it.

The MINISTER FOR THE NORTH-WEST: Anybody is allowed to make suggestions—I hope.

Hon. L. Craig: Innuendoes.

The MINISTER FOR THE NORTH-WEST: One would not think, for one moment, that the associated banks did not contribute to a large extent to certain funds of a certain party at a certain period. But to return to the Bill, I am of the opinion that it is a good measure for all workers in Western Australia. The restrictive and oppressive provisions inserted in the Act by the previous Government go too far, and a measure of this nature is well warranted and should be supported by all members.

HON. SIR CHARLES LATHAM (Central) [5.43]: I do not intend to say much about this Bill, but I have listened to the remarks that have been made and I have some little knowledge of the legislation that was passed last year. To my mind, that legislation has served and will serve a useful purpose and while a good deal will be said by the Trades Hall representatives—they are paid to do that—in opposition to the measure of last year, I consider that the workers of this State are pleased that it was passed. After all, they are the people who suffer during a strike and the legislation was introduced because of one or two people who caused the worst strike that we have seen in Western Australia for some years.

For my part, I was sorry to hear some members say that they will be glad to see last year's legislation abolished, because I believe that the workers of this State are grateful that it is on the statute book. It grants them protection and, after all, they are the ones who suffer during a strike—the workers and their wives and children. They do not want to be forced out of employment, and, although they receive strike pay, that is not nearly sufficient for their needs. It does not compensate them for their loss of wages, and during the disastrous metal trades strike, the payments must have been very low. For that reason alone I would like to see the Act remain as it is.

Some members have complained about the penalties that are in the legislation. I would remind them that the Criminal Code, the Police Act, and the Justices' Act all provide severe penalties for certain offences. But if one does not infringe or break the law, or do anything to obstruct the law, one suffers no penalty. So do not let us worry about these very harsh penalties, as some members have called them. They are not really harsh, and they do not hurt the person who obeys the law and abides by the decision of the court. They apply only to those who infringe the Act or neglect to obey the decision of the court.

The Bill introduces two principles to which I object. For many years we have fought the question of bringing domestics under the Arbitration Act, which would mean that a housewife could be asked to indicate the conditions under which she was employing certain people. There is great difficulty in getting domestics at the moment.

Hon. G. Bennetts: That is why.

Hon. Sir CHARLES LATHAM: It is nothing of the sort. The reason is that there are many more attractive positions outside.

The Chief Secretary: You would not help us to make these positions attractive.

Hon, Sir CHARLES LATHAM: Many young women of this State neglect their education, which would fit them to be good mothers and wives, because of that fact.

Hon. E. M. Davies: You have said that before.

Hon. Sir CHARLES LATHAM: I have said it before, and I will say it again.

The Chief Secretary: You will believe it soon.

Hon. Sir CHARLES LATHAM: I know it is a fact. Daughters will not take any notice of their mothers at all, and there are a number of good mothers and wives in Western Australia. The young womenfolk are doing work which in many cases should be done by men; that is only because of the amount of work offering. The next principle to which I object is compulsory unionism.

Hon. G. Bennetts: That is a good thing.

Hon. Sir CHARLES LATHAM: That provision compels us to join a party whether we like its politics or not, and it forces a person to subscribe to the funds of that party. Is a man any better because he belongs to a union?

Hon. R. J. Boylen: Too right he is.

Hon. Sir CHARLES LATHAM: The hon. member may be right. I belonged to a union for a while and I know the experience I had while I was a unionist.

The Minister for the North-West: Which one?

Hon. Sir CHARLES LATHAM: It was not compulsory in those days. I know that the education I received then, justifies the opinion I am expressing now.

Hon. F. R. H. Lavery: Which union was that?

Hon. Sir CHARLES LATHAM: I found that, on the quiet, union men did exactly the same as they do today. The policy of the Labour Party and its organisation is a 40-hour week. The true blue unionist works his 40-hour week and then at the week-end works for double pay. Is that true unionism?

The PRESIDENT: Order! Will the hon. member kindly connect his remarks to the Bill?

Hon. Sir CHARLES LATHAM: The Bill refers to arbitration, Mr. President, and arbitration deals with a 40-hour week. If I am wrong I will sit down, but I think I am completely within the scope of the Bill before the House. It deals with hours of labour, and conditions of labour, and if my remarks are not in order I will sit down. If we are going to have compulsory unionism—for which this Bill provides—then we should make the unionists comply with the conditions of their awards. We should not permit them to have a 40-hour week under the Act, and several hours outside the Act.

The Chief Secretary: Do you not know that some unions are fining their members for that sort of thing?

Hon. Sir CHARLES LATHAM: I venture to suggest that that is not being done by the waterside workers. It is not so long ago that they worked only on Saturday and Sunday and got as much out of those two days as the rest of the employees got out of the whole week. And that is what is called trade unionism, and it was allowed. There is no discipline in matters like that. The past 12 months have been the most peaceful period in the history of Western Australia, only because of the legislation on the statute book. It does not hurt anyone.

The Chief Secretary: What about 25 or 30 years prior to that one strike?

Hon. Sir CHARLES LATHAM: I am not going back into ancient history. I was in the House when the very best arbitration Bill ever was passed in the Legislative Assembly. I remember sitting in the room which you, Sir, now occupy as President, and I can recall the long hours we sat discussing that legislation. I am not against giving the worker a fair deal. The best relationship between the employer and the employee is when there is complete understanding, but we should not let either the employer or the employee get too powerful. Let us try and build up their relationship.

The Chief Secretary: That is what we are trying to do.

Hon. Sir CHARLES LATHAM: What the Government is trying to do is to break down what we legislated for previously. The Minister is going to throw the matter on to the open market. This has been the most peaceful year we have had. Generally, I would commend the workers of Western Australia; they have done a good job in comparison with those in other States. I think we have had a very good spin from them. There is not a great deal of industrial unrest, but when we do have it—and it is anything like what it was last year—it is pretty severe. It is not only the worker who is affected, but everybody else. It creates a very unfriendly feeling

My advice to the Government is to leave the legislation as it is, and when there is real justification for amending the Act—which does not exist at present—then let us rectify the matter. The Labour Party is directed from Trades Hall, and I suppose Trades Hall has a perfect right to direct that party. If the Labour Party wants to be weak enough to take that advice, whether it be right or wrong, it is responsibility and not ours.

But we have a greater responsibility in this House than either Trades Hall or the Labour Party; we must see justice done to all sections, and I hope that justice will be done to the public generally. We should do all we can to maintain good relationships between the employer and the employee. I think the statute as it is today should be left alone, and the Government will be well advised not to proceed with this Bill. From the tone of the Bill, it will be very ineffective, and it looks as though it might be defeated.

HON. C. W. D. BARKER (North) [5.56]: I do not intend to speak at great length, but seeing the possible fate that this Bill is likely to suffer, I thought I would add my contribution to the debate. Contrary to what Sir Charles had to say, this measure provides for the removal of the piece of panic legislation that was brought down by the previous Government.

Hon, H. Hearn: You prove that.

Hon. C. W. D. BARKER: Members have said that since that legislation was brought down, there has been peace in industry for the past 12 months. I do not think it was due so much to the legislation as to the workers of Western Australia to whom members should give some credit. There was a strike that lasted for about six months. To my mind it need not have lasted that long had it been handled correctly.

The workers want the previous legislation removed from the statute book because it is restrictive. For that reason they feel that the provisions relating to strikes should be removed and the Act restored to its original terms. Some members desire that there should be better relations between employer and employee. To my mind that is the purpose for bringing down the present legislation—to try to put conditions on a better and more workable basis. The workers object to the restrictive provisions in the Act and that is why the Government wishes to remove them.

Reference has been made to members of unions having compulsorily to contribute to a specific political party. No union is compelled to contribute to a particular party if it does not wish to do so. Before a union becomes affiliated with any party a majority of its members must vote in that direction. Accordingly when they do become affiliated they have become so of their own free will, and there is no compulsion whatever. No union is compelled to pay to the funds of any party.

Some members have said that it is unnecessary to provide for domestic servants in this legislation. Recently I had a case brought to my notice where domestic servants had been receiving abominable treatment. This Bill will enable that situation to be dealt with. It will enable a decent agreement to be made governing conditions between employer and employee. I do not desire to keep the House any longer. I agree entirely with the legislation. I have spoken to the second reading only because I have a feeling respecting the fate the Bill is likely to suffer. I wanted to let the House and public know where I stand in this matter.

On motion by Hon. R. J. Boylen, debate adjourned.

### BILL—MEMBERS OF PARLIAMENT, REIMBURSEMENT OF EXPENSES.

Received from the Assembly and read a first time.

#### BILL-LOAN, £17,850,000.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.59] in moving the second reading said: This is the usual measure introduced at the end of each session of Parliament for the purpose of providing

authority to raise money to carry out the works detailed in the Loan Estimates. The several items for which authority is required are tabulated in the First Schedule to the Bill.

After allowing for unspent balances of sums previously authorised, there should be sufficient to complete the projected works or, where necessary, enable them to be carried on for about six months after the close of the financial year. By that time Parliament will have had the opportunity of reviewing next year's Estimates and of authorising further loans, if necessary.

Clause 6 authorises the reappropriation of certain moneys which are not now required for the original purposes or for items which have now been placed under more appropriate loan titles. The Second Schedule shows the amounts and the Acts by which they were first authorised, while the Third Schedule sets out the work to which it is now intended to apply these amounts.

At the 30th June, 1953, the public debt stood at £153,072,170, an increase of £14,783,639, compared with the position at the 30th June, 1952. Of the new debt incurred during the last financial year, £5,799,000 came from two public loans raised by the Commonwealth Government. The first of these loans was issued at 4½ per cent. for nine years, the share of Western Australia being £1,533,000. The second loan was issued at 4½ per cent. at par for nine years, or 3 per cent. at the issue price of £99 10s. for 2½ years, Western Australia receiving £2,400,000 of the former and £1,866,000 of the latter.

As in previous years, the Commonwealth Government undertook to supplement the loans raised on the market by an amount sufficient to provide a total of £180,000,000 for the various States. The amount which the Commonwealth raised to enable that overall total to be reached was approximately £52,000,000. Of that £52,000,000 Western Australia received £8,187,000, of which sum £5,857,000 bears interest at 4½ per cent. and the balance at 3 per cent.

Under the Savings Bank Transfer Agreement, the State is entitled each quarter to 70 per cent. of any increase in depositors' balances. The amount thus available to the State last year was £1,650,000, on which interest is payable at the rate of 3½ per cent.; that is, 1 per cent. above the rate allowed to depositors, as provided for in the agreement.

Operation of the sinking fund controlled by the National Debt Commission resulted in the redemption of the Western Australian debt totalling £859,931, of which £16,500 was domiciled in London and £6,575 in New York. At the 30th June last, there was a balance of £930,678 to our credit in the sinking fund; and, as contributions during the current year by the State and Commonwealth will amount to approximately £1,560,000, there will thus be about £2,500,000 available for the reduction of the State debt. I move—

That the Bill be now read a second time.

SIMPSON HON. (Midland) C. Н. [6.3]: As the Chief Secretary said, this is the usual Loan Bill that comes down here at this period of the session. In a way, it is a pity the measure was not presented earlier, because a tremendous amount of expenditure is envisaged by a loan Bill; and if this House had more time, it could consider the incidence of the Bill itself and the way in which it is proposed to spend the money; while it could also discuss anything that comes within the ambit of the Bill, because it covers expenditure in every department of government.

The Bill asks for authority to raise £17,850,000. The Chief Secretary told us that was to carry on necessary works until the end of the financial year, and until Parliament had time to consider the necessary authority for raising further moneys to enable the work of the Government to continue. I think it can be said that, generally speaking, the conditions of finance in this State are buoyant. There have been the beneficial effects of the expenditure of capital on different projects, particularly at Kwinana, and there is the very welcome discovery that oil exists in the north of our State.

But if prosperity is going to continue to be assured, we must not forget that the primary industries, which are contributing the overwhelming proportion of the money that comes into this country, are perhaps not well placed, as far as prospects are concerned, as they were a matter of a year or two years ago. Only this morning there was an indication of this in the paper where we read that Mr. Simpson, representing the Australian Wheat Board, said that there was a doubt as to a ready sale for the surplus wheat which might be produced in Australia during the coming season.

So we have to temper our optimism with a note of concern as to the position of the two great factors in our prosperity—wheat and wool—during the times that lie ahead. Generally speaking, the Government has been reasonably fortunate in the amount of money placed at its disposal, and there has been a loan of £500,000 from the refinery people.

The intimation in Clause 6 that certain moneys are being transferred from the funds to which they have been allotted, because they are no longer needed for that purpose, is quite interesting; and it might pay members to study the Bill in detail to see what those transfers are, and how they will operate. It only goes to show that from time to time money is authorised to be spent on certain works and, as time

goes on, either the money is found to be more than required, or the project is abandoned.

I notice that there has been an increase in the 12 months of £1,487,000 in the liability of the State, which amounted to £244 19s. 10d. per head, an increase of £22 10s. 8d. That is a figure which I think should cause members some concern, as also should a table at the foot of page 1258 of "Hansard" No. 12, which shows that of the loan moneys the amount that is fully reproductive is only £4,500,000 out a total of £153,000,000; the partially productive amount is £43,000,000; and the totally unproductive is £99,000,000. That is to say, nearly £100,000,000 out of a total of £150,000,000 is totally unproductive.

I think that should be examined to see how it applies. That £99,000,000, although it is classed by the Treasurer as totally unproductive, in the sense that it does not show a profit or contribute anything towards interest and sinking fund, is Quite wholly unproductive. amount of that investment is represented by the railways which, as a matter of policy, are run at a loss. But it is an interesting side light on Government fin-Either Government trading concerns or public utilities are not managed on sound business lines, or it is necessary in the interests of the development of the country that the Government should accept certain liabilities and budget deliberately for a loss. That is something that will well repay study. But it does mean that at present there is a deficiency of £10,000,000 per annum to be made up to cover those expenses which our public utilities and trading concerns do not provide for themselves.

I trust that the Government will take the view that there must be a balanced assessment of the needs of the State, and a careful watch kept on those items of income that may be affected, either wholly or in part, by a possible drop in the production of our primary commodities. know the State must develop. We know it is entering on a stage of more rapid expansion and development than has been the case during any previous period of our history. At the same time, it is well to keep a watchful eye on these trends so that there will not, even though money is available, be a tendency to overspend, but rather a tendency to keep something in reserve for a rainy day. I support the Bill.

HON. A. L. LOTON (South) [6.101: On first looking at the schedule to this Bill, one is somewhat surprised to see the amount of £7,000,000 provided for rolling-stock. The more one looks at the schedule, as it affects railways, the less one is left in doubt why it was necessary recently to increase freight rates. Out of a total amount of nearly £18,000,000, no less than £7,000,000 is to be devoted to rollingstock alone! One realises the dire position of

the railways if it is necessary to keep apportioning such large sums to rehabilitate them.

Hon. G. Bennetts: The previous Government must have let them go very badly.

The PRESIDENT: Order!

Hon. A. L. LOTON: Looking further down the schedule, we find a reference under "Water Supply and Sewerage" to an amount of £400,000 for "Country Areas and Towns Water Supply (including Goldfields and North-West Districts and Loans to Local Authorities and Water Boards)" One realises from that why people in the country areas are raising their hands in protest at the lack of water supplies there. For years and years they have been denied potable water, and one Government after another has given lip service to the making available of adequate supplies.

Time has gone on, and it is now six years since work was begun on providing from Wellington Dam a water supply for the Great Southern towns. An announcement was made the other day that 43 miles of pipeline had still to be completed before the first town could be connected. The Minister for Works is going to Wellington Dam on Friday to open the first pumping station. To most of us in the Great Southern districts it is rather humorous that the pumping station is to be opened when only half the pipeline has been laid. If the present rate of progress is maintained, by the time the pipeline reaches Narrogin and extends northwards many who have lived in those areas and have been waiting to see the promise of an adequate water supply fulfilled will be watered down below!

The Chief Secretary: There will be increased activity.

We hope so, be-Hon. A. L. LOTON: cause in the very near future the money will be available. The Government is already anticipating that when the gusher at Exmouth Gulf comes to light, the people of this State will share the benefits. hope that the people in the southern portion of the State will reap some benefit. Town after town has been promised an adequate supply of water; and if it is provided at a price that people can afford, some of the drift of residents to the city will be arrested, particularly as, with the coming of water, electricity will be more widely available and at a cheaper price.

Further down in the schedule we find that a sum of £50,000 has been provided for the development of agriculture. less than £7,000,000 is made available for rollingstock, but only £50,000 for the de-What is the velopment of agriculture. good of having rollingstock unless there are goods to place on it? I think the Minister for the North-West, who represents the Minister for Agriculture, will agree that if agriculture is not developed it is no good our having rollingstock.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. L. LOTON: I was dealing with the item of £50,000 for the development of agriculture and expressing the opinion that in view of the amount of research required today, that sum would not go A reference to page 4 of the Bill discloses an item, "Transfer to a trust account as working capital to finance purchase of motor-vehicles by depart-mental officers and members of Parliament, £200,000." I was surprised that Minister, when moving the second reading, did not elaborate on that item. I saw a copy of the Bill when it was introduced in another place and noticed the item, but I have been unable to ascertain exactly what it refers to.

If the proposal is that members may purchase motorcars through the Treasury at a lower rate than they would have to pay if they dealt with distributors direct, I should like to know what are the terms under which the cars may be purchased, the rate of payment, and the method of repayment. These are details that members of this House are entitled to know. The amount of £200,000 includes provision for the purchase of motorvehicles by civil servants. I do not know whether that is correct. I understand a special allowance is made to civil servants using their cars on official business, and I should have thought that they would make their own financial arrangements. However, I take this opportunity of expressing my disapproval of this procedure.

If we compare that item of £200.000 with the provision of £400,000 for country areas and towns water supply and with £50,000 for the development of agriculture, it is altogether out of proportion. I hope that members will address themselves to these matters.

On glancing further down the schedule, I find an amount of £150,000 for the purchase of the grain distillery at Collie. Over the years there have been reimbursements, some in respect of the sale of the hostel, and during the last six months tenders have been called for the purchase of the distillery plant. I do not know what transpired as a result of calling for tenders, but the Minister might be able to give us some information on that point. Those are the only items upon which I intend to comment. I support the second reading of the Bill.

#### Personal Explanation.

Hon. A. F. GRIFFITH: With your permission, Mr. President, I should like to make a personal explanation. When speaking on the Industrial Arbitration Act Amendment Bill, I said that a member of the Legislative Assembly had voted against his Government on a clause that provided for compulsory unionism. made that statement in error. I meant to say that he had voted against the Government on a clause that would have granted preference to unionists. I apologise to the House for the mistatement.

Debate Resumed.

HON. N. E. BAXTER (Central) [7.37]: Before addressing myself to the Bill, I should like to enter a protest at the lateness of bringing forward a measure such as this.

The Chief Secretary: It is early as compared with the usual time. Generally, it is brought down on the last day of the session.

Hon. N. E. BAXTER: If the Minister assures me that it is earlier this year than usual, I accept his word, but a Bill of this nature could and should have been brought down a few weeks ago in order that members might have had an opportunity carefully to consider its contents.

The Chief Secretary. As a matter of fact, it is usually passed without debate.

Hon, N. E. BAXTER; This one will not be passed without debate.

The Chief Secretary: So I see.

Hon. N. E. BAXTER: I wish to mention the item of £400,000 allocated for country areas and towns water supply and compare that with the sum allocated to metropolitan water supply, Kwinana area, £750,000. The people resident in the country areas will now be able to appreciate what Kwinana means to them.

The Chief Secretary: Whose fault is that? It is Parliament's fault.

Hon. N. E. BAXTER: I objected to the proposals when the Bill was before Parliament, and I object again. I maintain that had the £750,000 been spent on country water supplies, it would have returned more to Western Australia than the same amount spent at Kwinana, especially bearing in mind the present high prices of wool and wheat. In fact, it is almost impossible to conjecture what the return would have been to the State had that large sum of money been made available for expenditure on country water supplies. We ought to bear in mind that the capital invested in the country districts is Western Australian capital, while the capital invested in Kwinana is, in the main, overseas capital.

Another item in the schedule is £300,000 for sewerage and drainage, Perth and Fremantle areas. Immediately below that, is an item for sewerage for country towns of only £25,000. Admittedly, there is a larger population in the Perth and Fremantle areas, but if ever there was evidence of a policy of centralisation, it is manifested by this item of £300,000 for Perth and Fremantle as against a miserable £25,000 for country districts. If we expect people to settle in the country, we should provide amenities such as sewerage for country towns, on which this money

could much better have been spent. Instead of that, the Government is content to adopt a policy of centralisation.

Another item in the schedule is £90,000 for charcoal iron production. How many more years are we to continue spending money on the charcoal iron industry at Wundowie?

The Chief Secretary: I thought that would come.

Hon. N. E. BAXTER: It is just as well the Minister expected it. The time has come when a halt should be called to expenditure of this sort. The amount of money spent—or I should say wasted—on the fostering of impossible secondary industries is almost beyond comprehension and it is time something was done about the matter. Further on in the schedule, there appears an amount of £20,000 for State Brickworks. More money thrown away on State trading!

Hon. C. W. D. Barker: We must have bricks.

Hon. N. E. BAXTER; If we are going to get them by pushing public money into industries that should be conducted by private enterprise and thus prevent private enterprise from expanding its business, we shall get nowhere. We have had experience of the poor returns received from a lot of our State trading concerns, which do not compare at all favourably with what private enterprise is able to achieve. Yet another £20,000 is to be sunk in this way.

A reference has already been made by Mr. Loton to the item of £200,000 for the purchase of motor-vehicles for departmental officers and members of Parliament. This is a new item. I should like to ask the Chief Secretary a question, especially in view of the fact that he did not mention this item when moving the second reading. Is it necessary for departmental officers or members of Parliament to pass a means test before being able to avail themselves of assistance under this item? I leave that question with the Chief Secretary to ponder.

In the Second Schedule is a reappropriated item of £30,000 for the Brookton-Dale River railway and this is followed by an item of £60,000 for the Yuna-Dartmoor railway. This represents a total of £90,000 to be reappropriated for rall-ways, and brings to mind the thought that those areas in the past were more or less promised a railway. Admittedly fin-ance has not permitted these lines to be built, but it is interesting to look at the figures representing the payment for subsidised wheat transport. The Brookton-Dale River project does not come into this, but the amount of subsidy paid in 1951-52 in respect of the Balla-Dartmoor-Wandana area was £1,007. The total amount paid for subsidised wheat transport in 1952-53 was £6,338, but the total includes the 1951-52 figures for Balla-Dartmoor-Wandana

area, the figures for the later year not being available. There would still be an additional sum for super transport subsidy in most of those areas, but it would not amount, in all, to anywhere near the £90,000 that has been reappropriated under the Second Schedule of the Act, and we can understand why the Government has decided that these rail-ways should not be constructed. I agree that to find £90,000 today for the building of those two railways would be almost suicidal, in view of the condition of our railway system. In this reappropriation the Government is wise. With those remarks, I support the second reading.

BENNETTS HON. (South-East) G. [7.46]: There has been constant criticism from the people I represent, and many letters have recently been forwarded to the Minister concerned with regard to the amount of money being spent in the as compared with what Kwinana area has been spent on the Goldfields and throughout my electorate. We all realise that considerable expenditure had to be entered into in order to secure the oil refinery for Western Australia, and that its establishment here will benefit the State in the long run; but I feel that a far greater sum should have been set aside for the development of the goldmining industry, which for so many years has been the backbone of the State and has played such a great part in its development. In order that it may appear on the record. I now lodge my protest against the amount being spent on housing and water supply for the Kwinana area, and would point out that assistance is required for the supply of water to swimming pools in certain remote areas. I would like to see, in next year's Budget, a certain amount of money set aside to develop the goldmining industry and provide better water supplies for areas such as I have mentioned.

HON. J. G. HISLOP (Metropolitan) [7.48]: Members will be interested to hear that I recently received a graciously worded letter from the Chief Secretary, stating that the Premier had expressed interest in the suggestion I made earlier in the year regarding a standing committee on subordinate legislation, and that early in the New Year the Premier would place this matter before Cabinet and come to some decision on it. I think it is gratifying to all of us to realise that Cabinet is taking an interest in this matter, which has provoked so much interest in this House. The appointment of a committee whereby members of Parliament would be able to view regulations before they were imposed upon the public would be most acceptable. I thank the Chief Secretary for his interest and his action in sending that matter on to the Premier, and I thank the Premier for the interest he has shown, and trust that something will

eventuate as a result of the discussions that are to take place. It is probably too much to hope that other committees such as exist in South Australia—the standing works committee and so on—will also become part of the picture here, but at all events we would greatly appreciate the institution of this one committee for a start.

I wish to refer now to the disappointment felt by many people in this State at the refusal of the Prime Minister to continue the offer of £125,000 to Western Australia as a contribution towards the commencement of a medical school here. This seems to put the chances of establishing a medical school a long way in the future, and yet such an institution is becoming more and more a necessity. appeal to the Government to view this matter again from the angle that buildings are not essential to the start of a medical school. Many medical schools have been started with class-rooms scattered in different parts of the city concerned, and it has only been as the school has grown that central buildings have been constructed. It is personnel rather than buildings that counts in education of any sort, and we are now in a position where we can say we have among us the personnel who could take charge of such a school.

If the Coronation Gift Fund is the success that so many of us hope it will be, and we see established a directorate of motherhood and maternal welfare, and a director of child health, we will have almost all the personnel required in the basic stage for a medical school, with the exception of a professor of anatomy, a professor of pathology, and a professor of physiology; but we have in Dr. Neil Crosbie a man who could quite well and capably fill the post of professor of physiology. If the Government were prepared to appoint a committee charged with the duty of seeing whether a medical school could be started without any great capital expenditure, I feel certain that it would receive from that committee a positive assurance that, with the personnel I have named, a start could be made. I therefore make that further suggestion, which I trust the Chief Secretary will convey to Cabinet—that there are many of us who believe that the start of a medical school is possible without any great expenditure. I realise that when the McLarty-Watts Government was in power a report by Professor McLellan and the advice given by some other members of the profession went so far as to suggest that a large hospital of 300 beds, as a clinical unit, was necessary in close proximity to the university.

If things are impossible, they must be waived aside in face of reality, but the reality is that Melbourne started its medical school with the university distinct from the teaching hospital, and in a num-

ber of subjects it was necessary for students to travel considerable distances, and I can assure members that that did not hurt any of them. The same thing could be attempted here, and once the school was started I feel sure that the enthusiasm of those attending and of the public, when the benefits of the institution were realised, would be such that the requirements of the school would soon be found, both in buildings and personnel. I make that suggestion hoping that in next year's Loan Bill we will see an amount appropriated for a medical school.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [7.55]: I thank members for the enthusiastic reception given to the Bill, as this is one of the few occasions on which a loan Bill has been debated in this Chamber.

Hon, A. L. Loton: No. I can remember you speaking at length on a loan Bill.

The CHIEF SECRETARY: It has been debated on one or two occasions. It is almost impossible to please Parliament. In my early days in this House, the procedure was to introduce the Loan Bill on the last day of the session and, in fact, this House would not pass the measure until that stage of the session because it was said that once the measure was passed, the Government did not care what happened. The present Bill came here a week before the close of the session, and I am now told it is too late, so what is one to do?

I will not refer to many of the points raised during the debate, but will mention first the complaint about the money allotted for Kwinana. We, as a Government, take no blame for that, and I can remember speaking against the Kwinana legislation. At that time, I said it was a bad bargain, and I still think so, but in any event Parliament committed the Government of this State to the expenditure of certain moneys in that direction, and that expenditure must be made. The hon, member is therefore not complaining against the Government but against Parliament. I thank Dr. Hislop for his remarks, and desire to assure him that as this is a progressive Government, any progressive move suggested in this Chamber will receive consideration.

I will adjourn the Committee stage until tomorrow so that full information may be given on the various other points raised by members during the debate. Several members raised a query about motor-vehicles for members of Parliament. All the information I have on that subject is that the same consideration is now being extended to members of Parliament as has in past years been extended to civil servants. There are three schedules in the Bill, and I do not know what information members want. If I made a speech now covering all the items, it would take a couple of hours. I thought it better to in-

troduce the Bill in general terms and, in the Committee stage, answer any queries raised by members.

Question put and passed. Bill read a second time.

### BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Received from the Assembly and read a first time.

#### BILL—PRICES CONTROL ACT AMENDMENT AND CONTINUANCE.

Second Reading.

Debate resumed from the 8th December.

HON. G. BENNETTS (South-East) [8.0]: I did not intend to speak on the Bill, but after seeing what took place last week in regard to legislation dealing with rents, I consider that if ever there was a piece of legislation that should be continued this is it. There is no doubt that in view of what happened to the rents Bill last week, rents will be increased, which will result in an increase in the cost of living to the worker. Tonight I can visualise another Bill, which will have a great effect on the workers, going overboard. If wages are to be pegged then price-control should continue.

Hon. H. S. W. Parker: We have never pegged wages.

Hon. G. BENNETTS: In view of the last decision made by the Arbitration Court, the basic wage has now become static, and therefore there is all the more reason why this legislation should be continued, especially in regard to food prices. Only today I noted the prices for a tin of jam. In one of the city shops strawberry jam was priced at 3s. 3d. a tin, and yet on the Goldfields the cheapest price at which the same tin of jam can be obtained is 3s. 10d.

Hon, H. S. W. Parker: That is because of the high freights.

Hon. G. BENNETTS: I should not think that the freight would amount to 7d. on a tin of jam. However, in a suburban shop I also noticed that the price of a similar tin of jam was 4s. 9d. It is time that prices for such commodities were controlled.

Hon. H. S. W. Parker: They are controlled now.

Hon. G. BENNETTS: One can go into a chain store and then into any big business firm in the city and often a difference of at least 50 per cent. can be noted in the prices of toys and other articles.

Hon. Sir Charles Latham: That is good for competition.

Hon. G. BENNETTS: If a retailer in one shop is satisfied with the margin of profit he is making on an article which he is putting out at a reasonable price, the retailer

in another shop should be satisfied with a similar margin. This Christmas is going to be the blackest Christmas for workers that has ever been known in Western Australia. I support the Bill.

HON. E. M. DAVIES (West) [8.3]: I support the Bill because I contend this legislation is still necessary so that the public may be protected from certain people who will take advantage of any opportunity to charge prices which are not reasonable. When a referendum was held on the question of whether price-control should be transferred from the Commonwealth to the State, in my opinion the people were not told certain facts. At that time the Premier of the State published Press statements that the State would and could control prices. No doubt many people thought it might be preferable for prices to be controlled by State authorities rather than by the Commonwealth.

However, I am afraid quite a number have been disillusioned. One of the reasons given as to why the State could control prices better than the Commonwealth was that such control would be divided among the States. However, if one State threw out price-control it would be to the advantage of another and, as a result, price-fixing would be whittled down so that eventually it would be of no advantage to the people generally. The public has been greatly disillusioned. From the time the Commonwealth decided to relinquish price-control there has been a gradual increase in prices.

Hon. H. Hearn: Because wage-control went overboard.

Hon. E. M. DAVIES: We have heard quite a deal about that from the hon. member and the fact that wages are based on the cost index. It is of no use the hon. member trying to tell us that, because we all know that wages were always at least one quarter behind prices. We have now reached the stage where the people are told that price-fixing must go overboard. Although the majority of business people try to conduct their business fairly, there is no doubt that there are always some people who will take advantage of any opportunity to make excessive profits. Therefore, I consider it is still necessary to have some control over prices generally.

As the Government has indicated, as time goes by, if it is found that the prices of certain commodities are reduced, control can be lifted from them. Nevertheless, there are some controls that must be continued in order to protect the public. For instance, plumbing charges must continue to be controlled. Recently I had knowledge of a person who was building a self-help home and who approached one licensed plumber for a quote for the plumbing work. The price he was given

was £204. He said he could not afford to pay that and he approached another plumbing firm and was given a quote of £154. He still was not satisfied and eventually another firm quoted him £65 for the work. Those prices were for labour only. Therefore, that is an excellent example of how prices for plumbing work can differ between one firm and another. If the firm who gave the first quote had obtained the job it definitely would have been guilty of overcharging.

I know of another case in regard to an electrician. He made a very small installation and charged about £25 for the work. The person who engaged him came to me and complained. I approached the electrician and asked him for a detailed statement. Without any argument he immediately said, "I will reduce my account by £5." There is a case where, in the first instance, an electrician renders an account for £25 for a small job and immediately he is asked for a detailed account of his charges he volunteers to reduce his bill by £5. The only assumption to be drawn is that he added £5 to his original price and, when approached to reduce his account, he volunteered to reduce it by that amount.

Therefore, it can be seen that such people are fleecing the public, and it is because of them that controls must be continued. We do not want them to continue forever, but while such practices exist I consider there should be controls. The section of the community which treats the public fairly has nothing to lose by an Act of Parliament that provides for control over prices, especially when there is also a provision which will enable the Minister to release control over certain articles at any time. Provision is also made for the creation of a price-fixing board. I am certain that some sections of the business community will be interested in that board and I am sure that it will mete out justice where it is due. Therefore, in my opinion, this legislation should be continued for a further term.

HON. J. G. HISLOP (Metropolitan) [8.12]: I would like to tell Mr. Davies that although one summer makes one swallow, one swallow does not make a summer. The practices to which he refers will continue ad infinitum. I oppose the Bill because I think the legislation has long since outlived its usefulness. One aspect that has never been referred to is the cost of administering this Act. On many occasions we have been told what the legislation has saved the community, but we have never been informed what it costs the public to continue with it, not from the departmental point of view, but from the point of view of every business concern.

Hon. H. Hearn: And from the point of view of quality, too.

Hon. J. G. HISLOP: I should say it has continued at the cost of the nervous system of many business executives of this State who have endeavoured to operate honestly under it. If we worked out what it costs the public I am sure that members would agree to drop this legislation immediately. If controls were lifted I think prices would immediately fall. Mr. Davies gave an excellent example of the need for free and open competition. I consider that his speech was against his own argument. I am now convinced, after listening to him, that there is no need to continue with this legislation.

I have discussed the matter with friends of mine who are engaged in business and I have been told that all it does is to increase the cost of the lower-grade article. In the clothing trade, for instance, it had been the custom for traders to put out such articles as working men's shirts and trousers at cost or below cost in the realisation that they could make up any loss on the higher-grade article. I was informed by a manager of one clothing firm that that was his practice. However, as soon as clothing was again subject to price-control, the traders were very definitely advised what was the price for each article. The result was that the firm charged 2½ per cent. more now for all its articles than before the introduction of the present control. I am amused at the attitude adopted by members opposite. One would think that doom was impending from the statements of disruption, decay, and darkness all around. It will be found that pessimism has been expressed every time a control is about to be lifted; the pessimism is just as ill-founded this time as on previous occasions.

HON. R. J. BOYLEN (South-East) [8.16]: I support the Bill, and I congratulate the Government on bringing it forward. It is most imperative to do so as it was one of the election promises made in February this year. I fail to see the argument of those who oppose the Bill. The commission will consist of five representatives, three of whom will represent other than consumers. Yet the consumer is the person who should be concerned One member will represent manufacturers and wholesalers; another will represent the traders; and another the primary producers. What can be fairer than that? Another member is to be the commissioner, and the fifth will be a woman to represent the consumers. No better person than a woman could be appointed to represent the consumers because, after all, it is women who have to make the income of the household meet the expenses. Contrary to Dr. Hislop's argument, there is a real basis for a Bill of the sort, in that it will not only encourage free and open competition, but also honest, free, and open competition. HON. H. HEARN (Metropolitan) [8.18]: I hesitate to pass a silent vote on this important measure. There is one thing on which members will agree with me, and that is that I have not, during the years I have been in this House, changed my attitude. I fought price-control from the time I entered this Chamber. I believe that deterioration in the effectiveness of price-control commenced when the Commonwealth Government gave up any type of wages-control. It is impossible to deal effectively with one side of it, unless the other side is in balance. After all we are eight years removed from the war, and price-fixing was brought in as a wartime measure.

Year by year we have been told, not only by this Government, but by other Governments that have been in power, that this control must continue. I hesitate to use my own business as an illustration, yet I feel that on this occasion it is a good example. Never was there a time when competition and free enterprise played its part as well as it is doing in the furniture trade in Western Australia at present. As members all know, about 14 months ago price-control was removed, and from then on it became a question of giving value.

While there is price-control there will be the out-moded cost-plus system. We have heard a good deal about the isolated examples quoted by Mr. Davies; but when we get down to the basic principles of commerce—never let us forget that at present we are endeavouring to work in a free economy fettered by controls—we will find that free enterprise in a free economy will provide its own price-fixing, as has been shown by its past history.

Nothing has been said by those who are in favour of price-control about the rapid and utter deterioration of quality that has taken place in essential commodities. Take bread as an example. If anyone in 1937 had been told that in 1952 he would get bread of the quality that is delivered today, he would not have believed it. I believe that price-control is essential during wartime, but I also believe that it is one of the biggest hindrances to a progressive economy during peacetime. I wanted to express my opinions before I recorded a vote against the continuance of price-fixing.

HON. SIR CHARLES LATHAM (Central) [8,21]: I am certainly going to oppose the Bill. I believe that in any control of prices there should be a maximum and minimum. It is well known that in big emporiums like those in the city, large profits can be made because of large turnovers. But the small business man in the suburban areas has to increase his prices in order to get a living. The instances given by Mr. Davies convey to my mind that there was a good deal of competition.

Hon. E. M. Davies: That was a case of robbing the people.

Hon. Sir CHARLES LATHAM: Surely Mr. Davies knows very well that there have been different prices given by different people at all times.

Hon. E. M. Davies: Not to that extent.

Hon. Sir CHARLES LATHAM: If builders, for instance, think that a client can pay another 50 per cent. on the value, they will put it on. Let us consider why the Government calls for tenders. It is not because every tenderer has a fixed price. The Government calls for tenders to find the person willing to do a job at the lowest price.

Hon. E. M. Davies: There would not be a difference of hundreds of pounds.

Hon. Sir CHARLES LATHAM: Mr. Lavery gave an example the other night of the £28 a week butcher shop. The Government called for tenders to let the shop, and it took the highest four and selected the successful tenderer therefrom.

Hon. L. A. Logan: I must point out the Government took the four highest.

Hon. E. M. Davies: Is it the ordinary method of business to rob people?

Hon. Sir CHARLES LATHAM: Ever since the war finished there has been a great reluctance to abolish controls. We all remember the days of petrol restrictions, when there was always the scare of insufficient petrol to go round. Yet there was more petrol about in the week after restrictions were lifted than before. People do not run businesses for the purposes of fleecing the public. Recently when I was over East I found that the Labour Government in New South Wales removed price-There is a case of a Labour controls. Government doing that.

The Chief Secretary: We will do that here if necessary.

Hon. Sir CHARLES LATHAM: What has the Government done here? It has recontrolled prices, but there was no justification for it.

Hon. R. J. Boylen: Of course there was!

Hon. Sir CHARLES LATHAM: Nothing of the sort. I know very well that competition is here. Many people going into businesses today desire to increase them. But they will not do so by putting on excessive prices. We will find that a month after price-control is lifted, business will go along just as smoothly as before. One need only look at the newspapers to find there is a buyers' market, and not a sellers' market today. Why are full-page advertisements inserted? Because the firms want to dispose of goods and they enter into competition with each other.

I join with other members in hoping that this will be the last we shall see of price-fixing. If in six months' time we find business people exploiting the public, as suggested by some members, there is nothing to prevent Parliament from introducing suitable legislation. There are always the few who will exploit the public; there are good examples on the race-courses.

Hon. A. L. Loton: On what racecourse is that done?

Hon. Sir CHARLES LATHAM: Members know all about it. We should let people run their business in their own way. The public is a good master, and is able to control the business man who tries to exploit it.

HON. J. M. A. CUNNINGHAM (South-East) [8.27]: I oppose this Bill because I believe the time has arrived when we should dispense with this type of control. A lead has been given by another State. In this Chamber members have often quoted what other States do. We now have a very good lead from a Labour Government to do away with price-control at long last. Price-control has served a good purpose.

Hon. F. R. H. Lavery: You would not take the lead from other States in regard to workers' compensation.

Hon. J. M. A. CUNNINGHAM: We do where we think it is justified and reasonable, and where it is applicable to the conditions of the State. During the years when the price-fixing department was effective, there was a different set of circumstances to those in existence today. Conditions have changed vastly since those days. Members on the opposite side have always advocated a reasonable return for a reasonable day's work. I agree that is just and proper.

The Chief Secretary: We are still advocating that in the present measure.

Hon, J. M. A. CUNNINGHAM: I am not concerned about the larger firms, who can well look after their own interests. I am concerned with the many people who make up the shopkeepers and self-employed class. They have not had a fair go. It has been said that England was a nation of shopkeepers, and it is to that class in Australia that I am making reference. When England was a nation of shopkeepers, it was the period in which she made her greatest advance. Yet their counterpart in Australia today are not getting a fair spin. They are working hours which no union would stand, and they are not getting a return for the money and effort invested. Since the war years, those people have had to sell their goods on fixed prices which did not return a margin commensurate with the effort. Will members deny that?

Hon, E. M. Davies: How many?

Hon, J. M. A. CUNNINGHAM: I can quote several articles—sugar, flour, potatoes, currants, raisins and many others. A 70-lb. bag of sugar was purchased for

a given sum and, after it was weighed into two, three and four-lb. packs and sold, exactly the same amount of money was received as had been spent on its purchase.

Hon. F. R. H. Lavery: Has not that been the same for 30 years?

Hon. J. M. A. CUNNINGHAM: Indeed, no. Does the hon. member say that justice is done when a man buys a bag of potatoes and finds in the bottom of it 14 lb. of potato dirt?

Hon. F. R. H. Lavery: I do not agree with that at all.

Hon. J. M. A. CUNNINGHAM: This actually occurred, and when the man concerned asked the department for redress the answer he received was, "Your margin of profit is in the resale value of your containers." That was, the bags. Is that justice? Of course not, but the small shopkeeper has had to put up with that sort of thing for years under price-control. Matches come under the same heading. They were being sold for \( \frac{1}{2} \text{d} \), profit per gross. This was an essential line. The position became such that the shopkeepers contemplated banding together and saying to the Government, "All right, you handle these things, if you think there is a reasonable margin of profit."

Hon. E. M. Davies: They did not do it.

Hon, J. M. A. CUNNINGHAM: Members opposite have mentioned a journal under which resellers work, and in which the prices of the articles they sell are shown. In that journal for about seven months there was an outstanding instance of absolute stupidity. The particular article concerned was camp pie-a 12-oz. tin and a 16-oz. tin. This commodity was made by the same people, and was of the same quality. Under price-control the 12-oz. tin was sold at ls. 1d. and the 16-oz. tin had to be sold for 11d. The firms concerned applied for redress month after month, but the stupid error was carried on. I actually had specimen tins on exhibition here. If any member of the House cared to go to the Prices Branch he would find inside of an hour anything up to half a dozen people coming in with complaints. One day when I was there I heard three complaints, one about an overcharge for a load of wood, another in regard to ice and the other about coal. I saw inspectors sent out to investigate the complaints on the spot. On the other hand I have quoted this instance where month after month injustice was done to a group of workers. There is something wrong with a department that runs its affairs in that way. One member opposite gave a perfect example of the application of free enterprise and clean competition. As the hon, member pointed out one man put in a price of £240 for a job, another tendered £100 and a third person submitted a price of £60. Would members say that the lowest price was a reasonable

charge for the job? I suggest that the man who wanted to charge £240 would not remain long in the game as open competition would rule him out of it.

Hon. E. M. Davies: He is one of those people you want to protect.

Hon. J. M. A. CUNNINGHAM: I do not need to protect people like that. Those fellows run themselves out of business. The man who charges a fair price for a job will get the work, and very soon the man who wants to charge £240 will be back to the £60 mark, or will be out of business. I oppose the Bill.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [8.35]: As this is one of the most important Bills of the session, I have prepared a reply to the many points that have been raised. I did not want to have to keep in mind the various matters brought forward, and then find I had forgotten some, so I prepared my reply, and I think I have covered everything that has been mentioned. I am afraid that the members who have raised objections to the Bill made quite a number of misstatements. I first propose to take as many of these in sequence as possible and to correct the more palpable errors. Mr. Simpson's remarks were of rather a general nature and it was a little difficult to pick out salient points He said that in Tasmania to answer. copper was the sole item now controlled. This is not entirely correct since control has been resumed over all meat, except pork, as it was found that profits were getting out of hand.

Hon. C. H. Simpson: There was only one item controlled at that time.

The CHIEF SECRETARY: We are speaking of the present. I would emphasise to the House that Tasmania has retained its price-control legislation in order that if traders do not deal fairly with the public, control can be reinstituted on any commodity. The legislation has not gone out there at all. As I have said, it was necessary to do this with meat. Mr. Simpson also referred to the strain imposed on our economy by price-control though the necessity to provide housing for officers of the Prices Branch. The statement appears not to be factual. The Commissioner of Prices has informed me that neither during nor since the war have houses been made available for his staff.

Hon. C. H. Simpson: I was referring to houses in general terms. The fact that men live in the city connotes that there is a necessity for houses. I did not say the department provided them.

The CHIEF SECRETARY: That is how we interpreted what the hon. member said. The hon. member referred at some length to competition solving the question of prices, and implied that buyer-resist-

ance would force the trader to reduce his charges. I am afraid he spoke here in an idealistic strain. The truth is that experience and the result of extensive checking of decontrolled goods have shown that competition plays very little, if any part in many of the essential lines of goods.

Hon. N. E. Baxter: Who did the checking?

The CHIEF SECRETARY: A person more competent than the hon. member.

Hon, N. E. Baxter: Who did it; the Prices Branch?

The CHIEF SECRETARY: This particularly applies where powerful associations are involved or a monopoly exists. In some industries it has been found, since decontrol, that retailers have demanded higher margins from manufacturers before they would handle their goods. It is also known that manufacturers have offered greater margins to retailers in order to induce them to handle their goods. In all these cases the commodities were in ample supply with the position ideal for free competition, but checking by prices officers showed that margins and prices had increased considerably when these goods were decontrolled.

It has also been found that when the proprietary lines of certain large manufacturers, operating on an Australia-wide basis, were decontrolled in Western Australia, the prices were immediately increased beyond those ruling in States where control had been retained. notwithstanding the fact that this type of goods was in ample supply and was an every-day requirement of the public. Meat, ham and bacon are commodities in ample supply, yet it can be said, without fear of contradiction, that no competition whatever exists. Margins being taken are excessive, and prices of these commodities were never higher in the history of the State.

Hon. L. A. Logan; That is not correct, either.

The CHIEF SECRETARY: Even with the pegging of wages and the fact that there has been no basic wage increase since July, the profit margins, generally, have increased considerably. The benefit of these high meat prices is not going to the producer but is being reaped by other sections of the trade. If, as the hon. member says, consumers restrict their purchases, then this, in turn, must restrict the quantity of livestock required.

Many industries work on agreed list prices and should any member attempt to sell at lower than these prices, drastic action against such member is inevitably the result. Members know that quite a lot of that goes on. Mr. Simpson stated that practically every line of goods in this State at present was in ample supply. On the building side only, I would point to

poor supply of bricks, galvanised iron, and certain types of joinery and dressed timber. One hon, member was complaining earlier in the evening about so much being on the Loan Estimates for State Brick Works. Well, there is free competition in bricks in this State, but the position has not yet been met. What would be the position if we did not have the State Brick Works?

Hon. N. E. Baxter: Private enterprise would soon deal with the position.

CHIEF SECRETARY: Private enterprise has had the opportunity to do so, but even with the State works operating, we are still very short of bricks. Private enterprise has fallen down on the job. In referring to clothing, Mr. Simpson stated that quality and range must be taken into account, and that there are many clothing lines that are subject to the temporary influence of fashion and design. I would inform the House that, firstly, quality and range are always taken into account by the Prices Branch. is evident by the fact that traders are permitted a percentage on their actual cost into store.

Secondly, fashion goods are not controlled, and even here it is extremely doubtful if competition has resulted in reduced margins. A reduction in price does not necessarily mean that this has been brought about by competition; it could be, and in many cases is, the result of cheaper supplies from manufacturers. Members have taken up the attitude that everything is controlled, and have then tried to show that there is no necessity for price-control.

Hon, J. McI. Thomson: What is controlled in the building industry?

The CHIEF SECRETARY: Very little, Is the hon. member satisfied with the prices of buildings today?

Hon. J. McI. Thomson: Yes,

The CHIEF SECRETARY: He believes that the lifting of control has kept the prices down.

Hon. J. McI. Thomson: It has made competition keener.

Hon. L. Craig: Building prices are lower here than in the Eastern States.

The CHIEF SECRETARY: They always have been—even long before the war. Mr. Thomson should know something about houses, and he knows that as soon as controls go off houses they increase considerably in price.

Hon. J. McI. Thomson: That is not the case at all.

The CHIEF SECRETARY: I would like the hon. member to produce only one case to me where, since price-control was lifted, houses have been reduced in price. As a matter of fact, houses are dearer today than they have ever before been in the history of this State.

Hon, N. E. Baxter: That is not surprising because of the way wages have gone up.

The CHIEF SECRETARY: There has been no increase in the basic wage since July; but there has been no decrease in the price of houses. The hon, member mentioned houses and I quoted a case in this House, which is typical of many, illustrating the amount involved under the rise-and-fall clause.

Hon. J. McI. Thomson: But that has been abolished.

The CHIEF SECRETARY: I know; but the case I quoted is typical of what has happened in the building trade. This house was to have cost £1,500—

Hon. N. E. Baxter: Where would you have got a house costing that much in the last few years?

The CHIEF SECRETARY: This was when prices were controlled. The same house today costs £2,500.

Hon, N. E. Baxter: When was this? Years ago?

The CHIEF SECRETARY: Within the last four years. Prices were controlled then, and I am trying to point out to members that under price-control things are cheaper.

Hon. N. E. Baxter: Wages were lower, too.

The CHIEF SECRETARY: In this instance there was an increase of £494 under the rise-and-fall clause. That is approximately 33 per cent.

Hon. A. F. Griffith: By how much has the basic wage risen in the last four years.

The CHIEF SECRETARY: The hon, member quoted the building trade and I decided to tell him a little about it. This was an increase of at least 30 per cent.

Hon. N. E. Baxter: Over what period?

The CHIEF SECRETARY: I know all about this case because the person came to me and asked me to handle his case. After exploring all avenues, I told him to to go to the builder and the builder said that he would wipe off £100. If the price had been genuine, no builder would have been able to afford to wipe £100 off the price. That is the sort of thing that is going on.

Hon, N. E. Baxter: You do not think every trader is like that builder?

The CHIEF SECRETARY: No. But I would say that there are a number of them in that position in the building trade.

Hon. A. F. Griffith: Does not the Minister realise that by removing controls he is allowing keener competition with consequent lower prices?

The CHIEF SECRETARY: I am not a quiz kid and I cannot answer all questions at once. Can the hon, member tell

me of one instance where prices have come down because of the lifting of price-control?

Hon. A. F. Griffith: Of course they do.

The CHIEF SECRETARY: I do not know of one instance and I have seen many contracts.

Hon, A. F. Griffith: You have not been looking in the right direction.

The CHIEF SECRETARY: I have seen a large number of contracts and in not one instance has there been any decrease in price. Thirdly, the only items of clothing now controlled are essential utility goods which are not subject to the influence of fashion and design. Mr. Simpson's statement that there are probably thousands of items controlled is completely and utterly incorrect.

In referring to his assertion that there surely should be no room for complaint as people have the opportunity of going from shop to shop, I would remind him that people with families have little opportunity of going from shop to shop looking for bargains if, and where, they might exist. In any case, the fact that large numbers of complaints continue to be received and often result in legal action is ample proof that many traders do not hesitate to exploit the public when they When we speak we get the opportunity. quote actual facts. Members are only using personal experiences. I have been giving facts that are recorded in the department.

Hon. N. E. Baxter: Do not you think they would boost that?

The CHIEF SECRETARY: In regard to Mr. Simpson's remarks that the high price of wool and the increased value of sheep and other stock meant that meat must of necessity be dearer, I would point out that if this were the only cause of the present high price of meat, at least the producer would reap the benefit. What about the producers' representatives? How much are their people getting from the extra price of meat today?

Hon. L. A. Logan: We did not get very much under price-control.

The CHIEF SECRETARY: They are not getting a fair deal today.

Hon. L. A. Logan: They did not under price-control.

The CHIEF SECRETARY: As I have already said, this is not the case. I must emphasise that the exceptionally high prices are due to the excessive margins being taken by the meat industry. Members do not need me to tell them that. It is only too true. Neither the producer nor the consumer receives any benefit.

Hon. L. A. Logan: The wholesaler was not controlled and never has been.

The CHIEF SECRETARY: Concerning the hon. member's reference to electrical services, in which he stated "there was a shortage of competent men and those who wanted to get the work done were prepared to pay high prices for it, mainly during the week-end period", I am very much afraid that the hon. member is not aware of the facts. The large number of complaints received does not bear out his statement that people were prepared to pay higher prices. Furthermore, the work in respect of which numerous complaints have been made, was not done during the week-end period. Of all the complaints received regarding electrical and plumbing charges, not one referred to week-end work.

Hon. C. H. Simpson: Was it not due to a shortage of competent men?

The CHIEF SECRETARY: Not necessarily.

Hon. C. H. Simpson: If you check back, I think you will find that that is the case.

The CHIEF SECRETARY: It does not matter whether there was a shortage of competent men or not. A man is given a job only after he has quoted his price and the Prices Branch has investigated the position and its investigations do not bear out the hon. member's statement.

Hon. C. H. Simpson: Somebody must have paid the prices; otherwise there would have been no complaints.

The CHIEF SECRETARY: They would have had no option: they would have had to pay the price.

Hon. C. H. Simpson: In the case of shortages, it is the law of supply and demand.

The CHIEF SECRETARY: When there is a shortage of tradesmen they can bump their prices, as the hon member knows.

Hon. C. H. Simpson: Those things always regulate themselves under free trade. That has always been the case in the past.

The CHIEF SECRETARY: I am afraid I must refute Mr. Simpson's comment that the capital figure of £140,000,000 was claimed by the oil industry in its approaches to the prices authorities. did not occur. Furthermore, because of the method of capital finance, capital funds used in Australia vary considerably from time to time throughout the year. it not for the secrecy sections in the Act much more could be said on this subject, which would surprise and enlighten the hon. The hard fact remains that member. result of the action taken Prices Ministers and their officers, the saving to the public-including primary producers, who are large consumers-during the past few months, in this State alone has been calculated at the rate of three quarters of a million pounds per annum.

Hon. C. H. Simpson: I do not think that is correct.

The CHIEF SECRETARY: It is of no use the hon. member saying that. These are the actual figures at the Prices Branch.

Hon. H. S. W. Parker: For Western Australia or the Commonwealth?

The CHIEF SECRETARY: In this State alone.

Hon. H. S. W. Parker; That is nearly £1 per head.

The CHIEF SECRETARY: Yet members say we should decontrol commodities. Other members, as well as Mr. Simpson, were sadly astray in their facts. In dealing with prices and margins of articles of clothing recently recontrolled, Mr. Parker stated that the prices of "C" series clothing went up by 2½ per cent.

Hon. H. S. W. Parker: That is correct.

The CHIEF SECRETARY: No.

Hon. H. S. W. Parker: The traders say so.

The CHIEF SECRETARY: That is not right. Price-control on clothing and softgoods was removed in March, 1952, and replaced in May, 1953. An investigation made prior to recontrol showed that the margins operating in 1952 were insufficient to reflect a reasonable profit in 1953, and these retail margins were, on the average, increased by 2½ per cent. This, of course, did not increase the retail price of goods in the course because of consistent checks made during the period of 14 months of decontrol, it had been proved conclusively that, with hardly any exceptions, traders were taking margins very considerably in excess of those operating prior to decontrol, and certainly above those fixed when the goods were recontrolled.

Concerning Mr. Parker's remarks that "Price-control has never operated in its true sense; it has only been a retail margin control", I must point out that in very few instances is control operated on the retail price only. Where controlled goods are manufactured in Australia, the whole price structure—that is manufacturers, wholesalers and retailers' prices—is controlled. Mr. Logan stated that "over all those years the tanners have been subsidised by the beef producer".

Hon. L. A. Logan: That is quite true.

Hon. L. C. Diver: It is factual.

The CHIEF SECRETARY: That is not so. The tanner has not received one penny subsidy.

Hon. L. A. Logan: Cut it out,

Hon. Sir Charles Latham: What about local and overseas prices?

The CHIEF SECRETARY: If the difference between the world parity price of hides and that ruling for domestic consumption is considered to be a subsidy, then such subsidy is used to keep down the price to consumers of articles made from leather. It in no way benefits tanners.

Hon. H. K. Watson: But it robs the primary producer.

The CHIEF SECRETARY: It is assumed that the main reason why tanners are apprehensive concerning the deletion of price-control, is because if the Australian Hide and Leather Industries Board were not operating, then the tanning industry in this State would be at a distinct disadvantage because wealthier tanners in other States could outbid them for the available supplies of hides at auction.

In his speech Mr. Griffith averred that controls were necessary only when goods were in short supply. The Prices Ministers in conference have on many occasions stated the circumstances which must be present before goods are removed from control. These are:—

- (1) Ample supply.
- (2) That the goods do not contain an element of subsidy (that is, tea, sugar, cheese, etc.).
- (3) Free competition, that is, no monopoly.
- (4) Prices not to increase beyond an amount necessary to take up increases in cost.

The hon, member also stated that there was no shortage of basic building materials. In this regard price-control applies as follows:—

- Timber is not controlled. There is a short supply of flooring, seasoned timber and joinery.
- (2) Bricks are not controlled, but supply is not equal to demand and the waiting period extends up to four months.
- (3) Tiles are not controlled.
- (4) Galvanised iron is controlled, and is not in free supply. The backlag of orders in Western Australia with the distributors amounts to approximately 2.000 tons.

I might say that this information is substantiated by a very recent survey prepared by the Division of Industrial Development.

Hon. A. F. Griffith: Obviously you did not read my speech. I know that those things are not controlled.

The CHIEF SECRETARY: We would not treat the hon. member so discourteously. We read his speech.

Hon. A. F. Griffith: Who are "we"?

The CHIEF SECRETARY: I want members to understand I am quite sincere in what I say. I do not want them to think I am trying to be critical when I state they are unaware of the true position. Politics do not enter into my remarks. I am striving to assist the people of the State, particularly those in the middle and lower income groups. It is a regrettable fact that many traders are not hesitant to demand excessive profits. Those who do

not often have pressure brought to bear on them by controlling bodies and associations.

Members opposing the Bill have mainly spoken in an idealistic manner, and have refused to admit the mercenary motives actuating many of our traders. The Prices Ministers have access to information denied private members, and I emphasise that if this Bill is defeated those members responsible will be doing a gross disservice to the majority of the community. I appeal to those members to descend from their ivory towers and take a realistic view of the situation. Every other State has decided it is necessary to retain its pricescontrol legislation.

Hon. A. F. Griffith: Before the Minister sits down-

The CHIEF SECRETARY: The hon, member need not be so optimistic, I will not sit down yet.

Hon. L. C. Diver: Can you tell us whether the Bill dealing with the reimbursement of members' expenses will be affected by price-control if it is passed tonight.

The CHIEF SECRETARY: If the hon. member asks me that question when we are dealing with the Bill, I will answer it. I know that a number of members—I will not say it is a concerted move—made up their minds to defeat this Bill long before it was introduced into this Chamber.

Hon. F. R. H. Lavery: At least three months ago.

The CHIEF SECRETARY: That is not the way to deal with a measure.

Hon. H. Hearn: Some of us are being consistent.

Hon. R. J. Boylen: In a strange way.

The CHIEF SECRETARY: It is of no use being consistent if members are acting donkey-like.

Hon. Sir Charles Latham: You saved the Government on this Bill on more than one occasion.

The CHIEF SECRETARY: I am proud of that, too, and I hope that the hon. member will help me to save it on this occasion.

Hon. A. F. Griffith: You made a delightful speech last year.

The CHIEF SECRETARY: I hope members will give this Bill serious consideration.

Hon. L. A. Logan: We have.

The CHIEF SECRETARY: I do not think the hon. member has. He, along with other members in the House, condemns this Bill before having seen it. Most of the comments during the debate have been on general terms and have not been confined to articles that have been controlled in the past. I know there are

quite a few members who think that if this Bill goes through now, it will reach out and control everything eventually.

Hon. N. E. Baxter: It would before long.

The CHIEF SECRETARY: The hon. member laughs at that. I will go further and say that when we get into the Committee stage I will permit members to have a look at a schedule which I have prepared, which will limit the items mentioned in that schedule. Is not that a fair enough offer to make?

Hon. H. Hearn: As a last-minute compromise.

Hon. H. S. W. Parker: I do not think you can.

The CHIEF SECRETARY: Oh yes we It is quite a large schedule, and can! I will let members have a look at it. But I can see that members are going to treat the schedule in the same way as they propropose to treat the Bill; to condemn it before they have seen it. In that schedule is a large list of commodities that will be decontrolled.

The Minister for the North-West: beer in it?

The CHIEF SECRETARY: There are more articles listed for decontrolling than those it is proposed to control.

Hon. A. F. Griffith: You did not make mention of this in your second reading speech.

The CHIEF SECRETARY: I know I did not.

Hon. H. Hearn: A last-minute repentance.

The CHIEF SECRETARY: Ι have nothing to repent of in so far as this Bill is concerned. The hon, member wants to lift the lid. As a Government we feel it is necessary to protect the people of this State and to take such action as we We will not control consider necessary. things it is not necessary to control. But there are certain articles which it is necessary to control; if they are not controlled they get out of hand.

Hon. H. Hearn: I was suggesting that it was a last-minute schedule.

CHIEF SECRETARY: It is The an attempt by the Government to put the matter right.

Hon. H. K. Watson: It is far too late to bring these things in now.

The CHIEF SECRETARY: It is never too late to do the right thing. We will have all this week to debate this measure. I will not rush the Bill through the House; I will leave the schedule for members to study for a couple of days.

Hon. A. F. Griffith: I think you are lucky to have the protection of Parliament when you accuse traders of robbing people.

The CHIEF SECRETARY: There are certain traders who will rob people if they get the opportunity, and the hon. member knows that as well as I do.

Hon. A. F. Griffith: That is a pretty broad statement.

The CHIEF SECRETARY: We find that the Government which the hon, member supported decontrolled certain items and had to recontrol them. Why did they do that? Simply because certain traders were robbing the people.

Hon, R. J. Boylen: What did the Royal Commission inquiring into the activities of Snowden & Willson reveal?

The CHIEF SECRETARY: There are certain traders who robbed the public.

Hon. G. Bennetts: There have been convictions.

The CHIEF SECRETARY: Of course there have been convictions! There are certain people who will seize every opportunity to extract the last penny they can in the sale of their goods. We find that as it relates to other commodities in which there is a free go. I appeal to members to at least pass the second reading and to examine the schedule in the Committee stage. If they are then not satisfied, they will have an opportunity of defeating the measure. I think it is up to every member of Parliament to examine each detail to make sure that he casts his vote as his conscience dictates, and members cannot do that if they vote this Bill out on the second reading.

Question put and a division taken with the following result:-

M	[ajori	ty aga	inst	 4
Noes				 15
Ayes Noes		• • • • •	****	 11

Ayes. Hon. C. W. D. Barker Hon. F. R. H. Lavery Hon. A. L. Loton Hon. H. L. Roche Hon. H. C. Strickland Hon. W. R. Hall Hon. G. Bennetts Hon. R. J. Boylen Hon. E. M. Davies Hon. L. C. Diver Hon. G. Fraser (Teller.)

Noes. Hon. L. A. Logan
Hon. J. Murray
Hon. H. S. W. Parker
Hon. C. H. Simpson
Hon. J. McI. Thomson
Hon. H. K. Watson
Hon. H. Hearn
(Taller Hon. L. Craig Hon. L. Craig Hon. J. Cunningham Hon. Sir Frank Gloson Hon. A. F. Griffith Hon. C. H. Henning Hon. J. G. Hislop Hon. A. R. Jones Hon. Sir Chas. Latham

Pair.

Дуе. No. Hon. E. M. Heenan Hon. N. E. Baxter Question thus negatived.

(Teller.)

Bill defeated.

### BILL-ABORIGINES WELFARE.

Second Reading.

MINISTER FOR THE NORTH-THE WEST (Hon. H. C. Strickland-North) [9.10] in moving the second reading said: 2680 [COUNCIL.]

This is a Bill to amend the Native Administration Act. Under our democratic form of Government it is the responsibility of Parliament to revise the laws in keeping with the development of the State and the general welfare of its people. the duty of Governments to bring before Parliament out-moded, obsolete, or de-fective laws and a plan for their recon-struction and modernisation, at the same time having due regard to the future. Because of its faults and obvious unjustified restrictive provisions, which impede progressive uplift and welfare of aborigines, particularly their caste descendants, this Government has brought before Parliament a Bill to amend the Native Administration Act of 1905. The measure is designed to help overcome a social problem of widespread public interest. It is a nonpolitical subject, which should be considered unselfishly without prejudice, and in the light of the human beings it concerns.

Since the establishment of the colony, ordinances were gazetted from time to time dealing with certain aspects of aboriginal employment and control, but not until 1886 was the first attempt made to enact laws with the primary intention of improving their standard and general welfare. In that year the Aborigines Protection Act was passed by the Legislative Council, which was until 1890 the only house of legislation in this State. The Act established a board of five members and charged it with the duty of protecting the interest of aborigines, educating their children and supervising their general welfare.

Section 6 of that Act was almost identical with Section 6 of the existing Act, the only difference being the reference to "board" and "department," which became necessary when the present Act gave control to a department and abolished the board. Section 6 of the Act has never been amended since 1909. It reads—

It shall be the duty of the department to exercise a general supervision and care over all matters affecting the interests and welfare of the natives and to protect them against injustice, imposition and fraud.

Hon. C. H. Simpson: Do you not think that is a very good provision?

The MINISTER FOR THE NORTH-WEST: It is an exceptionally good provision. As I say, it contains the basic principle of the whole aborigines legislation, since legislation was first introduced.

Hon. C. H. Simpson: The amendment alters it.

The MINISTER FOR THE NORTH-WEST: That the desire of legislators was the advancement of aborigines is also evidenced in the Constitution Act of 1889. Section 70 of that Act is incorporated in the 1905 Act and appears as Section 4. It

laid down that certain amounts of money should be spent in a certain manner for the welfare of the natives. That particular section has again only been altered to fit in with the alteration of "department" and "board." It reads as follows:—

There shall be a department under the Minister to be called the Department of Native Affairs, to be charged with the duty of promoting the welfare of the natives, providing them with food, clothing, medicine and medical attendance when they would otherwise be destitute; providing for the education of native children and generally assisting in the preservation and welfare of the natives.

It is clearly seen that for the last 67 years the basic principle of aborigines legislation has been the intention to uplift these people by educating them to a standard and mode of living which would eventually enable them to take their place in the community and go about their business as ordinary Australian citizens. little progress has been achieved towards that humane and desirable objective is not the fault of the aborigines, nor of their caste descendants, who, by the present law, are classed as "natives" handicapped with absurd restrictions which contribute largely to the dismal failure of the original intention.

Much blame for this failure can be laid against successive Parliaments which have allowed maladministration, exploitation and shameful neglect to interfere with the well-being of these people. Only in recent years has a spirited attempt been made to introduce the welfare principles laid down by law. During the long period of inaction a disgraceful situation has developed.

A glance at the population statistics will show the extinction of the aboriginal is steadily taking place, while his caste descendants are rapidly supplanting him. Whereas there were 12,815 full-blooded aboriginals in 1927, figures arrived at following a State-wide census, show that at the end of last June there were 7,872 living within the bounds of civilisation. Of these, 1,743 are children, representing a trifle more than 22 per cent. of the black population. The castes total 6,914, including 3,177 children, who represent almost 46 per cent of the mixed bloods. The disposal of blacks and castes throughout the State is as follows:—

	Blacks.	Castes
East Kimberley	1.491	204
West Kimberley	2,316	356
Pilbara	1.425	360
Gascoyne	471	341
Central District	100	1,643
Eastern Goldfields	1,144	646
Murchison	700	1,450
Southern Districts	225	1,914

Hon. C. H. Simpson: No tribal natives are included in those figures?

The MINISTER FOR THE NORTH-WEST: The hon. member means primitive natives?

Hon. C. H. Simpson: Yes.

The MINISTER FOR THE NORTH-WEST: No. These are only natives within the bounds of civilisation. The totals are—Blacks, 7,872; castes, 6,914. Those figures disclose the changing situation. In the closely-settled areas, such as the Central and Southern—which cover metropolitan and farming areas—the full-bloods number 325, and the castes 3,557, or more than half of the State's total caste population, which outnumbers the blacks by more than ten to one.

Surely it was never intended to set up a race of near-whites and class them as aborigines or outcasts! The original Act of 1886 classed half-castes and their children as aborigines only if they lived with aborigines. The new Act of 1905 did the same, except that children were classed as aborigines only until they reached the age of 16, provided they were not living as aborigines or with aborigines. It is interesting to read who was deemed to be an aboriginal under the original Act of 1886. Section 45 of that Act reads—

Every aboriginal native of Australia, and every aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating and living with aboriginals, shall deemed to be an aboriginal within the meaning of this Act, and at the hearing of any case the justice or justices adjudicating may, in the absence of other sufficient evidence, decide on his their own view and judgment person with reference to whether whom any proceedings shall have been taken under this Act is or is not an aboriginal.

So, when an aboriginal was taken before the courts, there was very wide discretionary power for a justice in deciding whether he was in fact an aboriginal or not. The present Act has been amended until it now has a dragnet effect and classes all castes with more than quarter aboriginal blood as aborigines, irrespective of whether they live with aborigines, like aborigines, or are respectable good-living people, as the great majority of them are.

How can a welfare Act operate successfully when it deliberately denies Australain-born children their birthright of citizenship? Is it to be wondered that so many of them become dejected when they fully realise the restrictions placed upon their personal liberty by the Native Administration Act?

Large numbers of these children are receiving sound Christian instruction and primary education on the level of white

children. Of several who have been given the opportunity, some have gone on to secondary education, some have entered and passed through the Teachers' Training College and others are competent stenographers, nurses, hospital attendants and soldiers. In the North, many have their own businesses, and some are pastoralists. Missions, institutions, State and Catholic schools are all doing splendid work in educating and training full-blood and caste children. In addition several welfare organisations have been established in widely-separated areas of the State, and are also doing good work to improve the social status of adults. Better housing conditions and facilities on reserves are continually being provided. In order to keep abreast of the general progress being made by the unfortunate persons who come within the provisions of the Native Administration Act, this Bill proposes to relax laws which are obstructing their regeneration and thereby assist in promoting their well-being.

The Bill contains 76 clauses, 22 of which are merely consequential alterations brought about by the proposed new title "Aborigines Welfare Act" Another 34 clauses repeal certain sections. Some of these are also consequential, and relate to the repeal of restrictive sections such as permits to employ and freedom of movement. Both of these provisions are obsolete and in many instances cause much inconvenience for employers as well as employees. Another amendment repeals the prohibition to be on licensed premises, or to be supplied with liquor. These provisions are covered in the Licensing Act. The removal of those sections from the Native Administration Act would not be very much consequence. The object of removing from the Act relating to aborigines provisions that may be found in other Acts is to make this measure purely a welfare Act. Section 150 of the Licensing Act reads as follows:-

No person, whether licensed or unlicensed, shall sell, supply, or give any liquor, in any quantity whatsoever, either alone or mixed with water or any other liquid, to any aboriginal native for himself or for any other person, or solicit or receive from an aboriginal native an order for the supply or delivery of liquor.

Penalty: One hundred pounds, or imprisonment for six months, or both.

The penalty in the Native Administration Act is exactly the same as that in the Licensing Act. Section 151 of the Licensing Act reads—

(1) No person being the holder of a publican's general licence or a waysidehouse licence shall permit any aboriginal native to remain on or loiter about his licensed premises.

Penalty: Ten pounds.

(2) Provided that this section shall not extend to prevent the lawful employment, by any person holding any such licence, or any aboriginal native on the licensed premises with the consent in writing of the Commissioner of Native Affairs.

Also, there is provision in the Natives (Citizenship Rights) Act exempting natives obtaining such rights from the provisions of the Licensing Act.

There has been quite a lot of controversy about the removal of this section; and of course about the alterations to the definition of "native" in the Bill, which would remove from the castes the degree of "blood line," as I call it, existing in the present Act. It means that all castes would automatically be citizens, with the rights and privileges of citizenship.

Hon. L. Craig: You agree that they should have the right to go into licensed premises.

The MINISTER FOR THE NORTH-WEST: Not in every case.

Hon, L. Craig: How would you differentiate?

The MINISTER FOR THE NORTH-WEST: I will come to that by-and-by. Dealing with the question of liquor, there is no doubt in my mind that those who are educated to a very high standard—and many who are not—are quite capable of drinking liquor and holding it as well as any person of any nationality I know of. I have had quite a lot to do with them, with respect to liquor, in the North, and the ones who suffer most from drinking liquor, or the ones who drink excessively, are those who are prohibited from going into hotels and being able to buy beer or shandy, or something like that.

Under the present system, a bottle of wine or spirits goes a lot further than a gallon of beer, and it is much easier to get it to them. It is much easier to hide a bottle, where one has to smuggle it to these people, than it would be to take a sufficient quantity of beer to supply three or four, or half a dozen people. I am convinced that a relaxation of the laws in this respect would lead to a considerable reduction in excessive drinking by natives in camps and in the bush where they are forced to go in order to indulge owing to the existing prohibition.

Hon. N. E. Baxter: Do you honestly believe that?

The MINISTER FOR THE NORTH-WEST: That has been my experience and I honestly believe it. White men who are put on the prohibited list, or under the "Dog Act" as it is generally known, invariably secure more drink than when they are able to buy it in the normal way. I have known this to occur time and time again with habituals and also with people who would not be so described, and I am certain that the coloured people would be-

have themselves and drink reasonably if only given the opportunity. Members should bear in mind, too, that licensees are responsible to ensure that intoxicated persons are not served with liquor.

Hon. G. Bennetts: Do they enforce that?

The MINISTER FOR THE NORTH-WEST: A lot of them do and they have the protection of the police if trouble occurs with any of their customers. If the Bill becomes law, probably quite a number of the native people will at first drink to excess. They will certainly celebrate in the early stages, but I feel sure that they will soon steady up and acquire normal drinking habits.

Hon. N. E. Baxter: You think this will help them?

The MINISTER FOR THE NORTH-WEST: I am certain it will. Does the hon. member think they are progressing under the present law?

Hon. N. E. Baxter: They will not progress under this measure.

The MINISTER FOR THE NORTH-WEST: I am prepared to give them an opportunity to show whether this legislation will operate satisfactorily or not; but to keep them restricted, as they have been for too many years, would afford them no hope of ever rising to a decent standard of living. I am speaking now of the whole community of castes. The liquor laws would still apply to the full-bloods.

Two new sections are proposed to be added. The first empowers the Minister to undertake land settlement and housing for aborigines. This has been adopted from similar legislation in New South Wales. The other provision will empower the Minister to use the Public Works Act for the acquisition of land. The remaining 16 clauses propose to amend various sections of the Act, the most important of which is that defining "aborigine" and relates to Clauses 4 and 5 of the Bill. These two clauses must be read together in order to define who of the castes shall be classed as aborigines. Clause 4 reads—

"aborigine" means a person—

(a) who is of the full blood descended from the original inhabitants of Australia; or

(b) a person who is descended from the original inhabitants of Australia or from their full blood descendants but who is of less than the full blood of those inhabitants and who, under section three of this Act is classed as an aborigine.

Section 3 is to be re-enacted by Clause 5 of the Bill and relates to those of less than full-blood. It reads—

A person who is descended from the original inhabitants of Australia or from their full blood descendants but who is of less than the full blood of those inhabitants may be classed as an aborigine,

- (a) by an order made by a magistrate on an application made under the regulations by the Commissioner; or
- (b) by an order made by the Minister on an application made under the regulations by the person.

The enactment of these clauses would result in every caste inheriting citizenship the same as every other Australian-born child, whether he be white, black, brown or yellow, except the full-blood aboriginal. This may seem to be a long stride to take, but provision is made in Clause 5 whereby any person unfit or incapable of assuming the responsibility of citizenship may be classed as an aborigine by complaint through the Commissioner, or a person may of his own volition request the Minister to class him as such.

Hon. C. H. Simpson: Do you think that is likely to happen?

The MINISTER FOR THE NORTH-WEST: It would be necessary for it to happen in quite a large number of cases.

Hon. C. H. Simpson: It would depend entirely on the Commissioner.

The MINISTER FOR THE NORTH-WEST: Clause 5 would enable a magistrate to place a caste native under the Act on application by the Commissioner.

Hon. L. Craig: The Commissioner would make the application.

The MINISTER FOR THE NORTH-WEST: Yes. The reason for this proposal is that the department has a full record of these people.

Hon. L. Craig: Or it could be done on an application by the person himself.

....The MINISTER FOR THE NORTH-WEST: If a person wished to be placed under the Act, he would go to the Commissioner, who would make a recommendation to the Minister. Perhaps some who applied should not be placed under the Act; a few of them might need a little shoving to make them accept their responsibilities.

Hon. L. Craig: Some would not want to be excluded from the Act.

The MINISTER FOR THE NORTH-WEST: That is so. We are told that some of them will not do much work. They could be excluded from the Act and would have to work, just as any other citizen has to do. Otherwise they could be charged with vagrancy or some other offence and would have to take the consequences, as any other citizen would.

Hon. N. E. Baxter: Do you think that would be fair to a lot of them?

The MINISTER FOR THE NORTH-WEST: If there are a lot of lazy ones who just desire to live for ever on the charity of the department, for instance, they should be made to get out and battle for themselves, as other people have to do.

Hon. L. C. Diver: It will be a considerable problem.

The MINISTER FOR THE NORTH-WEST: It will not. Why members take an unrealistic view of the whole situation when they have a knowledge of perhaps only a few natives living in their immediate vicinity, I fail to understand. This question has to be considered broadly if any progress is to be made.

Hon. N. E. Baxter: There is nothing very broad about the Bill.

THE MINISTER FOR THE NORTH-WEST: Well, well! I am surprised to hear the hon. member say that. If he wishes to broaden the measure, he may depend upon receiving the support of the Government. This legislation is intended to lift these people progressively out of the situation in which they find themselves today. The effect of the clauses will reverse the position as it applies in respect of citizenship today, and its psychological reaction upon these castes will have tre-mendous beneficial results. It is true they can apply under the Natives (Citizenship Rights) Act and receive permission to live as citizens, but under it they are always on approval, which is not an encouraging thought for anyone to endure.

Hon. A. R. Jones: Why on approval?

The MINISTER FOR THE NORTH-WEST: The certificate of a native may be cancelled for certain misdemeanours.

Hon. N. E. Baxter: A driver's licence may be cancelled for certain misdemean-ours.

The MINISTER FOR THE NORTH-WEST: What a broad line to take! This What a broad line to take! This type of citizenship applies to natives only. Any migrant child is automatically a citizen for life. An unpleasant feature of the citizenship rights Act presents itself when the offspring of these people reach the age of 21 years. They are then required age of 21 years. to apply for citizenship on their own be-Prior to reaching that age, the parents have the right to secure citizenship for their children by having their names endorsed on their own certificate. children may be unaware of this, and probably are. The knowledge of being on approval for life could not possibly comfort children, who are equal in every respect to their fellow schoolmates, except that the law declares them to be aborigines.

If Clauses 4 and 5 of the Bill becomelaw, the castes who are unable to live ascitizens will be placed under the control of the department, and those who are capablewill live as ordinary citizens and be obliged to respect the laws as such. Through the inter-marriage of castes, the drawing of the line at quarter aboriginal blood to determine who shall be classed as natives has created many complex problems. This demarcation has inflicted considerable humiliation on the well-educated, good-living sections of these people when exhaustive investigation is made concerning their parentage. It also creates ridiculous situations in familes where it is found some of them are classed as natives while others are ordinary citizens.

For instance, a white or quadroon might marry a half-caste. In the first case the white is a citizen and the spouse a native, their children would be quadroons and therefore natural-born citizens. To illustrate how the "degree of blood" legislation affects the castes, these are examples:

In a marriage between white and halfcaste aborigine—the former is a citizen and the latter is not. Any children are citizens. In a marriage between quadroon octoroon aborigine and half-caste aborigine—the former is a citizen and the latter is not and any children are classed as aborigines. In a marriage between an Australian-born negro or asiatic and half-caste aborigine—the former is a citizen and the latter is not. Any children are automatically citizens. In a marriage between a negro or an asiatic who is not born in Australia and a half-caste aborigine, under the Commonwealth and State laws neither of them are citizens but any children automatically are citizens. The former in each instance is free to work or travel where he will-the latter must obtain permission to do either. former in each instance can live in an hotel or drink liquor-the latter is prohibited from doing either and the former is prohibited from supplying the latter with intoxicating liquor. This means that any citizen married to a half-caste is able to stay at a hotel but cannot take his or her spouse on to the premises, and must, under no circumstances, supply the spouse with liquor.

Hon. A. R. Jones: Could not he or she apply for citizenship rights?

The MINISTER FOR THE NORTH-WEST: This is what the Act lays down.

Hon. L. Craig: Are there any negroes in Australia at present?

The MINISTER FOR THE NORTH-WEST: There were a great number when the American forces were here, but I do not know of any now resident in Australia since one or two drovers and station cooks departed this life a few years ago. The unnaturalised asiatic must obey the laws for citizens—the spouse must obey the laws for aborigines. Females must not be found within two miles of any creek or inlet which is frequented by pearlers or sea-going boats between the hour of sunset and sunrise, which means that if the "Zephyr" goes to sea all the females classed as aborigines are prohibited from being within two miles of the Swan River.

Hon. L. A. Logan: That is stretching it a bit far.

[COUNCIL.]

The MINISTER FOR THE NORTH-WEST: That is a fact. If the Act were enforced, every town in the North-West would have a two-mile circle drawn around it, as the legislation stands today. Worse still, female children must not approach closer until they attain the age of 16 years. There are many ridiculous provisions in the Act.

Hon. L. Craig: They are there to protect the aborigines, of course.

The MINISTER FOR THE NORTH-WEST: How are we to protect them? Two miles away—

Hon. L. Craig: You know as well as I do the reason for that.

The MINISTER FOR THE NORTH-WEST: I understand what the hon, member means. Does he think a distance of two miles would make any difference in that regard? I am sure I do not. These people are all taxed at the same rate as every income earner—but denied equal social services. How can they be expected to understand the stupid contradictions this class of legislation inflicts upon them? Is it any wonder a number of adolescents' ignore the laws which are specifically enacted against them?

The rapid increase in the mixed blood population is alarming. From less than 1,000 in 1904, it has grown almost to 7,000 which in the next generation could easily be doubled or trebled. Is their social outlook in life to be no better than that prevailing? Unless some action is taken to improve their lot this State will be faced with a racial problem of immense proportions, which will have been created and expanded by the defects of its laws, and the attitude of a selfish, uncharitable section of the community.

The minds of these people must first be reassured. They must be given the same opportunities as other Australians and the hundreds of thousands of new Australians who continue to enter this country. By removing the "degree of blood" line to the point where it initially belonged, a great deal of headway will have been made to arrest the depressing situation which is daily developing in our midst. To impose the responsibilities of citizenship on the fast vanishing black people of this State would not be practicable.

The majority of these are living in semicivilised conditions, while an estimated 6,000 are living nomadic tribal lives in primitive circumstances in the deserts and unsettled parts of the State. However there are many children and some adults who are educated and do live civilised lives. For these the initial step towards citizenship must necessarily be through the citizenship rights Act until such time as there is an appreciation of the necessity for relaxing the restrictions in the way proposed by the Bill.

The problem now before us is certainly not a new one but has been tackled, since 1886, by legislation and prior to that by various ordnances. It was never dreamed in those days that large numbers—in fact a separate race—of mixed castes would grow up in the community and require under an protection aborigines Surely, at the present time, when large numbers of these people have had much wider and more varied experience than did their black ancestors in the earlier days of the colony, they have progressed long way towards becoming ordinary citizens, and it is time we admitted that and helped them in every possible way to lead normal lives as members of the community. There is not the slightest doubt that, given the opportunity, most of them are capable of doing that.

Thousands of the young children are being educated in the missions and State and convent schools today. They are receiving an excellent education and the parents of such children are becoming keener every year to see that they receive that schooling. The commissioner's report states that in the southern parts of the State about 85 per cent. of the caste children of school age are attending school. I have seen such children attending State schools in the northern parts of the State and have noticed they were well dressed, clean and well behaved. Those are the people we must bear in mind when considering the question—

Hon. G. Bennetts: Look what they are doing at the Norseman mission.

The MINISTER FOR THE NORTH-WEST: They are doing an excellent job there; in fact, they are doing excellent work wherever they are situated. There is a fine school at Roelands, and several of the girls from there are now attending the Bunbury High School.

Hon. A. R. Jones: Then progress is being made?

The MINISTER FOR THE NORTH-WEST: Yes.

Hon. A. R. Jones: Then why interfere with them?

The MINISTER FOR THE NORTH-WEST: Where does the hon. member wish to see them finish? He would keep them apart from society by means of the Act. These people can make progress, but the awakening comes when they seek employment. Then they have to get a permit and be signed up to work, and cannot leave the job without permission.

Hon. L. Craig: All those people could get citizenship rights.

The MINISTER FOR THE NORTH-WEST: A large number of them will not apply for citizenship, not because they do not wish to be citizens, but because they object to the manner in which we offer citizenship to them. Even that Act was tightened up by the previous Government, making it harder for them to get citizenship rights.

Hon. L. Craig: We make migrants get citizenship rights, by becoming naturalised.

The MINISTER FOR THE NORTH-WEST: That is a different matter altogether. I have witnessed a large number of migrants receiving naturalisation. They simply renounce allegiance to their native land and take an oath of allegiance to our Queen, thus becoming citizens of Australia. That is all there is to it.

Hon. C. H. Simpson: They make them apply and meet certain qualifications.

The MINISTER FOR THE NORTH-WEST: They have to live here for a certain time and make application, but are any refused?

Hon. L. Craig: Yes.

The MINISTER FOR THE NORTH-WEST: A few undesirables may be refused naturalisation, but very few, and not on account of aboriginal or coloured blood. They are refused naturalisation for some other reason that prevents them from qualifying as citizens.

Sitting suspended from 10 to 10.25 p.m.

The MINISTER FOR THE NORTH-WEST: There is not much more I wish to say, except that another provision which is being amended affects the parents of children who have been placed in institutions. Under the present Act, the parents of such children, if they are not natives, are liable for payment of the charges. It is proposed to amend the Act so that a native father shall also contribute towards the upkeep and maintenance of his children who have been put into an institution.

There are several other minor amendments, and one of some consequence. That is the amendment to the provision which prevents lepers from travelling south of the 20th parallel. The 20th parallel runs between Port Hedland and Broome, somewhere about Wallal. It has proved awkward for certain persons. For instance, there is a half-caste girl married to an Asiatic, who is a citizen. The half-caste wife is not permitted to come south of that line unless she has some particular illness which requires treatment specialists, or something similar.

Both she and her husband are well educated and, as a matter of fact, they own a business. He wanted to bring his wifeto Perth for a trip but was prevented from doing so. Not being an adult, she could not apply for citizenship rights because she was an orphan child. Under the citizenship rights Act, the parents mustapply for citizenship rights for any children. No orphan child can therefore get citizenship rights before reaching the age

of 21. There is no provision under the Act even for the Minister to permit a native under 21 to come below the 20th parallel. The Bill seeks to amend that provision to enable the Minister to issue permits in such cases.

I have covered the principal amendments in the Bill, and I commend it to the House for serious consideration. The Bill is not perfect—no Bill is ever perfect—but it is a step in the right direction. It will relax many restrictions existing today which are unwarranted, and which impede attempts made by organisations and welfare officers to uplift natives and encourage them to become decent and good-living citizens. I move—

That the Bill be now read a second time.

HON. H. S. W. PARKER (Suburban) [10.30]: I am sorry I could not find in the remarks of the Minister anything which showed that the Bill would in any way improve the conditions of the natives. I think the Minister said that the Licensing Act dealt with the question of liquor for the natives, but that is not quite correct because the Natives (Citizenship Rights) Act provides that an aboriginal shall not be an aboriginal for the purpose of any Act.

The Minister for the North-West: I told you that.

Hon. H. S. W. PARKER: So the Natives (Citizenship Rights) Act controls that aspect. The Minister also said that the native should have the same opportunities as a new Australian. With that I quite He said that to give the natives citizenship rights would have a pyschological effect. The Bill is intended to improve the conditions of, and help, the aborigines. I agree that we must do something to improve their conditions in every possible way, but the Bill does not do that. On the contrary, it is a retrograde step as I shall endeavour to show. I have the highest regard for the Commissioner of Native Affairs, and his officers. They are to be commended and should receive our highest thanks for their untiring efforts on behalf of the natives and caste people of the State. The Bill is only a clumsy re-hash of the existing law.

Hon. C. W. D. Barker: That is your opinion.

Hon. H. S. W. PARKER: Yes; and I shall prove it to the hon. member, and I think it will also be his opinion before I finish. The Bill contains 70 odd clauses—as many as there are in the Act. A great number of sections have been deleted. An entirely new Bill should have been brought down and the old Act repealed, and then everyone could have read the Act and, perhaps, understood it. It will be almost impossible to understand the Act, if the Bill is passed, because of the amendments that will have to be read into it.

The measure purports, firstly, to make all full-bloods within the meaning of the law, aborigines; and, secondly, caste persons if and when a magistrate has made an order. Clause 5 sets out that a person who is descended from the original inhabitants of Australia or from their fullblood descendants, but who is less than the full-blood of those inhabitants, may be classed as an aborigine. That is to say that anyone with any aboriginal blood in his system may be classed as an aborigine. This is how they may be classed—by order made by a magistrate on an application made under the regulations by the commissioner, or by an order made by the Minister on an application under the regulations made by the person concerned. Until those orders are made, the only persons who can come under this measure will be full-blooded aborigines, so that the many caste people who require protection will not get it until application has been made to a magistrate.

The Minister for the North-West: Read paragraph (b).

Hon. H. S. W. PARKER: Paragraph (b) provides—

By an order made by the Minister on an application made under the regulations by the person.

The Minister for the North-West: You said only by the Minister.

Hon. H. S. W. PARKER: Yes, by an application made by the caste person himself. Will the Minister tell me how a newly-born half-caste child is going to make an application to the Minister.

The Minister for the North-West: Do you want a newly-born half-caste child to apply?

Hon. H. S. W. PARKER: The Minister is excluding that person from the benefit of the measure. If the Bill passes, only full-bloods will automatically come under it.

The Minister for the North-West: What benefits are in it? Tell us that.

Hon. H. S. W. PARKER: Those were my opening remarks—what benefits are in the Bill?

The Minister for the North-West: In the Act.

Hon. H. S. W. PARKER: In the Act as amended by the Bill.

The Minister for the North-West: In the Act.

Hon. H. S. W. PARKER: None. The whole thing wants reorganising.

Hon. N. E. Baxter: You are talking about the amending Bill.

Hon. H. S. W. PARKER: I am talking about the whole lot. There is no protection for the caste person until either he makes an application to the Minister, who approves it, or an application is made to a magistrate. Every child born in

Western Australia is automatically a citi-This talk about citizenship rights is all bunkum! It is psychological, as the Minister has said. It is nothing. They are all citizens, but I agree that there are restrictions on a certain class of people. A child under 21 years of age, under our law, is not competent to make Who is going to make an application. application him? The profor tector cannot make the application because the child does not come under the protector.

The Minister for the North-West: He will not need it unless his parents come under it.

Hon. H. S. W. PARKER: I am dealing with a caste child. He will not come under the Act.

Hon. L. Craig: He means, a child who wants to become an aborigine.

Hon. H. S. W. PARKER: No, those who are in institutions. They are cast aside from the Act at once.

The Minister for the North-West: They are not. The commissioner can put them in through a magistrate.

Hon. H. S. W. PARKER: No, not until the child makes the application. I am pointing out the stupid law the Minister is asking us to pass. I regret that Mr. Heenan is not here, as I am sure he would agree with me. An application cannot be made by anyone unless the person is of age—21 years. No one under 21 can make an application, in law. There is nothing here to say that any person under 21 years of age—say 10, 5, or even under one—may make application.

The Minister for the North-West: Assuming you are right, are you prepared to move an amendment?

Hon. H. S. W. PARKER: We cannot amend this Bill as it is beyond amendment. It wants recasting. I am not suggesting for a moment that it is any fault of the officials of the department. fortunately they have not had sufficient advice to put into the law what they desire and what I would desire, too, and that is something to help the natives. Take the application to the magistrate. may be persons who are over 21 who do not want to be brought under the Act, but who, we will say, the commissioner thinks should be brought under the Act. Quite obviously we cannot take such a person before the magistrate without giving him notice so that he will have an opportunity of being heard. That is the first principle of British justice. Where is the Minister going to get all the magistrates from to deal with this class of person—all these caste people who are over 21 and are in missions, institutions, leper stations and so on in the outback?

The Minister for the North-West: How many castes are there in the leprosarium?

Hon. H. S. W. PARKER: I have not been there, but from what I have heard and photographs I have seen, I understand there are quite a number.

The Minister for the North-West: There are only 230 in the whole district.

Hon. H. S. W. PARKER: If there is only one, he has this right. How are the children in these places to be dealt with? Who is going to make application to the Minister on their behalf?

The Minister for the North-West: Who wants to deal with them?

Hon. H. S. W. PARKER: Are we going to cast them all out? I presume the commissioner wants to deal with them.

The Minister for the North-West: They would come under the Child Welfare Act.

Hon. H. S. W. PARKER: Then the Native Welfare Act will, in effect, deal only with the full-bloods, and the Child Welfare Department will deal with the rest. That is a matter of administration. I thought that by Clause 3 the intention was to bring the caste people within the terms of the measure.

The Minister for the North-West: Only where necessary.

Hon. H. S. W. PARKER: I should think it would be very necessary to have all these caste children who are in institutions, in the back blocks, in the Kimberleys, brought under the Act. There is no better organisation than the Native Welfare Department to look after them.

The Minister for the North-West: They can remain there.

Hon. H. S. W. PARKER: If they do, the Government will be charged the same amount as it pays in respect of orphanages.

The Minister for the North-West: What is wrong with that?

Hon. H. S. W. PARKER: Nothing at all, but the Minister will find it extremely expensive to pay for the children in these mission stations and institutions at the same rates as he does for children in church orphanages down here.

The Minister for the North-West: Dc; you not think they are entitled to it?

Hon. H. S. W. PARKER: All right, if that is the Minister's opinion; but look at the Bill! Why not come straight out and say what is wanted, if it is not intended to have any half-caste children under the Aborigines Welfare Act. I might agree with that.

The Minister for the North-West: You did not mean that when you mentioned the institutions.

Hon. H. S. W. PARKER: No. I am thinking of the children in the institutions and also those outside the institutions on the stations, because under this measure the mother may be a full-blood aboriginal, and then no one would look after the child because there is no organisation to do so. There is talk about giving full citi-

tenship rights under this proposal. Is there any benefit in wiping out all those Acts that confer some restrictions on aborigines? Is it fair that every caste person over 21 should be liable to a penalty of £2 because he or she is not on the roll? Should they be liable for a £2 penalty because they do not record a vote? Is that right, fair and proper; and is it right and proper that they should be liable for penalties under the Education Act because they do not send their children to school? Of course, that penalty applies only when there is a school available.

The Minister for the North-West: They are liable now.

Hon. H. S. W. PARKER: The Bill deals mainly with the elimination from the Native Welfare Act and its provisions of all persons other than full-bloods, and it takes away the automatic guardianship of infants. Under the present law, the Commissioner of Native Affairs is the guardian of all infants up to quadroons. They will all be removed from that protection except in the case of full-blood infants. The measure will give to all caste people the right, willy-nilly, to move south over the leprosy line.

The Minister for the North-West: No; it will not.

Hon. H. S. W. PARKER: It does, and that is what I am trying to impress upon members. The measure also cancels the right to order a half-caste to hospital. It cancels the compulsory examination of natives, and I am sure that they do not want that in the Kimberleys. If members read the measure carefully, they will see that it provides for all those aspects. Is it not in the interests of the native that he should be compelled, under certain circumstances, to undergo a medical examination?

The Minister for the North-West: Those provisions are in the Health Act.

Hon. H. S. W. PARKER: The measure also strikes out the necessity for an employer to get a permit to employ. I have always understood that that provision was in the interests of the aborigine. It was inserted to prevent him from being cheated and to see that he was properly looked after. The Bill also wipes out the provision which states that an agreement or contract must be witnessed by a protector. There is also a serious aspect in connection with this legislation. There are many half-caste children of unmarried mothers, and frequently those women do not understand and appreciate the law and do not realise that they are entitled to get maintenance from the father, who very often is a white man. At present, the commissioner can apply, under the Child Welfare Act, for an order for maintenance, as is done in ordinary cases concerning unmarried mothers. If this provision is passed, the commissioner will not be able to do that.

The Minister for the North-West: They will have the same rights as any other citizens.

Hon. H. S. W. PARKER: But they will have to make application themselves. I cannot make an application for some unfortunate woman who is an unmarried mother.

The Minister for the North-West: Do you not think they know it?

Hon, H. S. W. PARKER: Not for one moment do I think they all know it. This will allow the supplying of liquor to all natives.

The Minister for the North-West: Not to all. Not to full-bloods.

Hon. H. S. W. PARKER: A full-blood will be prohibited unless he has citizenship rights. The caste people will not need to apply for citizenship rights, if this measure is passed. The Natives (Citizenship Rights) Act is a shocking measure, and is wrongly named. All that was required in this regard was to amend two Acts, the Electoral Act and the Licensing Act. The citizenship rights Act is psychologically bad, because every native born here is a citizen of Western Australia.

The Minister for the North-West: Without rights.

Hon. H. S. W. PARKER: Without certain rights. Under the measure now before us, the native court will be abolished. and these native courts have done wonderful work. If there is a tribal fight and a native is killed, the offender is tried in the native court. These people have tribal customs and certain laws of their own, and as a result the native court has been set up, and that does away with a lot of the frills of a Supreme Court action. punishment, mild when compared with what would be awarded in the Supreme Court, is usually imposed upon an offender; but those native courts are to be wiped out. I think I have said enough to show members that this is an ill-conceived measure. It will not do half the things that people think it will. This business of citizenship rights is merely a catch cry. white people, we must comply with the laws and with all sorts of restrictions. must not light fires in the country; we must not discharge guns in certain places; we cannot have a drink on Sunday-

Hon. G. Bennetts: And we cannot play two-up.

Hon. H. S. W. PARKER: —or carry a bottle of beer along the street on Sunday, unless we go to Kalgoorlie.

Hon. F. R. H. Lavery: As yet, you cannot do it there.

Hon. H. S. W. PARKER: We cannot fish in certain waters; we cannot shoot ducks except in certain places and at certain times, and we cannot vote at elections unless we have certain qualifications.

Hon. C. W. D. Barker: But we are not outcasts.

Hon. H. S. W. PARKER: And we cannot bet in the streets. As a citizen of Western Australia, I am prevented from doing all those things, and yet I possess what are called full citizenship rights. What is the meaning of that term? It is a misnomer. What a row there would be if someone employed me to paint a house, carry out some plumbing work or lay some bricks. Although I have full citizenship rights, I would be breaching the arbitration laws. So there is no such thing as full citizenship rights. The Native Welfare Act prohibits me from going into certain places such as a native compound. What right have I to complain at that discrimination?

Hon, R. J. Boylen: But you would not swon!

Hon. H. S. W. PARKER: Certainly not. And I would not inflict this Bill on them, either.

Hon. C. W. D. Barker: The trouble is that there are a lot of coloured people who are willing to accept citizenship rights and the responsibility that goes with them.

Hon. H. S. W. PARKER: They have them.

Hon. C. W. D. Barker: They have not.

Hon. H. S. W. PARKER: They are restricted only in certain cases, and those who are restricted have no conception of our way of life. It is up to us to teach them; so the law should be of a welfare nature. I think members will agree that it is up to us to train and teach these people our way of life with a view to complete and full assimilation of all these good people. The Bill is not designed to help the aborigine, although I am quite certain that the officials will be somewhat surprised when they hear of my analysis of the measure.

The Minister for the North-West: More than officials will be surprised.

Hon. H. S. W. PARKER: I realise that it was intended that this should be a welfare Act. Unfortunately, it has been cleverly drawn for the purpose of satisfying some public clamour, and with the object of having a psychological effect on the people.

Hon. C. W. D. Barker: It is being cleverly mishandled now.

Hon. H. S. W. PARKER: If the hon. member thinks he can pick holes in my argument, he will have an opportunity to do so.

Hon. C. W. D. Barker: I think I can.

Hon. H. S. W. PARKER: I have no doubt as to the hon. member's thoughts. As long as the hon. member is honest and accurate in his statements and does not draw the long bow, I shall be satisfied.

Hon. C. W. D. Barker: I will not do that.

Hon. H. S. W. PARKER: If the intention of the sponsors of the Bill was that natives should have free access to hotels to demand liquor as and when they liked, and also to have the right to vote—

The Minister for the North-West: Nobody can demand liquor.

Hon. H. S. W. PARKER: Of course they can.

The Minister for the North-West: Then read the Licensing Act.

Hon. H. S. W. PARKER: A person can demand refreshments, as long as he is not drunk.

The Minister for the North-West: No.

Hon. H. S. W. PARKER: Was not a man fined the other day because he refused to serve another person a luncheon at 2 o'clock in the afternoon?

The Minister for the North-West: Is that liquor?

Hon. H. S. W. PARKER: It is stronger than that. A hotelkeeper must supply refreshments. Why not amend the liquor laws and the Electoral Act, and make this a welfare Act?

The Minister for the North-West: Why did you not do it when you were in a position to do so?

Hon. H. S. W. PARKER: Because, unfortunately, I was not in office long enough. I would draw the attention of the Minister to the fact that I resigned from the Ministry. As I say, this measure is introduced to appease certain misinformed people, and to satisfy a catch cry. I cannot see how it will improve the real living conditions of these people in any way. The department will have no control or power to help the caste people, especially the children, until some cumbersone proceedings have been followed.

Hon. F. R. H. Lavery: Are you suggesting that the intention of the Bill is all right but that in law it would be all wrong?

Hon. H. S. W. PARKER: Precisely. The intention behind the Bill, and not in the Bill, is all right. It will confer no benefits other than the right to demand liquor and allow the caste people to be pestered to vote when they know nothing whatever about politics. If they know anything about politics, they are sufficiently educated and know enough of our way of life and standard of living to be able to qualify for full citizenship rights under that misnamed Act. So there is nothing in this Bill that helps those people at all. Why force them into the turmoil of politics and make them subject to a fine?

Hon. C. W. D. Barker: Several of them in the North vote now.

Hon. H. S. W. PARKER: That means they have citizenship rights. I am sorry the hon. member has not sufficient understanding to appreciate my point. Hon. C. W. D. Barker: I have enough understanding.

Hon. H. S. W. PARKER: I said it was the people who had sufficient understanding of politics that had citizenship rights, and accordingly this Bill confers nothing on them. If this Bill were confined only to full-bloods I would still oppose it because I think it is wrong and does no good at all. I would like to see the department given additional powers especially to ensure that these people are properly housed and educated and that they have healthy surroundings, and proper sanitary conditions, and are living in a manner to bring them up to our way of life. We should also help them to appreciate money values and the purport of money; what it is and what it is meant for. We should teach them to pay rent and purchase their own houses.

The Minister for the North-West: You are 50 years behind the times.

Hon. H. S. W. PARKER: I am glad the Minister can see 50 years ahead of what I am saying. I know that some of these things are being done to a very minor extent. As long as the first essentials are complied with the others will automatically follow. Yet advances have been made not only in educating the natives but also in educating the whites—and there are a great many whites who require educating in relation to their approach to the natives. I had occasion to have a conference with a number of squatters. I told them I considered it was the whites who required education, and they agreed with me. They then began to see a little beyond what they had looked at before.

Let us take Alvan House for example. What a tremendous hue and cry there was when that was established. There were terrific objections. I met a very hostile crowd in Mt. Lawley at the time. Since then, however, I have met many of those people who complained and now there is not a single complaint made against Alvan House or those who occupy it. We must give the aboriginal more responsibility, but we cannot do that until be is educated to accept it.

Hon. F. R. H. Lavery: We must start some time.

Hon. H. S. W. PARKER: We must help the administration, and also our fellow citizens, who are not sufficiently advanced. I would like to read some extracts from the annual report of the Commissioner of Native Affairs for the year ended June, 1952. I propose to read from pages 15, 16 and 17. Sometimes it is said that the Department of Native Affairs is one-sided and it cannot see anything wrong with the natives; also that they are pushing ahead too quickly. The report reads as follows:—

Living Conditions.

The biggest single factor which militates against the acceptance of the native by the white community is the native's living conditions. This matter of native living conditions is a real problem and there are many angles to the problem.

There is no doubt that there is little chance of uplift for the hybrid native of the South as long as he continues to live as he does in the squalid camp so well known to field officers of this Department. Earlier in the year under report there was a proposed scheme whereby the State Housing Commis-sion would provide, in the cases of selected native families, modest prefabricated timber frame cottages. Suitable families were to be recom-mended by this Department. This proposed scheme has fallen through and now natives have to take their place with whites and await their turn under the existing State Hous-ing Commission housing schemes. I feel that in view of the years of failure to provide homes for natives, a special scheme which would provide modest homes for native families could not be construed as showing undue favours to natives and would be in keeping with this Department's policy to pro-vide for the welfare of the native.

Hon. F. R. H. Lavery: Now that rent controls have gone out they will never get homes.

Hon. H. S. W. PARKER: If the Government is as hopeless as that, I trust it will go out, too. The report continues:

However, even if such a scheme were adopted it would benefit only a very few of the best type of caste native families. The bulk of the native people would continue to live on reserves and in camps in the deplorable conditions which have existed for so long and which seem to be their accepted lot. It is these persons who are in need of assistance to improve their lot.

The mixed blood natives of the south for the most part live either in small group communities such as are found on native reserves or in camps or accommodation provided by employers in rural occupations. If some sort of provision could be made for improving the living conditions of those who live in these small group communities, mostly on reserves, an important step forward will have been taken to assist the majority of the southern natives. I feel that if small structures of simple design, providing one room and verandah, or two rooms, could replace the tin humpy or bag tent that one sees on reserves there will be an immediate incentive for cleaner living. Such quarters could

be sold or rented—preferably sold to the native occupant. Of course, adequate ablution, laundry and sanitary facilities on a community basis are an essential of such a scheme.

#### I quote further-

On the other side of the picture of native living conditions in this district there are certain unpalatable truths. It is true that some natives given good accommodation on farms have, with everything in their favour, failed to come up to expectations. Cottages have been left filthy and grimy by them, floor boards and even furniture used as firewood, and in a couple of cases tent flys rigged up inside rooms. Other natives met have clearly demonstrated that they do not possess even the elements of a sanitary The pessimists maintain that, sense. for the majority of natives, efforts to provide better living conditions will not be justified in the results. The not be justified in the results. The answer to these is that without making the attempt, how can one forecast failure? An even better answer is that surely human beings deserve better living conditions than is the unfortunate lot of the native today.

In my view the nearer the native is brought to assimilation the better his chances of improving his living conditions, for by then his attitude will have changed and there will be present the incentive to improve, the will to do better, particularly in regard to mode and standard of living, and This important matter of housing. improved living conditions for natives can only be tackled by bold planning and a resolute action on the part of the Government supported by the general public anxious to see justice done to a section of the community whose interests in this important sphere have so long been overlooked.

It is up to the Government not to mess about with Bills and things of that sort but to provide more money. The report continues—

Even amongst domestics the position is becoming difficult. At Cranbrook a native woman complained to me she could not get casual employment as previously, as the New Australian women were being given the work instead. The complainant woman is within my knowledge unreliable and obviously employers wanted the more reliable labour.

Perhaps this competition in the labour market might produce good results. The unreliable native, and there are many in both sexes, might be compelled, under pain of finding himself regularly unemployed, to give of his best on those occasions when he does secure employment. The many reliable workers, both male and

female, amongst the natives are much in demand; former employers are always inquiring if they are available at different times of the year. Generally these natives always know where to find work.

I am somewhat apprehensive of the time when with more and more New Australians completing their contracts they really begin to compete with the native in the Southern Districts for the lucrative forms of employment, including shearing, now largely monopolised by native labour.

Wages are good. The Southern native is too astute to allow himself to be underpaid, although the odd case does come to light. Natives in the South generally command the basic wage and at shearing time good shearers are paid well over the basic wage. At this time of the year a good shearer has no difficulty in earning £35 a week.

Further in the report we find-

The native people of the South are keen followers of press and radio references to themselves, their problems and the suggested solutions. Keenly discussed amongst themselves is the prospect of their acquiring a civic or national status in the not too distant future. Citizenship Rights—magic words to the native—the open sesame to a brave new world to their way of thinking, if granted as a birth right is not going to make a great deal of difference other than conferring on the native a status which should be his by right. The native will still need guidance and tutelage and a considerable amount of prodding towards acquiring a better standard of living and all that goes with it.

This is not a one-sided report at all. I think it shows the conditions clearly and I trust the Government will take some notice of it with a view to improving the conditions

Hon. G. Bennetts: The Government should follow the scheme operating in Queensland.

Hon. H. S. W. PARKER: The Government wants to do something; whether that is the answer or not, I do not know. I trust that in the next session the Government will bring in a comprehensive Bill dealing with the welfare—and I mean welfare—of the native population of Western Australia. It will have to be dealt with as it affects different conditions in different parts of the State. One comprehensive hidebound Bill to deal with everything in one polyglot lot is no good at all. matters have to be segregated and brought up to date and must be such as to give the native the hope of being assimilated into our population and way of life. Let us give up those foolish words "citizenship rights" because the natives already have them. In the interests of the natives themselves, I fear I cannot bring myself to vote for the second reading of the Bill.

HON. L. A. LOGAN (Midland) [11.15]: We are asked, on the 15th December, to deal intelligently with a Bill of 75 clauses and notice was given earlier in the session that the House would endeavour to rise on the 11th December. To study such a Bill takes a considerable amount of time.

The Minister for the North-West: I has been a month before Parliament.

Hon. L. A. LOGAN: We do not deal with legislation until we get it here—or we should not—because we do not know in what form it will reach us. We have 28 items on our notice paper, and there are something like 10 or 12 Bills before the Assembly which have still to be brought down. In order to give this Bill the study it deserves, we have to neglect other. That is not quite the right thing to do. Every measure should be considered on its merits, and we should be given time to study it. By taking time off to consider this Bill, I have had to give others the go-by.

Hon. R. J. Boylen: Why not stop the preamble and get on with the Bill?

Hon. L. A. LOGAN: I am making this speech, not the hon. member who interjected. If he does not like what I am saying, he can leave the Chamber. This Bill has been hastily introduced. It is ill-conceived and illogical and, in my opinion, does nothing to solve the problem with which we are faced.

Hon. F. R. H. Lavery: You told us that last year. Will you give us an idea of what will solve the problem?

Hon. L. A. LOGAN: We are endeavouring, by Act of Parliament, to do something that only evolution can achieve. We are endeavouring, by Act of Parliament, to make coloured people white. We are trying, by Act of Parliament to force white people to accept coloured people as white. No Act of Parliament can accomplish those things. This problem is of such magnitude and importance that we have to make doubly sure that as far as possible there will be no doubt of the ultimate success of any measure of this kind which is passed.

We know that pressure has been brought to bear by well-meaning people who are, however, in many instances, ignorant of the situation. A lot of them are prepared to make suggestions for the other fellow to carry out; they themselves are not prepared to set an example.

The Bill proposes to class all natives of less than full-blood as white citizens. It not only gives them the right to live as white people—it compels them to do so.

It compels them to live under our conditions and under our rules and regulations, and to accept full responsibility such as we have to accept. That is the first point on which the Bill breaks down. I venture to say that the native will suffer more snubs, and rebuffs, and insults, if this Bill becomes law, than he does at present.

Hon. F. R. H. Lavery: He could not cop any more than he does now.

Hon. L. A. LOGAN: He will suffer more than he is suffering now.

Hon. F. R. H. Lavery: He could not possibly do so.

Hon. L. A. LOGAN: Could he not?

Hon. F. R. H. Lavery: No.

Hon. L. A. LOGAN: The hon. member has not much imagination. Today these people are accepted as a race. I do not know how they will be regarded if this Bill is carried. I agree with Mr. Parker that it is not only the native that has to be educated, but the white people as well. The natives will receive more insults than before, because the white people have not been educated to receive them as whites.

Hon. C. W. D. Barker: Is that not a disgrace?

Hon. L. A. LOGAN: Probably. But does the hon. member think that he will make white people change their minds by Act of Parliament? They have to be educated to it. It will be done only by the evolution of time. If this Bill becomes law, it will be competent for all road boards to close reserves on the boundaries of their areas and give the natives notice to clear out, because those reserves do not conform to our health regulations, and we will expect the natives to live under our conditions and accept our rules and responsibilities.

Today it is against the law for white people to cohabit with natives, or even to be on native reserves. But under this Bill, that will be quite legal, and surely it is not hard to visualise the consequences. I ask members to consider what might happen. Much has been said about the four freedoms agreed to under the United Nations charter, but I am very much afraid that if this Bill is passed the natives will have less freedom than they have now. Today they live, and work, and play, and sleep where, when and how they like. This Bill seeks to take that freedom from them; it seeks to change what has always been their way of life. Some of them, I will admit, are ready and able to accept our way of life.

Hon. Sir Charles Latham: Some are doing it very well now.

Hon. L. A. LOGAN: But a lot are not ready to do so. There are many of them who say, "Leave us alone. We are quite happy as we are."

The Minister for the North-West: They can stay that way.

Hon. L. A. LOGAN: The subject of housing has been discussed. Nobody would like to see these people housed more than I would, but if they are compelled to live in houses—as they would under this measure—another freedom is being taken away from them.

Hon, R. J. Boylen: You said we should educate them. That is one way to do it.

Hon. L. A. LOGAN: It is desired that they should live up to our rules and regulations and conditions. At one fell swoop it is desired to tell these people that they must do the same as white people. It is desired to put them within the four walls of a house and take away another of their freedoms.

Hon. F. R. H. Lavery: They have been educated to that in schools and missions.

Hon. L. A. LOGAN: Those who have been so educated can take it.

Hon. F. R. H. Lavery: What will happen when they leave the missions; that is what we want to know.

Hon. L. A. LOGAN: We will look after them by Act of Parliament, and in other ways. It will not be done under this measure, because all rights and privileges are being taken away from them. We talk about the four freedoms under the United Nations charter, but we are taking the freedom from those who do not want to come under our conditions and are not able and ready to accept them. If a native feels that he would like to live under our conditions and in a house, he has the opportunity to apply for citizenship rights; and 600 or 700 have already done so, and been granted such rights. The reason that that privilege has lost its virtue today is that somebody was responsible for coining the phrase, "dog collar certificate".

I do not suppose anybody did the natives a greater disservice than those persons who were responsible for that phrase. It was the greatest disservice that could have been done them because, up to that stage the natives appreciated the honour which citizenship rights conferred upon them. When that phrase was coined the privilege completely lost its value. I would like an investigation made to ascertain who was responsible for originating that phrase. They should be very severely censured because they have done a very great disservice to the native population.

We have been told that the aborigines were the original inhabitants of Australia, and that we took the country away from them. But scientists have informed us that this country is millions of years old. So how can we say, with any degree of accuracy, that the aboriginal was the original inhabitant?

Hon. F. R. H. Lavery: He was here before the white race.

Hon. L. A. LOGAN: Nobody denies that.

Hon, F. R. H. Lavery: What are you trying to point out?

Hon. L. A. LOGAN: How can it be said that the aboriginal was the original inhabitant of a country that is millions of years old? That cannot be said with any degree of accuracy. This continent has passed through all sorts of ages. Surely we are not to assume that the Supreme Being who created this world intended that this continent should be held only by the aborigines! I do not think that anyone in his saner moments would think that this part of the continent was created just for that purpose. It was placed here for the maintenance and advancement of this world, and the aboriginal's being here was just incidental.

The Bill changes the name of these people from natives to aborigines. A full-blood would be known as an aborigine. I do not know whose bright idea that was, but I cannot see that it means progress or an easing of the problem. I am of the opinion that these people would be just as happy to be classed as natives as to be classed as aborigines. Probably they would be happier.

Hon. Sir Charles Latham: They would be called abos.

Hon. L. A. LOGAN: Under the Bill, all native institutions become aboriginal institutions. In effect, this means that the Moore River Native Settlement Merribanks, and Roelands, and all the missions in the South-West Land Division no longer come within the provisions of the measure; they are out. The inhabitants of those missions will be out in the cold world with nobody to look after them. No provision whatsoever is made for them in the measure. Yet we are told that this legislation is for the betterment of the caste people. How can it be when there is no provision for them whatsoever? Under Section 6 of the Native Administration Act there are two subsections. One relates to the distribution of clothes, blankets, and other relief at the discretion of the department. Another provides, as far as practicable, for the supply of medical attendance, medicines, rations, and shelter to sick, aged, and infirm natives. Under this Bill, that no longer applies: the caste people, those of mixed blood, will no longer come within those provisions. Nobody is to look after them; there is no provision for that. I want members to realise that there is no provision whatsoever for looking after those people.

Yet often we are accused of not trying to do something for the coloured people. It is all very well to say that the children could be looked after by the Child Welfare Department, but no appropriation has been made for work of that description, and there is no institution in which they could be placed. There is no opportunity to alter the Child Welfare Act this session,

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and meanwhile these people will be out in the cold. Yet they are supposed to live as we do and according to our standards.

Reference was made by Mr. Parker to Clause 9, and the Minister spoke of the alteration set out in paragraph (c). The proposal is to strike out the words "and to protect them against injustice, imposition and fraud" and insert in lieu, "as the Minister in his discretion considers most fit to assist in their economic and social assimilation by the community of the State." That appears to me to be going from the definite to the indefinite.

Hon. C. H. Simpson: I think that such a provision would give the Minister tremendous power.

Hon. L. A. LOGAN: It seems to me that an alteration of that sort would make the Minister and the commissioner all power-Under the new section proposed to be inserted by Clause 10, the Minister, on the recommendation of the commissioner, will be authorised to acquire, improve, and dispose of land for the benefit of aborigines. I have no objection to grants of land being made to aborigines; but if this provision were applied in the North, some of the pastoralists might find that portions of their holdings where there were water holes, were being resumed under the Public Works Act for the pur-It would be pose of providing the land. extremely unwise if pastoral holdings were split up in this way, and I remind members that, under the resumption provisions of the Public Works Act, there is no appeal.

Reverting to my remarks about the children of natives, I point out that the native missions are not the only ones concerned. I have a newspaper cutting headed, "A Half-caste Problem", from which I should like to quote as follows:—

There should be some protection for half-castes and quarter-caste natives if the Aborigines Welfare Bill is adopted, said Women's Service Guild president Mrs. W. Kastner today. She said the guild felt happy about its contents, but thought its introduction would bring a temporary problem.

"Who is going to take care of the people who normally come under the jurisdiction of the Native Welfare Department if they get citizenship rights?" Mrs. Kastner asked.

I am very pleased to find she agrees that these people would have no protection whatever. This Bill would give them no protection.

She said the guild was anxious that children in missions would not be taken over immediately by the Child Welfare Department.

The State Secretary of the Methodist Overseas Missions, Rev. A. Crookes Hull saidIt was hard to see how these people could be put outside the jurisdiction of the Native Welfare Department and yet receive the full benefits of the department's resources and facilities.

Of course they will be outside the department and will not get any benefits of the department's resources and facilities. I want members who support the Bill to tell me where these people will get protection.

Another portion of the Bill contains a provision that, if an aboriginal does not comply with certain requirements of the measure, he shall be liable to a penalty of £100. To suggest a penalty of £100 against a full-blood native seems to me to be at least rather silly. Another provision in the Bill proposes to make an employer liable to a penalty for £100 if an aboriginal working 50 miles from his habitation is not returned to where he ordinarily lives.

Hon. C. H. Simpson; Which clause is that?

Hon. L. A. LOGAN: Clause 14. We all know that it is a habit of these natives to go walk-about. If a native happened to be working 50 miles away and, on finishing his job decided to go walk-about, the employer should certainly not be responsible. Members should give very serious consideration to that provision because it seeks to make an employer liable for something over which he has no control whatever.

Clause 22 proposes to repeal Section 17 of the principal Act. This provision was also dealt with by Mr. Parker. It proposes to repeal the authority to examine an aboriginal for disease. There should be power to require aborigines under certain conditions to report for examination, and that section should certainly be retained in the Act. I have never heard of its having been abused, but it has operated for the benefit of the aboriginal himself.

I desire to enter a protest against the draftsmanship of the clause proposing to amend Section 26. There are 33 words in the section and, by four amendments 11 words are to be taken out and 18 new words inserted. I do not know how the draftsman could expect members to deal with such drafting. It would have been much better to insert a new clause, and I suggest that in similar cases in future, amendments should be framed in that way.

There are quite a few clauses in the Bill dealing with various other sections of the Act that relate to terms and conditions of employment. In the past we had terms and conditions that employers were familiar with, but they have been twice amended, and now it is proposed that all the power regarding the employment of aborigines shall be vested in the commissioner. I am quite satisfied that the commissioner should not have that power.

On looking through the Bill I find that I made a mistake in telling Mr. Simpson that it was Clause 14 that dealt with

an aboriginal working 50 miles away. The correct number is Clause 38. I have quite a number of notes on other clauses of the Bill, but do not intend to deal with them. When a Bill proposes the insertion of so many amendments in the Act, a good deal of time is required to discover their import.

Section 40 of the Act provides that it it shall not be lawful for any person, other than a superintendent or protector, or a person acting under the direction of a superintendent, or under a written permit of a protector, without lawful excuse, to enter or remain or be within or upon any place where natives are camped or where any natives may be congregated or in the course of travelling in pursuance of any native custom. That section, by Clause 45 of the Bill, is to be repealed. If that section be repealed, it would be lawful for any person of any colour—white or caste—to enter an aboriginal reserve without committing an offence.

Under the measure there would be no authority to order an aboriginal out of town and the Governor would have no right to proclaim certain areas, and the section dealing with the three-mile limit would be repealed. Those provisions were certainly inserted in the Act for the protection of the native. Provision is also made to substitute the word "aboriginal" for "native." This would mean that any native of any caste, even of 99 per cent. black blood, would be committing an unlawful act if he entered a reserve where there were aborigines.

It would be unlawful for him to cohabit with an aboriginal or to be on an aboriginal reserve and I want members to realise that that would be the effect of the Bill. I do not think that state of affairs was ever intended to be brought about. Clause 54 deals with the liquor question. I have given this matter considerable thought but have not used it tonight in speaking against the Bill. I think I have made out a sufficiently good case with regard to the children and the castes being thrown out without any protection at all, to show why the Bill should not be passed.

Clause 54 repeals Section 49, which deals generally with the supplying of liquor to natives. In effect, if this provision is agreed to, it will be lawful to supply mixed-bloods with liquor, and I am not too sure that it will not be lawful to supply full-bloods, also. When inthe Minister troducing the measure. quoted sections of the Licensing Act. Section 150 of that Act says that no person shall supply liquor to an aboriginal native, but there is no definition of "aboriginal native" in the Bill. There is a definition of "aboriginal" but not of "native," because that term is taken out.

The Minister for the North-West: We are all natives, but this refers to an aboriginal native.

Hon. C. W. D. Barker: What about Section 152 of the Licensing Act?

Hon. L. A. LOGAN: The same words are used again in Section 151.

Hon. C. W. D. Barker: Read Section 152.

Hon. L. A. LOGAN: I have not got it here.

Hon. C. W. D. Barker: Shall I lend it to you?

Hon. L. A. LOGAN: It does not matter. In the past there has been considerable discussion in this House and in another place on the admission of guilt or confession by a native if an offence is punishable by death, and up till now that provision has never been allowed to find a place in the Native Administration Act. No admission of guilt, or confession by a native has been admissible or able to be received in evidence where the penalty for the crime was death. I know many members in this Chamber have opposed such a provision being inserted in the Native Administration Act or any other Act, but if this Bill becomes law there will be no protection in that regard.

The Minister for the North-West: There is the common law.

Hon. L. A. LOGAN: The native would be subject to common law and any confession of guilt could be received as evidence against him.

Hon. Sir Charles Latham: You have not read the Bill too well.

Hon. L. A. LOGAN: These people who are to be put outside the scope of the Act will not be able to hide behind the law in regard to confessions of guilt but will be subject to the white man's law in that respect. Many police officers will be happy about this, because quite a few to whom I have spoken have said, "If we could only take this as evidence against them, we could convict them, but the court will not take it as evidence." Many a native who has been committed on a charge has been able to get away with it, because that provision was inserted in view of the fact that the native was not sufficiently educated to know what our laws required. There are still many of them who cannot understand our laws, but this Bill would take that protection from them. I do not know that I am happy about the clause which repeals Section 70; because, if agreed to, it would mean that it would not be necessary for regulations to be gazetted.

Hon. H. S. W. Parker: That comes under the Interpretation Act.

Hon. L. A. LOGAN: That might be so. At the beginning of his speech the Minister said the Bill was non-political, and I agree that that is so—or non-party political—but now he says the Native Ad-

ministration Act is full of absurd restrictions, although he has not told us what any of them are. I want to know what restrictions the Act contains. In my opinion the Minister made an awful admission when he said that blame for the condition of the natives can be laid against successive Governments which have allowed maladministration and shameful neglect to interfere with the well-being of these people. That is a bad reflection with all those years of Labour Government.

The Minister for the North-West: I said "Parliaments," not "Governments."

Hon. L. A. LOGAN: In 27 years there have only been about nine years of non-Labour government in this State.

The Minister for the North-West: I said "Parliaments."

Hon. L. A. LOGAN: I know; but I said "Governments."

The Minister for the North-West: I brought down a Bill here on the same question.

Hon. L. A. LOGAN: The Minister also said, "Large numbers of children are receiving sound Christian instruction and primary education on the level of white children." I agree with that, and that has been so more than ever over the last six years. I think that is progress along the right lines, but we should push ahead much faster than we are today. Do not let us throw these people out in the world without protection. Let us keep them where they receive some protection.

The Minister for the North-West: Under the thumb?

Hon. L. A. LOGAN: No, not under the thumb. Is it not thought that some of these people still require protection?

The Minister for the North-West: Some, and not others.

Hon. L. A. LOGAN: This measure makes no provision for protection.

The Minister for the North-West: Read the definition.

Hon. L. A. LOGAN: I have done so.

The Minister for the North-West: It has been explained two or three times.

Hon. L. A. LOGAN: I can read it. It has been quoted two or three times by Mr. Parker.

The Minister for the North-West: Do you not agree that they can apply to be put back?

Hon. L. A. LOGAN: I know they can apply.

The Minister for the North-West: Do you agree that the commissioner has power to put them back by order of a magistrate?

Hon. L. A. LOGAN: Yes.

The Minister for the North-West: What is wrong with that?

Hon. L. A. LOGAN: The Bill is putting a terrific responsibility on the commissioner to say they have to go back under the Act.

The Minister for the North-West: Either you or I could report them.

Hon. L. A. LOGAN: Does the Government want that sort of thing? If the whole responsibility is to be left on the commissioner to say that a man cannot live as a white citizen does but must go back under the Act—

The Minister for the North-West: Who knows better than the commissioner?

Hon. L. A. LOGAN: Not always the commissioner. I would also refer to part of a statement by the Minister in another place, who said, "The time might well come when they will be assimilated, and they must be"—those were the words he used—"into this community." I want to know who is to assimilate them.

The Minister for the North-West: Who assimilates any other coloured people? They assimilate themselves.

Hon. L. A. LOGAN: This problem is too great for us to work out the answer at the present time.

The Minister for the North-West: You are prepared to let it became greater.

Hon. F. R. H. Lavery: Evolution will work it out.

Hon. L. A. LOGAN: Yes, if given time. I am as anxious as other members are, having had some experience of the problem. The Minister says these people can go back under the Act, but Mr. Parker has shown that children in institutions cannot.

The Minister for the North-West: They may not want to.

Hon. L. A. LOGAN: Who is to protect them?

The Minister for the North-West: The Child Welfare Department.

Hon. L. A. LOGAN: They cannot come under that Act. None of the missions are named in the schedule under the Child Welfare Act, which I examined this afternoon, so how can they be brought under its provisions?

The Minister for the North-West: The child of any citizen can be brought under that Act.

Hon. L. A. LOGAN: Certain conditions must be complied with before that can be done, and many of the children in institutions will not meet those requirements

Hon. Sir Charles Latham: They can take them over now.

Hon. L. A. LOGAN: Many of these children will not come under those provisions, and the missions will have to rely on public subscriptions to carry on. I studied the Act this afternoon.

The Minister for the North-West: If necessary we can amend the Bill and include the provision you want.

Hon. L. A. LOGAN: There are 75 provisions and 31 are to be repealed and 37 amended; and we are asked to amend them further. This is not the time of the session, or of the night, to start doing that. This measure should be delayed and brought up again next session so that more thought could be given to it and more advice obtained from those who are familiar with the problem. Until that is done, I intend to oppose the Bill.

On motion by Hon. J. McI. Thomson, debate adjourned.

# BILL—ABATTOIRS ACT AMENDMENT

Second Reading.

Debate resumed from the 8th December.

HON. L. A. LOGAN (Midland) [12.0]: A Bill to amend this legislation was the subject of a good deal of discussion last year, and this House agreed to certain conditions that were laid down for the establishment of the Abattoirs Board. changes in those conditions have taken place, and therefore no alteration to the constitution of the board is necessary. When speaking to the Bill, a member stated he hoped that, when an employees' representative was appointed to the Board, consideration would then be given to the provision of amenities such as bathrooms, showerrooms and so on, although I understand that they have already been provided. However, he also wanted a library, readingroom, basket-ball courts. tennis courts and so on. The hon, member was too modest. It is a wonder he did not ask for a cricket pitch, a football ground, a golf course and probably a two-up school.

Hon. L. C. Diver: And a bowling green.

Hon. L. A. LOGAN: Surely it is not the function of a board to provide such The other\_evening, when things as that. we were discussing the Electricity Act Amendment Bill we requested that representatives of the trade should be appointed to an electrical appliances advisory committee, but we were refused. Now we are being asked to appoint an employees' representative to the Abattoirs Board, The personnel of such a board are appointed to Therefore, surely manage the concern. someone who has the ability to manage should be appointed to it.

Hon. C. W. D. Barker: They lay down the policy, also.

Hon. L. A. LOGAN: I do not think it is the correct procedure.

Hon. F. R. H. Lavery: You had a nice old game of political football with the previous Bill.

Hon. L. A. LOGAN: I am voting this year in the same way as I did last year, and that is to leave the board as it is.

Hon. L. CRAIG (South-West) [12.2 a.m.] I oppose the second reading of the Bill because, in principle, I object strongly to appointing employees as such to a board of management. It is proposed to appoint two additional members to this board; one of whom is the manager of the abattoir and the Midland Junction saleyard, and the other is a representative of the Federated Meat Employees' Union. If there is to be an employees' representative appointed, at least he should represent all the employees in the abattoirs because there are many employed there who are not members of the Federated Meat Employees' Union.

However, it is wrong in principle to appoint an employees' representative to that board. A matter of policy could be dis-cussed which could affect the employees themselves, and the other members would always have the fear that the subject of their discussions would be disclosed to the employees. I am a member of a board on which an employee is appointed, but generally he is a very senior officer, such as the general manager. He is appointed not to represent the employees, but to improve his own general knowledge. If an employees' representative were appointed to the Abattoirs Board, it would stultify all the discussion on a question of policy because such an appointee would be there for one purpose only.

It might be said that he is to be appointed to look after the welfare of employees, but there is no need for him to be a member of the board for that purpose. If an additional representative should be appointed to the board, he should be one that represents the interests of the stock firms. The people who act for stock firms almost live at the abattoir. They are there for practically five days a week and pay all rates and wages, and they are fully acquainted with the business. Nevertheless, they are denied any representation on the board; but for what reason I do not know.

It is now proposed to appoint the manager of the abattoir as a member of the board, but he can attend board meetings now and gain all the information that he desires. I have not much objection to his appointment, but I strongly object to a representative of the employees being appointed to the board, because I can visualise that such an appointment would do a great deal of harm.

On motion by Hon. E. M. Davies, debate adjourned.

# BILL—FIREARMS AND GUNS ACT AMENDMENT.

In Committee.

Resumed from the 11th December. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill,

Clause 2—Section 5 amended (partly considered):

Hon. Sir CHARLES LATHAM: I move an amendment—

That in line 5 of proposed new Subsection 4 (a) after the word "testing," the word "it" be inserted.

If members will read the clause they will note that a licence issued either under paragraph (b) or paragraph (c) of Subsection (3) of Section 5, authorises the holder or an employee of the holder to carry and use a firearm for the purpose of testing or demonstrating it to a prospective purchaser. Such holders have advised me that they are not allowed to do both. Therefore, I think the amendment will put the matter right.

The CHIEF SECRETARY: I cannot accept the amendment because I do not think it is necessary.

Hon. Sir Charles Latham: The people who hold these licences said it was necessary.

The CHIEF SECRETARY: The wording in the section now reads, "and use a firearm for the purpose of testing or demonstrating." However, I will leave it to the Committee to decide whether the amendment shall be agreed to.

Amendment put and passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That paragraph (b) of proposed new Subsection (4) be struck out.

The people who sell firearms complain very bitterly that already they have a terrific number of forms to fill in and there is nothing to be gained from so doing. The members of the select committee thought there was some substance in the request and as a result I have moved this amendment.

The CHIEF SECRETARY: I oppose the amendment. I cannot understand the select committee recommending such an amendment because I consider that the proposed paragraph will safeguard the people concerned. The only time entries would be made in this book would be when they had to check or demonstrate a weapon. They would then have something in black and white if at any time they needed evidence to show that they had tested or demonstrated the weapon. The hon. member said that a number of people who sell firearms requested this amendment. That is surprising in view of the information supplied to me which reads—

When this clause was proposed by the deputation from the Cartridge and Firearms Association, the clause, as printed, was submitted to the President, the Secretary and a committeeman of that association. They stated that it was quite in accordance with their desires and that they approved of the proposal as submitted to them, which is now in the Bill before the

House. I cannot understand why any member of that association should approach the select committee to have that provision deleted when their principal officers agreed to the clause as it is now printed.

Therefore, in view of that, I am surprised that any member of that organisation should approach the select committee to have this provision deleted from the Bill.

Hon. Sir CHARLES LATHAM: What the paragraph actually means is that when a person goes into a shop to purchase a shotgun, for which he might pay 70 guineas, in order to ensure that the weapon is accurate the trader demonstrates it to him on a rifle range.

Hon. F. R. H. Lavery: An employee of the firm can take it out and test it, too, do not forget.

Hon. Sir CHARLES LATHAM: Every time the holder of a licence to sell firearms takes such a weapon out for demonstrating or testing, he must make a record in the book provided for this purpose. I do not see what such an entry has to do with the police. The purchaser is first obliged to obtain a permit and then a licence. I think the amendment is reasonable.

The Chief Secretary: What hardship is imposed on them?

Hon. Sir CHARLES LATHAM: The people selling firearms consider that there is a tremendous number of forms to fill in now. This is a provision that is not enforced in any other country. If a retailer wants gunpowder for cartridges, he must get a permit, but we know that some men fill their own cartridges. A person can have gunpowder sent from Adelaide and no action is taken. People can purchase either cartridges or ammunition from South Australia without permits.

The CHIEF SECRETARY: All that the hon, member has said has no reference to this point. The provision is a safeguard to a person, because there is a record to show when the demonstration and test took place. It is not hard to make those entries in a book.

Hon. L. A. LOGAN: All the officials agree that this provision should remain. The Chief Secretary said it is only a matter of making the entries, but every signature adds to the amount of work. As it is, a person wanting to buy a firearm has to go through a process of obtaining many different permits.

Hon. C. W. D. BARKER: Of the people interviewed, only one strongly objected to this proposal. He showed a book containing records for all types of guns, for buying ammunition, for entering the numbers, and for recording whether the numbers had been erased. Under the present procedure a person goes to the Police Department to get a permit to purchase a rifle; then he goes to the dealer who

demonstrates the firearm. Afterwards, he takes the number back to the Police Department to obtain a licence and then returns to the dealer to get the firearm. The witness I referred to objected to the continual entries that have to be made.

Hon. F. R. H. LAVERY: Mr. Barker was not quite correct. The last witness called said that he did not mind making the entries because he could use any sort of notebook.

Hon. E. M. DAVIES: There can be no great objection to this clause. One would imagine hundreds of rifles are being sold, but that is not the case. The people who drafted this Bill inserted this clause for the protection of the public, and no objection should be made to making one or two entires. I support the retention of the clause.

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

Clauses 3 to 5-agreed to.

Clause 6-Section 12 amended:

Hon. Sir CHARLES LATHAM: I move an amendment—

That in lines 3 and 4 of paragraph (a) the words "or six months' imprisonment with hard labour" be struck out.

This is the penalty for being in possession of a firearm without holding a licence and without being a person exempt under Section 9. The penalty is from £1 to £50 at present, and it is proposed to add a penalty of six months' imprisonment. The definition of a firearm is very wide, and includes air-guns, pea-rifles, or any weapon which propels. In a later portion of the clause, if a person is found at night-time in possession of a firearm without a licence the penalty is from £1 to £100 or imprisonment for 12 months. The committee considered it was justified in that case, to prevent criminal intent.

Hon. F. R. H. LAVERY: I support the amendment. This clause would cover a reputable citizen who commits a minor breach. He would be liable to a fine and imprisonment, which I do not think is reasonable.

The CHIEF SECRETARY: I ask the Committee not to agree to this amendment. Members should have faith in magistrates doing their job. If it is a trivial offence, the magistrates will not impose a penalty of imprisonment. It is left to the magistrate to decide when he should inflict a fine or imprisonment.

Hon. N. E. Baxter: Even for a first offence?

The CHIEF SECRETARY: If a person is caught driving when drunk, he can be fined and imprisoned. The penalty in this clause does not say a fine and imprisonment. I have enough faith in magistrates to believe they will award the correct penalty.

Hon. L. CRAIG: I think the provisions are reasonable. They seek to deter the criminal. I have sufficient faith in magistrates not imposing imprisonment on respectable citizens. This provision will give the magistrates power to impose a penalty of imprisonment where known criminals carry firearms in the day-time without licence. Reports in newspapers indicate that the laws in respect of firearms are being tightened up in other States.

Hon. Sir Charles Latham: In many cases they are being relaxed.

Hon. L. CRAIG: They have tightened them in Victoria. It is almost a daily occurrence to read about robberies and other criminal acts. Magistrates will not abuse this clause; they are appointed because of their training and judgment. This clause intends to deal with the known criminal only.

Hon. Sir CHARLES LATHAM: If the hon, member had been on the select committee, he would have found that if a gun were handed to a man to bring down to Perth, and he did not have a licence, he could be penalised under the section under discussion. Surely a fine of £1 to £50 is sufficient. There are other methods of dealing with people carrying firearms for criminal intent. We were told of cases where a person riding in a motorcar with the driver could not use a gun belonging to the latter because he did not hold a licence for that gun.

This clause should be divided; there should be a clause for punishment of criminals, and one to deal with respectable citizens. We were given instances of having received firearms from England which they could not take possession of. The original Act was introduced to cover municipalities and a mile outside of them. By a subterfuge, as a result of a proclamation issued about 15 days after the House adjourned, it was extended throughout the State. I am sure Parliament would not have agreed to the penalties being applied to everyone in the country. There is no other place in Australia where such a penalty is provided or inflicted. It is unreasonable. The select committee suggested that the Act should be overhauled and a more reasonable measure introduced. We are making a criminal of any man who happens to have in his possession an unlicensed firearm. This is being done in an endeavour to almost force the police to bring down some other measure to provide for the man who is not a criminal.

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

Ayes Noes			 	16 7
M	ľajori	ty for	 	9

Ayes.

Hon. C. W. D. Barker Hon. J. Cunningham Hon. L. C. Diver Hon. Sir Frank Glöson Hon. A. F. Griffith Hon. H. Hearn Hon. C. H. Henning Hon. J. G. Hislop

Hon. A. R. Jones
Hon. Sir Chas. Latham
Hon. F. R. H. Lavery
Hon. L. A. Logan
Hon. J. Murray
Hon. H. S. W. Parker
Hon. J. McI. Thomson
Hon. C. H. Simpson

#### Noes.

Hon. G. Bennetts Hon. R. J. Boylen Hon. L. Craig Hon. E. M. Davies Hon. G. Fraser Hon. H. C. Strickland Hon. H. K. Watson 'Teller.

Pair.

Aye. Hon. N. E. Baxter No. Hon. E. M. Heenan

Amendment thus passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That in lines 3 and 4 of paragraph (b) the words "or twelve months' imprisonment with hard labour" be struck out.

The CHIEF SECRETARY: Again I must oppose the amendment. The offence is considered so serious that 12 months' imprisonment is provided. Are not members prepared to leave the matter to the good sense of the magistrate? Why handcuff him in such a serious case?

Hon. J. G. Hislop: How serious is it?

The CHIEF SECRETARY: I have not got the Act here. The previous penalty was six months and this is 12, so it must be pretty serious. People cannot be allowed to play around with pistols without the magistrate having the right to inflict a fine or imprisonment.

Hon. Sir CHARLES LATHAM: It was pointed out that a person might be travelling from some place to bring a gun to Perth to be repaired and if he were caught with it in his possession at night, he would be liable to 12 months' imprisonment.

The Chief Secretary: Do you think he would get it in such circumstances?

Hon. Sir CHARLES LATHAM: If it is a pistol, there is no objection to the penalty.

The Chief Secretary: The magistrate would impose a penalty according to the seriousness of the offence.

Hon. Sir CHARLES LATHAM: The select committee had no objection if there was a differentiation between the criminal and the ordinary person. There are two types of offenders. One is the person who commits an offence through ignorance, and the other is the criminal. It is suggested that the whole Act be redrafted and discrimination shown between the ordinary citizen and the criminal.

Hon. F. R. H. LAVERY: I understood that when the select committee findings were drawn up, paragraph (a) was the one from which we wanted the imprisonment penalty removed, and that we were satisfied for it to remain in paragraph (b).

Hon. Sir Charles Latham: That is not the case.

Hon. L. A. LOGAN: The whole reason for this is to differentiate between the person who carries a pistol or other concealable weapon and the person who is carrying an ordinary firearm. These penalties bring the ordinary citizen down to the level of a criminal. We are not letting the criminal off.

Amendment put and passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That paragraph (h) be struck out. This is provided for in the Criminal Code and the Police Act.

Hon. H. S. W. PARKER: I think this should remain in the Bill. The pointing must be done wilfully; a person does not point a firearm accidentally.

Hon. C. W. D. Barker: You mean point and threaten?

Hon. H. S. W. PARKER: Yes.

Hon. C. W. D. Barker: That is provided for under the Criminal Code.

Hon. H. S. W. PARKER: This is for deliberately pointing.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. The provision is in the Police Act; but when we had a Bill before us dealing with the Criminal Code, members deleted a provision relating to juries because they said it should be dealt with under the Jury Act. So I ask members to be consistent. My information is that the provision ought to be in this Act; and if it is placed there it will be deleted from the Police Act next session.

Hon. C. H. Henning: What is the penalty under the Police Act?

The CHIEF SECRETARY: I do not know.

Hon. C. H. Henning: I thought there was provision for imprisonment in certain cases.

The CHIEF SECRETARY: That might be so. I have some information which will prove to members how necessary it is to have this provision. Over the last five years, 18 convictions have been recorded, and no action has been taken for accidental pointing of a firearm. In fact, this would be a good defence. Action has been taken only when the pointing has been deliberate. I ask the Committee not to agree to this amendment.

Hon. Sir CHARLES LATHAM: This Act deals with licensing, and this provision is something that should rightly come under the Criminal Code and Police Act.

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

Ayes Noes	 	 	9 13
			_

Majority against ....

Aves.

Hon. C. W. D. Barker
Hon. L. C. Diver
Hon. A. F. Grimth
Hon. C. H. Henning
Hon. Sir Chas. Latham

Hon. C. A. Logan
Hon. J. Murray
Hon. J. McI. Thomson
Hon. F. R. H. Lavery
(Teller.)

Noes.

Hon. G. Bennetts
Hon. R. J. Boylen
Hon. L. Craig
Hon. L. Cunningham
Hon. E. M. Davies
Hon. S. W. Parker
Hon. C. H. Simpson
Hon. H. C. Strickland
Hon. H. K. Watson
Hon. H. Hearn
(Teller.)

Pairs.

Aye. No.

Hon, N. E. Baxter Hon, E. M. Heenan

Amendment thus negatived.

Clause, as previously amended, put and passed.

Clause 7-Section 12A added:

Hon. E. M. DAVIES: I have always understood that from a safety point of view it was better, when people were travelling, to have a firearm taken to pieces and portions given to different people. There may be a reason for this provision, and I would like some information from the Chief Secretary.

The CHIEF SECRETARY: The idea of dismantling a firearm was used by criminals in the Eastern States to overcome the laws operating there. This will get over that difficulty.

Hon. F. R. H. LAVERY: I discussed this with the Minister, and he asked me to bear in mind the fact that this clause is aimed at people with evil intentions.

Hon. C. W. D. BARKER: The inspector in charge said that he particularly wanted this kept in the Bill because a criminal could send portions of a machine-gun by different people who were coming to Perth, and it could be assembled in this State.

Hon. A. F. Griffith: Do you think this will stop a person doing that?

Clause put and passed.

Clause 8—Section 15 repealed and reenacted:

Hon. Sir CHARLES LATHAM: I have my own ideas about this clause, and they have nothing to do with the decision of the select committee. In effect the clause says that a man is guilty unless he proves his innocence; and as I have always opposed that, I will vote against the clause.

The CHIEF SECRETARY: Did the select committee consider this?

Hon. Sir Charles Latham: No.

The CHIEF SECRETARY: Why not?

Hon. Sir Charles Latham: I do not know. I cannot express the opinions of other members.

Hon. C. W. D. Barker: It was brought up and discussed.

Hon. Sir Charles Latham: Was it?

The CHIEF SECRETARY: If this is so serious, why did not the committee discuss it and make a recommendation? The committee could have come to a decision on the point.

Hon. Sir Charles Latham: I probably would not have succeeded.

The CHIEF SECRETARY: I do not think we should agree with the hon. member on this occasion.

Hon. H. S. W. PARKER: This is very necessary. It means that a person is charged with carrying firearms without a licence. Licences can be procured all over the country, and it is impossible to say a man has not got a licence; he is assumed not to have one until he says, "Here is my licence."

Hon. C. H. HENNING: I was on the select committee and this clause was discussed. There was no suggestion whatever that it should be deleted.

Hon. Sir Charles Latham: I said I was not speaking on behalf of the select committee.

Hon. F. R. H. LAVERY: This matter was discussed in another place, and it was said to be similar to a car licence in that a man had three days to produce his licence, and the same should apply here.

Hon. E. M. DAVIES: Does the same apply to the licence for a motorcar as to a rifle? On the second reading, I said I wanted some more information on Clauses 7 and 8. If a person does not have a licence while shooting in the country will he be apprehended under this clause? If he says he has a licence, surely it is not too much for the police to make inquiries and confirm his statement. I am not in favour of the clause at all. There is no analogy between rifle licences and those for motorcars.

Hon. H. S. W. PARKER: It does not mean what Mr. Davies suggests. If a man is found in possession of a firearm without a licence, the police ask him where his licence is.

Hon. E. M. Davies: Do you not think it is sufficient for him to say, "I have a licence"?

Hon. H. S. W. PARKER: But what if he has not got a licence? The police will have to prove he has not. He might say that he had a licence at home and that he would produce it in two days' time.

Hon. E. M. Davies: Would he have an opportunity to produce it?

Hon. H. S. W. PARKER: Of course he would.

The CHIEF SECRETARY: The position is as explained by Mr. Parker. The police must produce proof in court that a man has not got a licence. They would have to get a certificate from the Commissioner of Police.

Hon. H. S. W. Parker: No. They would have to get the individual; the certificate would not be any good.

The CHIEF SECRETARY: A prosecution in the country fell down because there was not time to permit a certificate being obtained from the Commissioner of Police and that is why the clause has been framed.

Hon. A. F. GRIFFITH: Let us suppose a man takes out a firearm licence in Perth and goes out on a shooting expedition to some country district, and leaves his licence at home. He is apprehended by a policeman, who asks him if he has a licence, and he replies that he has, but has not got it with him. He is then brought to court. How does he prove he is the holder of a licence?

The CHIEF SECRETARY: I should think he would ask for an adjournment so that he might produce his licence.

Hon. A. F. Griffith: What if the court refused an adjournment?

The CHIEF SECRETARY: Does not the hon, member think the court would give him sufficient time?

Hon, H. S. W. PARKER: I do not think a man can be arrested for not having a licence for a gun. It is inconceivable that a magistrate would convict anyone who says, "I have a licence. It is registered in Perth, but I have not got it with me."

Hon. Sir CHARLES LATHAM: I thought I made my position clear when I said I was not speaking on behalf of members of the select committee. Instead of a man's having to be proved guilty, under this provision we find he has to prove his innocence.

Hon. H. S. W. Parker: You cannot prove a negative.

Hon. Sir CHARLES LATHAM: He has to prove his innocence by producing his licence, and what has been suggested by Mr. Griffith could quite easily happen. He might be at Leonora. It all depends on what the local justice says.

The Chief Secretary: He would be foolish to go to Leonora and not take his licence.

Hon. Sir CHARLES LATHAM: I do not suppose he would carry his gun licence any more than the Minister carries his car licence around.

The Chief Secretary: I have it with me.

Hon. Sir CHARLES LATHAM: The Minister is the exception. In the case of a car licence, three days is allowed for its production; but we are turning this into criminal legislation. I have objected to this principle ever since I have been in public life. A person should not be required to prove himself innocent; he must be proved guilty.

Hon. G. BENNETTS: I do not like the onus being placed on the individual. I brought a matter up two or three years

ago which was similar to this one. A person should be proved guilty rather than have to prove his innocence.

Hon. H. S. W. PARKER: There is no question of onus of proof.

Hon. Sir Charles Latham: Of course there is!

Hon. H. S. W. PARKER: If members will stop to think, they will realise one cannot prove a negative. How can a man be charged with not having a licence for a firearm? He might have taken one out in Perth, Wyndham, Esperance, or anywhere else, and the police would have to produce the licensing officer to show the book in which the man's name was not included. The clause says a person charged is considered not to have a licence until he produces it.

Clause put and passed.

New clause:

Hon. Sir CHARLES LATHAM: I move— That the following be added to stand as Clause 9:—

This Act shall remain in force until the thirty-first day of December, one thousand nine hundred and fifty-four and no longer.

The select committee considered this legislation should be reviewed by the Police Department and brought up to date on a fairer basis than obtains in the present Act, under which, for a trivial offence, a man is tried as a criminal. It is suggested that the legislation should set out clearly the punishment for minor offences and the punishment for criminal offences.

The CHIEF SECRETARY: I hope members will not accept the clause. Why make a continuing measure out of an Act of this kind? It has been on the statute book since 1931; amendments had not been introduced this year, the hon, member would not have taken this course. Because the legislation has been brought up to date he wants it to last for only 12 months. The hon. member was a Cabinet Minister, but he never thought of bringing the Act up to date.

Hon. Sir CHARLES LATHAM: If this legislation had previously been submitted to the House itself instead of a subterfuge being used, there would not have been any objection. The last time Parliament considered it was in 1931, and Parliament then confined it to a municipality or to an area one mile outside. But it provided that any portion of the State could be brought under the Act by proclamation. The measure was assented to in August, and on the 15th January in the following year the Commissioner of Police got the Government of the day to extend it to the whole State, by proclamation. That was when trouble was anticipated on the Goldfields.

Hon. H. S. W. Parker: What date was the proclamation?

Hon. Sir CHARLES LATHAM: In 1931.

Hon. H. S. W. Parker: You were one of the Ministers concerned.

Hon. Sir CHARLES LATHAM: I know: but I did not know there had been an ex-If I had my way, there would tension be only half the laws on the statute book of this State that exist today, and they would be ones that could be used. The committee felt that it was time this legislation was subject to review, because it had been extended by subterfuge beyond the limits that Parliament had decided.

Hon. F. R. H. LAVERY: Members may be surprised to know that when the select committee asked for a copy of the regulations under this Act, it found there was only one in existence, and that was at the Police Department and contained many amendments. It was also discovered that the penalty for shooting on roads was in the Traffic Act, so there were regulations in existence that were not available to the general public, and the Traffic Act had to be consulted in connection with shooting on roads. It was because of this that the committee considered there should be some reorganisation of the measure altogether.

New clause put and a division taken with the following result:-

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Noes	11
Ayes	12

# Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. L. C. Dìver	Hon. L. A. Logan
Hon. A. F. Griffith	Hon. J. Murray
Hon. C. H. Henning	Hon, C. H. Simpson
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. Sir Chas, Latham	Hon, A. R. Jones
	(Teller.

# Noes.

Hon. G. Bennetts	Hon. Sir Frank Glbson	
Hon. R. J. Boylen	Hon. H. S. W. Parker	
Hon. L. Craig	Hon. H. C. Strickland	
Hon. J. Cunningham	Hon, H. K. Watson	
Hon. E. M. Davles	Hon. H. Hearn	
Hon. G. Fraser	(Teller.)	
Tetre		

Paire.			
Aye.	No.		
Hon. N. E. Baxter	Hon, E. M. Heenan		
New clause thus	passed.		

Title—agreed to.

Bill reported with amendments and the report adopted.

# BILLS (2)—FIRST READING.

- 1, State Transport Co-ordination Act Amendment (No. 2).
  - Reserves.

Received from the Assembly.

# RESOLUTION-STATE FORESTS.

# To Revoke Dedication.

Message from the Assembly received and read requesting concurrence in the following resolution:—

That the proposal for the partial revocation of the State Forests Nos. 25, 27, 29, 37, and 39 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 1st day of December, one thousand nine hundred and fifty-. three, be carried out.

#### BILLS (5)—MESSAGES.

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:-

- Adoption of Children Act Amendment (No. 2).
- Criminal Code Amendment.
- Bee Industry Compensation.
- 4, Adoption of Children Act Amendment (No. 1).
- Nurses Registration Act Amendment.

### BILLS (2)—MESSASGES.

Messages from the Assembly received and read notifying that it had disagreed to the amendments made by the Council to the following Bills:-

- 1, Income and Entertainments Tax (War Time Suspension) Act Amendment.
- 2. Government Employees (Promotions Appeal Board) Act Amendment (No. 1).

# BILL-STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th December.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [1.32 a.m.]: I do not think that a lengthy reply is required from me. As I said when introducing the Bill, the parent Act provided authority to enable private land to be compulsorily acquired within a period of five years after the commencement of the Act. In 1952 this period was extended for a further two years, which will expire in January next.

In seeking the repeal of Section 23, which proposed to limit the period of the resumption powers, the Government felt that it was essential to have power under the Act to acquire land where necessary to complete subdivisions, to provide services to estates being developed by the commission, to carry out slum clearance and to meet exceptional cases of national importance. In another place, however, the Minister agreed to a limit of two years being fixed. I can assure the House that it is not the intention of the commission to undertake any large-scale resumptions,

Criticism of the amounts paid for the blocks reşumed was voiced bу Mr. Griffith. I would advise the hon member

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that, in the majority of cases where land has been resumed by the commission, it has been necessary to carry out subdivisions of the areas, in which case the commission is required to make provision for recreational and other facilities and to pay for the cost of constructing roads through the subdivisions. These costs must be recovered by the commission when disposing of the land or when assessing rentals. The price to be paid to the person from whom land is resumed is not fixed by the State Housing Commission, but is assessed by the Land Resumption officer of the Public Works Department in accordance with the provisions of the Public Works Act.

Doubt was expressed by Sir Charles Latham as to whether the commission's powers to resume should be extended, seeing that nearly £1,000,000 worth of claims in regard to resumptions was outstanding. The figure of nearly £1,000,000 does not apply solely to land resumption on behalf of the State Housing Commission; it relates to the resumption of land generally for all Government purposes. I might mention that the amounts claimed by owners for land resumed are usually far in excess of actual values.

Mention was made by Sir Charles of a case at Scarborough where land resumed on behalf of the commission had been sold at much higher than the resumption price. This would be due to the considerable amount of development effected in the area by the commission, which has very much enhanced the value of the land. In reply to Sir Charles's demand that the House instruct the commission not to delay resumption payments, I wish to say that payment of compensation is made by the commission immediately advice is received from the Public Works Department of the amounts assessed in settlement of the claims.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1-agreed to.

Clause 2-Section 23 amended:

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

That in line 3 the word "nine" be struck out and the word "eight" inserted in lieu.

This would give the commission one more year instead of two years to clean up the balance of the resumptions. When the Bill was introduced in another place, provision was made for an unlimited period for resumptions. A limit of one year was proposed, but the Minister held out for two years. We have had experience of the celerity with which resumptions can be

made. I need mention only the resumptions at Queen's Park, which were carried out with a speed that was almost miraculous. Information has been given from time to time of the extensive areas held by the commission, and an extension of one year is all that is justified at this stage. If a further extension proves to be necessary, Parliament can be approached next session to grant it.

The CHIEF SECRETARY: An extension of 12 months would be cutting things too fine and I hope that members will approve of two years. As regards the resumptions at Queen's Park, this action represented a genuine attempt to provide for a large scheme as quickly as possible to meet the housing shortage. Week-end work was undertaken in accordance with the programme mapped out, but no matter how fast the commission wished to move, it had to observe the procedure laid down for resuming land. The aim was to secure the whole of the money that was available during that year. However, if members favour an extension of one year, I shall not strongly oppose the amendment.

Hon. A. F. GRIFFITH: There is no doubt about the speed with which the commission acted at Queen's Park. It was one of the fastest pieces of work ever carried out by a Government department. Even the owners of the land were unaware of what was happening. It is remarkable that the Government in the first place should have sought an unlimited extension of time and then accepted an extension of two years.

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

Title-agreed to.

Bill reported with an amendment and the report adopted.

# ADJOURNMENT-SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser-West): I move-

That the House at its rising adjourn till 5.30 p.m. today.

House adjourned at 1.47 a.m. (Wednesday).