The Minister for Railways: If that is so, the word "or" must be struck out. The words appearing after that word refer to a different set of circumstances.

Mr. HUTCHINSON: It is a question whether a comma separates the meaning of two clauses. I am not prepared to say there is no ground for inserting the words "during his life."

The Minister for Railways: That will not make any difference.

Hon. J. B. Sleeman: Why use the words "during his life"? A person cannot do it at any other time.

Mr. HUTCHINSON: The hon. member misses the point. If the words "during his life" are not inserted, the clause could be constructed as meaning "at any time or orally in the presence of two persons during his last illness."

Hon. J. B. Sleeman: What happens if a person has never had an illness?

Mr. HUTCHINSON: That is another question which the hon. member might well take up.

The Minister for Railways: It would not apply.

Mr. HUTCHINSON: The words "during his lifetime" would qualify the words "any time" in the clause, and would obviate the risk of its being construed to mean "at any time during his last illness." The Minister told us that a Q.C. had said there need be no fear of the meaning being misconstrued, but another Q.C. might give an opposite opinion. I consider that there is a possibility of the clause being misconstrued and that the Minister is being unreasonable.

The MINISTER FOR RAILWAYS: The intention is that a person should be able to express in writing his wishes regarding the disposal of his corpse after death. This might be done at any time while in full health or in his last illness. Of course, if he died instantaneously and had not made provision, the clause would not apply. The subsequent portion of the clause says, "or orally in the presence of two or more witnesses during his last illness." That refers to a person who is desperately ill and is unable to put his wishes in writing. In that event, he would be able to indicate his wishes in the presence of two nurses, two orderlies or two doctors.

Amendment put and negatived.

Progress reported.

House adjourned at 6.11 p.m.

Legislative Council

Tuesday, 9th November, 1954.

CONTENTS.

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

ASSENT TO BILLS.

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

1, Government Employees (Promotions Appeal Board) Act Amendment.

2, War Service Land Settlement Scheme.

BILL—DENTISTS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.35] in moving the second reading said: This small Bill, which contains only two amendments, is introduced as a result of representations made to the Government by the Dental Board of Western Australia. The first amendment proposes to allow the board to reduce the fees payable by dentists who have withdrawn their names from the register because they are not practising, but who desire at a later date to have their names restored. The second amendment is designed to permit the board to increase the licence fees paid by dentists and assistants.

The first proposal will remove a hardship inflicted on those dentists who leave the State for a long period to take postgraduate studies, or for other reasons. At present the Act makes it compulsory for a dentist who withdraws his name from the register to pay the licence fees for the years he has been away, in order to have his name restored to the register. The amendment seeks to provide that he shall pay only the current year's licence fee.

In regard to the second amendment, the board, under the principal Act, is permitted to apply its funds for the furtherance of dental education and research for

any public purpose connected with the profession of dentistry in this State, or for the foundation of a dental library. However, owing to the increase in administration costs, it has not been possible in recent years for the board to allot any moneys for the advancement of these important matters.

An increase in the licence fee paid by those persons engaged in the practice of dentistry would permit the board again to take an active interest in public dental education. The present licence fee of £2 2s. has operated since 1899; and, as members will agree, therefore out of touch with present-day values. The proposal in the Bill is to allow the board to charge a licence fee of up to £6 6s. for a dentist, and up to £3 3s. for an assistant. The principal Act provides that the Dental Board, by rule or regulation, can prescribe any fee so long as it does not exceed the maximum specified in the Act.

I trust the House will agree to the Bill, which appears quite reasonable. Dentists should be able to pay the fees suggested in the Bill, and the other proposal seems to be justifiable. I move—

That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—LIMITATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.37] in moving the second reading said: Members are aware that a number of statutes contain provisions which specify the time in which notice of action can be given and the time for taking action against persons exercising powers conferred upon them under the respective Acts. Where there is no specific provision in a statute, action can be taken under the principal Act.

Approximately 50 Acts contain varying times for commencing actions or giving notice in relation to different public authorities and their officers. There is no doubt that it would be preferable for these provisions to be included in the one statute, and the Bill seeks to consolidate them. The setting up of one time for giving notice and one time for bringing an action will simplify matters for both the public and members of the legal profession. As it is considered advisable not to be too rigid, the Bill proposes to allow the court a certain amount of discretion.

The Bill is modelled on the English Public Authorities Protection Act, 1893—part of which was repealed and re-enacted in the English Limitation Act, 1939—and on portion of New Zealand's Limitation Act of 1950. The measure does not affect actions between subject and subject, and the Crown in right of the State of Western Australia is excluded, as proceedings against the Crown are governed by the Crown Suits Act.

Although the Bill refers to "any person," I am advised that there are numerous English decisions to show that only those persons who are in some sense public authorities are entitled to its protection. The protection given extends not only to public bodies in the execution of an Act of Parliament, or public duty or authority, but also to their officers or servants carrying out their mandates.

The Bill specifies that notice be given as soon as practicable. The need for this provision will be appreciated, as Government instrumentalities, departments, and others affected by the Bill could be placed in a difficult position with regard to obtaining evidence if early notice were not given. It is proposed that action shall be commenced within one year from the date on which the cause of action occurred.

As I mentioned before, there is a certain amount of flexibility with regard to the time limit. For instance, notwithstanding the other provisions of the Bill, a person may consent to an action being brought against him within six years from the date of the cause of the action whether or not the required notice of intention to bring the action has been given. Also, a court is permitted to grant leave to bring an action within six years of the cause of the action, notwithstanding that the required notice has not been given.

The court may grant leave where it considers that the failure to give the required notice, or the delay in bringing the action, was occasioned by mistake, or by any other reasonable cause, or that the prospective defendant is not materially prejudiced in his defence or otherwise by the failure or delay. The court is also empowered to impose conditions if it thinks fit. As matters stand, if an action is out of time but the parties themselves agree that it should be brought, they are barred for all time as the court itself has no jurisdiction to order otherwise.

The standardisation of times for giving notice of intention to bring an action, and the commencement of the action, require the repeal of certain sections in the numerous Acts affected. Particulars of these will be found in the schedule to the Bill. In this connection it has been found necessary to amend the Interpretation Act, as reference is made in a number of Acts to sections G and H of the Second Schedule to the Interpretation Act, which have certain time limits. While the compilation of the schedule to the Bill has involved a great deal of research, it is possible that some Act or Acts have been overlooked. In case this has occurred, a dragnet clause has been inserted in the Bill.

It is proposed that the Bill shall come into operation on a date to be proclaimed, so that ample warning can be given to the public that all limitations of actions, etc., against public authorities and persons carrying out their statutory duties have been consolidated. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—LOAN, £14,808,000.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.43] in moving the second reading said: This is the usual Bill introduced each year to provide the required authority to raise the money necessary to carry out the year's programme of works. The amount for which authority is required is £14,808,000, and details showing how this amount is made up will be found in the First Schedule to the Bill.

I would point out to members that the amounts appearing against the respective items do not necessarily coincide with the proposed expenditure as shown in the Estimates. The reason for this is that, in most cases, there is an unspent balance of previous authorisations; and it is necessary to provide only sufficient authority to enable the work to be completed, or, in the case of continuous works, enough to carry on for about six months after the close of the year, so that there need be no break due to lack of authority.

The condition of Loan Act authorities relating to each item is clearly shown on pages 10 to 13 of the Loan Estimates, together with the new authorisation now sought in this Bill, and further provision by means of reappropriations of surplus money from items where it is no longer required, and also the allocation of loan repayments received during last year.

In addition to the money required for works and services, authority is sought in this Bill to raise money to meet deficits remaining in the Consolidated Revenue Fund, after final adjustments recommended by the Commonwealth Grants Commission. For the year ended the 30th June, 1952, an amount of £60,068 is involved, and preliminary steps towards funding this amount were taken in 1953-54 by transferring that amount from loan proceeds. For the year, 1952-53, approximately £158,000 will have to be funded, and these two amounts together account for the provision of £220,000 in the schedule.

Members will appreciate that the manner in which the State is progressing, together with the limited Loan Funds at our disposal, constituted considerable problem for the Treasurer. It is utterly impossible to meet anything like the urgent essential requirements of the State. The total borrowing programme decided upon by the Loan Council this year involves a sum of £200,000,000. Western Australia's share of that amount for the general works programme is £15,500,000, with £3,500,000 for Commonwealth-State housing undertakings—making, in all, a total of £19,000,000. The Commonwealth Government, acting on a basis of safety from its point of view, is making monthly advances to all the States, not on the total figure of £200,000,000 for the year, but on a lesser figure of £180,000,000.

I believe this is customary practice, the view of the Commonwealth being that the loan market might not, during the financial year, subscribe the full total of £200,000,000. Therefore, the Federal Government does not wish to be left in a position where the Commonwealth itself might have to find the balance if the total figure of £200,000,000, as decided upon by the Loan Council, is not subscribed.

The position is to be reviewed by the Commonwealth during this year or early next year. By that time the Commonwealth will have the experience of loan raising during the first half of the financial year; and, in addition, will be in a position to measure, to a reasonable extent, just what the loan market is likely to subscribe during the second half of the financial year. On the experience so far, and on the general financial condition of Australia, it is anticipated that the £200,000,000 will be raised by the 30th June next year. The Government of Western Australia is planning its programme on the assumption that the £200,000,000 will be raised, and that Western Australia will receive its total allocation of £19,000,000. In the belief that we will receive £15,500,000 through the Loan Council, for the general works programme, and £1,500,000 by way of loan repayments, in this financial year provision has been made in the Loan Estimates for a total expenditure of £17,000,000. That, of course, does not include the amount which will be made available by the Commonwealth to finance the Commonwealth-State housing undertakings.

Approval was obtained from the Loan Council for the State Electricity Commission to borrow £2,960,000 during this financial year. Although this sum represents an increase of £960,000 over the amount raised during the last financial year, strong local support seems likely to ensure the successful raising of the additional sum.

In the allotment of funds, the Government has paid particular attention to water supplies in country areas, with the result that double the amount expended under that heading in the last financial year is likely to be expended this year. I hope that will be good news to our country friends. It is also proposed

to expend additional loan moneys this year in the North-West portion of the State.

Although the allocation of £3,500,000 for Commonwealth-State housing projects is £250,000 below last year's figure, the reduction has been more than compensated for by an allotment of £1,498,000 from State funds for State housing undertakings. Expenditure on the Kwinana project is not expected to be as heavy this year, mainly because of reduced house building and water supply programmes there. Total expenditure, including dredging costs, is estimated at £1,180,000, compared with £2,390,000 last year.

The railways will also spend less this year, due in the main to a reduction in commitments on rollingstock contracts. For the current year, £5,871,000 has been allotted to the department. Of that amount, £3,070,000 is to be expended on rollingstock, and £2,801,000 on track and other works, including the completion of the Coogee-Kwinana line. Contractual commitments on account of waggons, locomotives and machinery orders will absorb £2,650,000 this year.

A sum of £1,286,000 has been provided for the purchase of diesel-electric and diesel locomotives and railcars. This includes a sum for the preliminary payment on 24 "VF" steam locomotives, delivery of which is expected to commence towards the end of this year. It is interesting to know that of the diesel units ordered the three "Z" jetty shunters have been received and are in service; 11 of the 18 "Y" class branch line shunters on order have been received, 10 are in service, and the balance are coming forward at the rate of approximately one per month.

Of eight "X" class main-line diesel locomotives received to date, six are in service and two are undergoing trials. On latest advices, the balance will be received at the rate of two per month until December, and thence at the rate of three per month. Delivery of the 48 on order should be completed by December, 1955. Of the 22 diesel railcars on order, 18 have been received, 12 have been placed in traffic, and six are undergoing testing. It is anticipated that the remaining four will be shipped to Western Australia shortly.

The amounts provided for track renewals are £286,000; for track and yard improvements, £140,000; and for the Midland Junction Workshops, £70,000. Provision has been made this year for the expenditure of £74,000 for the further extension of trolley-bus services, the conversion of the Bulwer-st. tram route to trolley-buses, the acquisition of workshops machinery, and major overhauls of trolley-buses and omnibuses.

During last year, expenditure from general loan funds by the State Electricity Commission amounted to £554,000. In addition, the sum of £149,000 was spent on the conversion of the metropolitan system from a frequency of 40 cycles to a frequency of 50 cycles. The balance of the commission's expenditure was met from loans raised under its own borrowing powers. During the year two public loans were raised for an amount of £2,000,000. Both loans were very successful and were closed before the advertised date.

The commission expects to spend £3,525,000 during the current year on its undertakings, other than the frequency cycle change. A sum of £565,000 will come from General Loan Funds and £2,960,000 from loans raised by the commission itself. It is estimated that during the current year £160,000 will be spent on changing the frequency cycle of supply of current in the metropolitan area. By the 30th June last, over 60,000 consumers in the metropolitan area had been changed to 50 cycles.

During last year the work on the South Fremantle power station proceeded satisfactorily. The "A" station, comprising two 25,000 kw. units, is virtually complete, and only minor sums are due to contractors for retention moneys. The "B" station, which is also comprised of two 25,000 kw. units, is nearing completion; and one of the two turbo-alternators, and a portion of the boiler plant, are already on load. The second 66,000-volt line, connecting this station with the East Perth power station, is nearing completion.

Two new boilers are being installed at the East Perth power station, one of which is near completion. One additional turbo-alternator is to be installed at this station, and foundation work is in progress. Work on the new coal-handling plant there is proceeding satisfactorily.

Foundations are well advanced at the Bunbury power station, and the erection of steel work for the building has commenced. Progress to date has been satisfactory. Clearing has started on the line for the 132,000-volt transmission line to connect this station to the metropolitan power stations. The Electricity Commission is continuing its policy of extending high tension transmission and low tension distribution mains throughout the metropolitan area. Work on the installation of the new carburetted water gas plant has proceeded satisfactorily.

Considerable progress has been made on the South-West power scheme during the past year. All the remaining diesel stations, with the exception of the Albany power station, were closed down, resulting in more economical operation. The commission now supplies electricity from the Collie power station to towns ranging from Pinjarra to Pemberton and Margaret River. The fifth boiler at the Collie power station was completed during the year, and the second 40-cycle turbo-alternator in that station was changed to 50 cycles. The whole of the designed capacity

of the Collie power station is now available to feed into the South-West power scheme with a frequency of 50 cycles. The work of extending electricity to rural consumers was continued, and at the 30th June, 1954, a total of 643 rural consumers were connected to the commission's mains.

Provision has been made for an expenditure on public buildings of £2,086,000 compared with £1,451,000 spent in 1953-54. Of this year's total amount, £1,224,000 will be for school buildings, including works in progress at the 30th June last. The major works in progress, and the estimated expenditure during this year include the Narrogin High School, £41,000; heavy metal trades annexe at Subiaco, £60,000, Hampton Park, new school, £20,000; and Margaret River, new school, £37,000.

New school works to be undertaken in this financial year also include high schools at Fremantle, Mt. Lawley, Armadale, and Midland Junction which are to cost £200,000; and primary schools at North Scarborough, £48,000; Bunbury, at Carey Park, £17,000; and Goomalling, £11,000. School additions at Medina will cost £44,000.

Hospital works are estimated to cost £639,000, the main items being new hospitals at Meekatharra, £88,000; and Midland Junction, £43,000. For the second section of the Royal Perth Hospital £223,000 is provided.

Other important expenditure will be £545,000 for the continuation of the dredging of Cockburn Sound, and £135,000 for the No. 1 berth at Albany. An amount of £493,000 has been allocated to the comprehensive water scheme; and, of course, a similar sum will be provided by the Commonwealth. It is estimated that £48,000 will be spent on pumping stations at Mundaring, Cunderdin, and Kellerberrin; and £209,000 on enlargements and duplication to the main pipeline. A sum of £37,000 has been allotted to the Bruce Rock-Narembeen main reservoir, and £166,000 for the continuation of the Wellington Dam-Narrogin pipeline and associated works.

Members representing the country districts will be interested to know of proposals in their areas for water supply works. These include allocations of £71,000 to Geraldton; £28,000 to Bridgetown; £25,000 to Wongan Hills; and £40,000 to Tambellup, Cranbrook, and Mt. Barker jointly. I anticipate that members will consider that these sums are not sufficient; but in the present state of our finances, it is not possible adequately to distribute the available funds.

Hon. A. R. Jones: You spend it all in the city.

The CHIEF SECRETARY: I can assure the House the Government is not complacent about the matter.

In regard to irrigation and drainage, £25,000 has been made available for preliminary work at Wellington Dam in connection with the raising of the wall. An amount of £25,000 also has been allocated for new channels at Harvey, and £14,000 for the development of the Wilson drainage area at Albany.

The estimate for developmental work in the Kwinana area is £160,000, of which £70,000 will be spent on roads. The expenditure at Kwinana last year was £209,000, exclusive of housing and water supply.

To meet payments on the new vessel under construction for the State Shipping Service and instalments on the "Kabbarli," "Dorrigo" and "Dulverton," £635,000 has been included in the Estimates.

A sum of £246,000 has been allotted to the completion of the water mains to Kwinana and the link main to the Mt. Brown tank. Other expenditure contemplated is—mining, £134,000; forests, £104,000; charcoal, iron and steel industry, £70,000; Fremantle Harbour Works, £550,000; State Brick Works, £79,000; and State Saw Mills, £146,000. I move—

That the Bill be now read a second time.

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

BILL—MARRIED WOMEN'S PROTECTION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.1] in moving the second reading said: The sole purpose of this Bill is to empower a court of summary jurisdiction, when it grants a married woman the legal custody of her children, to make an order at the same time, or subsequently, giving the husband access to the children at such times and under such conditions as the court may decide.

At present, a husband has to apply for an order of access under Section 44 of the Matrimonial Causes and Personal Status Code, commonly referred to as the Divorce Code. Such an application has to be made to a judge; and consequently the cost involved is fairly large—I believe anything from £15 to £25. There should be no need for this additional legislation and expense; and therefore the Bill seeks to give courts of summary jurisdiction the discretion to grant orders for access to the children.

The Bill provides that at all times the welfare of the children must be paramount. It does this by giving the court power to amend or revoke an order for access; and if an order is disobeyed by the wife, the court can give consideration to varying her maintenance order. Therefore, a husband whose conduct might be detrimental to the children's welfare, could have his

order for access altered or cancelled; while a wife who would not allow the husband his legal right of access to the children, could be suitably punished, if the court thought fit.

Provision is also made for the court, if it considers the welfare of the children is involved, to hear applications for access in Chambers. I move—

That the Bill be now read a second time.

HON. E. M. HEENAN (North-East) [5.7]: This is a comparatively short Bill, which I fully support. It proposes to amend the Married Women's Protection Act, which, in the main, gives certain remedies to wives against their husbands. Section 5 of the Act provides that an order for protection under the Act may—

(a) relieve the applicant from any obligation to cohabit with her husband;

(b) grant to the applicant the legal custody of her children.

Paragraph (c) is immaterial for our purposes. I draw the attention of members to paragraph (b), which enables an order for protection under the Act to contain a grant to the applicant of the legal custody of her children. The Bill provides that, when making such an order, a magistrate can add to it that the husband shall have reasonable access to the children.

Over the years I have been practising, particularly in Kalgoorlie, magistrates, when granting a wife the custody of her children, have usually added a condition that the husband shall have reasonable access to the children. But it now appears that in adding that proviso they have been exceeding their authority, because the Act simply provides that the order shall grant the married woman legal custody of her children, and does not go any further. Apparently, the Bill is submitted in order to legalise a practice which, in my experience, magistrates have wisely adopted in the past. So when a married woman now makes an application and is given the custody of her children, the magistrate will be able to say that such custody is subject to the husband's right to see the children at certain times.

Hon. L. Craig: In other words, if the court did not make that proviso, the husband would not have access to the children.

Hon. E. M. HEENAN: That is so. In my experience, the courts have done it in the past.

Hon. H. K. Watson: But with a mistaken idea of their powers.

Hon. E. M. HEENAN: That is so: presumably in excess of their powers. I do not remember any appeal having been lodged, but a perusal of the Act indicates that they are exceeding their jurisdiction at present in giving a husband access.

Hon. A. R. Jones: I take it there is a provision that access can be withdrawn at any time?

Hon. E. M. HEENAN: Yes; there are wise provisions in the Bill. The husband's right of access to the children is to be protected by the measure. At present, he can go to a higher authority—to a judge—and get access; but this Bill enables that to be granted by a magistrate.

Hon. L. Craig: Under what Act is a husband protected? Suppose the boot is on the other foot and a husband gets custody of the children. What happens then? Under what Act is the woman allowed access?

Hon. E. M. HEENAN: There is the Guardianship of Infants Act.

Hon. L Craig: It comes under that, does it?

Hon. E. M. HEENAN: Yes. This is an amendment to the Married Women's Protection Act, giving magistrates a little more jurisdiction than they have had in the past. It provides that the welfare of the children is to be the paramount consideration. It also provides that applications of this nature may be heard in Chambers, if need be, which is a wise provision. The Bill is a good one, and deserves the support of the House.

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

BILL—HEALTH ACT AMENDMENT (No. 1).

Assembly's Message.

Message from the Assembly notitfying that it had agreed to amendments Nos. 1 and 2 made by the Council and had disagreed to No. 3 now considered.

In Committee.

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

No. 3. Clause 13—Delete.

The CHAIRMAN: The Assembly's reasons for disagreeing are as follows:—

It is considered many offences under the Act are not discovered by the department within six months after the offence has been committed and that prosecutions should be permitted within 12 months.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

We dealt with this matter fully when the Bill was before the Committee previously. The department gave me the information that many people were escaping prosecution because of the limitation of six months. It is considered that that period is too short, and the department is asking for an extension to 12 months.

Hon. H. HEARN: I trust that the Committee will insist on the amendment. In the reasons submitted by the Assembly for disagreeing to the amendment is to be found one of the reasons why we should insist on the amendment. If nothing can be discovered within six months, I think that the people committing an offence should almost be allowed to go scot-free. On the other hand, the question of food processes, which I mentioned at length when speaking to the amendment previously, is viewed very seriously.

Question put and negatived; the Council's amendment insisted on.

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

BILL—SUPPLY (No. 2), £15,000,000.

Second Reading.

Debate resumed from the 2nd November.

HON. C. H. HENNING (South-West) [5.15]: I wish to deal with the subject of the solids-not-fat content of milk, and the need for investigation and testing in this State. I am fully aware that the matter is a highly technical one, and that it is easy for technical men to argue and in due course disprove the various theories put forward. Of late, and particularly this year, there have been a great number of prosecutions for deficiencies in solids-not-fat; and as those solids are governed by a number of factors—such as breed, feed, the season, the stage of lactation and the genetic constitution of the breed in question—for the problem to be finally solved it will require the making of information available to the breeders, to enable them to overcome the deficiencies; and that information can be obtained only by scientific research, which will involve a long-range policy. Earlier in the present session, I asked a number of questions on this subject. The answers given to some of them were entirely satisfactory; while the answers given to others seemed to me to evade the point.

I wish now to refer to a paper read by Mr. Kevin Needham, B.Sc. (Agric.) of the Department of Agriculture. One of the questions dealt with was whether the tests might not be as accurate as was claimed, and the answer was that the authors—Mr. Needham and those who had engaged in research with him; Mr. Cullity and, I think, Mr Hood—said that the cattle they tested were those known to be suffering from disease. That, I understand, referred to their 1948 investigations, while I was referring to the experiments carried out in 1952. The answer given stated—

> The only samples which were examined were from a herd which was known to produce milk of poor quality and which was subsequently found to be badly diseased.

Poor quality milk would be below 3.2 per cent. butterfat and 8.5 per cent. solids-not-fat. The samples quoted by Mr. Needham were 4.2 per cent. butterfat—or one per cent. above—and 9.5 per cent. solids-not-fat—also one per cent. above. The freezing point was 0.521. I might point out that the freezing point, according to the standard, shall not lie between zero centigrade and 0.540 below zero. In other words, milk that was 1 per cent. above, in both solids-not-fat and butterfat, had a freezing point of 0.521, which would show it to be adulterated, and so render the producer liable to prosecution in regard to solids-not-fat. Obviously there was something wrong with the answer, or with the experiment which was carried out, because in his paper Mr. Needham suggested that the freezing point may not be as constant as was suggested. There was evidence given in the Harvey Police Court not long ago, and an extract from the "Harvey Murray Times" of the 8th October last reads as follows:—

> Citing one particular case, Mr. Smith said that at the request of his client, John Vernon Gorham, a Milk Board inspector, had conducted milk tests on the client's property a week after the sample for which he had been prosecuted had been taken. The Milk Board and the department issued instructions to licensed suppliers to flush and clean milking machines before and after use, but when the inspector had made his test he admitted under cross-examination that he had prohibited the supplier's son from carrying out this directive. This, the inspector claimed, was done so as to be sure no water would be present in the machine and thus get into the milk. Although he did not comply with the departmental instruction—

which means that he did not put the water through—

> —water was still found to be present in the analysis.

There again is certain evidence that there is a very grave doubt as to whether the tests are absolutely accurate. A further answer given to a question was that although the milk of individual cows often falls below the standard of 8.5, that very seldom occurs in bulk samples. I made inquiries at a factory which buys milk solely on the butterfat content basis, and I might add that all breeds of cows are milked by the producers who supply that factory and there is no need whatever for any adulteration because they are paid on the butterfat basis. Yet three times during July and August tests taken of the complete intake of that factory on particular days, showed that the solids-not-fat content was below the necessary 8.5 per cent. During the same months—July and August—a milk depot which supplies milk to the metropolitan area was subjected to tests on seven of its weekly

consignments, and the milk was found to be below standard. Those samples were taken from milk similar in every way to that which is supplied to consumers in Perth.

Recently there appeared in "The Australian Journal of Dairy Technology"—which I take it is an authoritative journal—the institute now has as its president the Superintendent of Dairying of Western Australia—the following:—

> In Victoria during recent years a definite downward trend of the solids-not-fat contents of milk has been noted. This has received particular attention from those country depots supplying milk for consumption in metropolitan areas.

You will recall, Mr. President, that I asked a question as to the number of tests taken, and the number of prosecutions made in this State; and the answer showed that the number of prosecutions was increasingly heavy from month to month, and particularly during those months when there is every likelihood, owing to seasonal conditions, of the milk being below standard. The article in "The Australian Journal of Dairy Technology" continued—

> It was apparent that many depots were receiving from suppliers milk which was below the legal minimum of 8.50 per cent. solids-not-fat, and the following investigations were carried out to determine the causes, and, if possible, to suggest corrective methods within the means of the average farmer.

The whole object of what I am now saying is to see whether the department in this State will carry out the necessary investigations in order that any corrective methods suggested may be within the means of the average farmer. In 1948 an investigation was carried out and the journal of the Department of Agriculture stated—

> Despite the fact that the herd average for fat and solids-not-fat is above the minimum standard prescribed by the food and drug regulations, at certain times of the year the fats and solids-not-fat are seriously under standard.

In conclusion we read—

> The inquiry was intended merely as a preliminary to disclose the necessity for further and more extensive investigations. These, when practicable, will need to cover a more representative sample of the dairy herds and to test the effect of many varying conditions under which milk is produced.

That is what I hope will be done. Now, however, a period of six years has elapsed, and practically nothing has been done in this regard.

There is also a study of this subject in the journal of the Dairy Division of the Department of Agriculture in Tasmania. In that journal, Mr. H. V. Rees, B.Sc. (Agric.) shows that where throughout a season a cow may average 9.07 per cent. solids-not-fat, it will go at times as low as 8.36, which is well below standard. He continues further and stresses the necessity for a reorientation of our views as regards the constituency and freezing point of milk. There we have a man, hundreds of miles away, bringing up the same point as Mr. Needham has raised. If the dairymen of this State are to provide, as they desire to do, milk of a standard quality—up to standard not only as regards fat but also solids-not-fat—I believe the only way in which that can be done is for the Government to carry out intense research through its dairy research division.

In answer to a question the other day, the Minister stated that a scheme for artificial insemination had been finalised, and that it would be discussed shortly between the growers and breeders. It would be interesting to know whether, when they provide proved bulls, any test will have been taken of their progeny in regard to the solids-not-fat content of the milk. I understand that from a medical point of view the solids-not-fat are more important than the fat content of milk. That being the case, I hope the Minister will impress upon the Minister for Agriculture the necessity for something to be done towards the study of this problem. I support the motion.

HON. A. F. GRIFFITH (Suburban) [5.31]: During the debate on this Bill I want to take the opportunity of referring to the question of water rates. One of the biggest problems of the State in the past, and one which will continue to be a problem in the future, is the conservation of water. I think members will also agree that practically throughout the metropolitan area at present people are becoming increasingly perturbed about their water rate notices because, as each year has passed, they have shown increases. Until a short time ago, the method of calculating the rates was based on 1s. 6d. per 1,000 gallons on the annual valuation of the property. That meant that if a man were paying £10 per annum in rates, he was entitled to use approximately 10,000 gallons of water at 1s. 6d. per thousand. That amount was later increased to 1s. 9d. per thousand, but the method of calculation remained the same. A short time ago, and during this present session, I asked the Chief Secretary the following question:—

> Has there been any further increase in metropolitan area water supply rates as at the 30th June, 1954?

The Chief Secretary replied "No." Whilst that answer may have been technically correct, it did not reflect the true position; because, although the water rate has not increased, the annual valuations of all properties in the metropolitan area have increased.

Hon. E. M. Davies: The local authority does that.

Hon. A. F. GRIFFITH: Does the local authority do it?

Hon. E. M. Davies: The Water Supply Department bases its rates on the local authority's valuation.

Hon. A. F. GRIFFITH: That is more to the point. However, although the local authority increases its rates, as a result of increased valuations, I do not think it is incumbent on the Water Supply Department to increase correspondingly the water rate immediately. I merely asked this question because I am curious as to when such increases will cease. When the present Administration took office, we were told that costs would be kept down to the minimum, but I venture to suggest that they have not been. The man who has been badly hit by these increased water rates is the one who can ill afford to pay them.

This year the Water Supply Department will be sending out fewer excess water bills than it did previously because an increase in the maximum allowance the consumer is permitted to use before being charged for excess water, will not encourage people to conserve it. A man who formerly was permitted to use 20,000 or 30,000 gallons, according to his rating, will now find that he is in a position to use 30,000 or 40,000 gallons because of the allowable maximum being increased. Because he has to pay for that amount of water, he is not going to turn the tap off and exercise the same care that he would if he knew that the water he was using was to be charged for at the excess rate. Is this state of affairs to continue? I suggest that it will have to end somewhere; because, with the increase in the amount of water used in the metropolitan area, it will add to our existing problem in regard to the shortage of water, and will correspondingly affect the position in the country areas.

When the Minister introduces either a Supply or a Loan Bill, we realise that the number of public works that can be undertaken is limited to the amount of loan money made available by the Commonwealth Government and the allocations of such funds to each department. Whilst I realise that there may be some difficulty attached to the suggestion I am about to make, I would like to know whether any consideration has been given to granting some of our Government departments the power to borrow money. We know that the State Electricity Commission, from public subscription, has raised loan moneys to carry on its activities.

The Chief Secretary: But the loan allocation to the State is reduced proportionately by the Loan Council.

Hon. A. F. GRIFFITH: I was about to suggest that perhaps the Water Supply Department, which is always crying out for money—especially for the provision of water supplies in the country—could be given power to raise loan moneys within the State to carry out urgently needed works.

The Chief Secretary: It would not be extra money to the State.

Hon. C. H. Simpson: It would if the department raised a loan locally.

The Chief Secretary: A corresponding amount would be deducted from the State's loan allocation by the Loan Council.

The PRESIDENT: I suggest that the Chief Secretary make his remarks during his reply to the debate.

Hon. A. F. GRIFFITH: The Chief Secretary is helping me considerably on this occasion. I have often wondered why the State could not borrow money from its own people. Apparently, if the State Electricity Commission floats a loan, the amount so raised is deducted from the loan allocation to the State for that particular year.

The Chief Secretary: It is taken into account by the Loan Council.

Hon. A. F. GRIFFITH: Is the amount so raised deducted from the State's loan allocation, or is it merely taken into account?

The Chief Secretary: It is deducted.

Hon. A. F. GRIFFITH: If that is the case, I cannot follow up the suggestion I was about to make—namely, that the Water Supply Department should be granted power to raise loans in the same way as the State Electricity Commission does.

The Chief Secretary: We wish it was that way.

Hon. A. F. GRIFFITH: I trust that the increases that are being made in water rates will cease in the near future. I repeat that if such rates are to be increased from year to year, the total amount of water that people are entitled to use, based on their assessments, will not encourage them to conserve the water. Apart from that fact, the people in the metropolitan area are having a greater burden imposed upon them as a result of increases in water rates than they did perhaps two or three years ago.

HON. N. E. BAXTER (Central) [5.40]: I would like to stress the need for the provision of adequate school buildings in

country areas. In the report of the Education Department for 1953, the comment has been made that there is a great shortage of school classrooms. This has been the position for some years. From the report, I notice that the Director of Education has recommended that Mt. Lawley, Fremantle, and Midland Junction high schools should be commenced immediately, and he expresses the hope that the first sections will be ready for the commencement of school in 1955. He further states—

> The first section of Armadale High School is also urgently needed before 1955 as the present temporary arrangement on the existing primary school site cannot be further increased.
>
> During the financial year 1954-55, it is essential that a start be made on three other high schools in the metropolitan area, viz.; Tuart Hill, Applecross and Hollywood. At the same time, the second sections of Mt. Lawley, Fremantle, Midland Junction and Armadale should be proceeded with.

All of these are what one might call metropolitan schools. I am not suggesting that they should not be proceeded with. However, in his report, the Director of Education has apparently overlooked the need for providing decent schools in the country. An outstanding example of such need is the Kellerberrin school. If ever there were a hotchpotch of school buildings, it is at that centre. Some of the buildings are very old, weatherboard structures; but about two years ago an additional brick room was added to the stone building. Kellerberrin is a large and fairly wealthy district; and, at present, I think the approximate number of children attending the school is 350.

The existing school facilities for a district of that size are deplorable. A few years ago, the school was in a dreadful state, but it has been improved to some degree. Such a state of affairs makes one wonder, especially when we hear so much talk about decentralisation, because the report by the Director of Education does not seem to bear out this policy. There is no doubt that schools in country districts are being neglected. I ask the Government to take cognisance of the facts that exist at Kellerberrin and to consider whether it would be possible to raise money to erect a suitable school to meet the requirements of that district. There are some members who realise that Kellerberrin is a large and prominent centre and the Government should give consideration to the children of the people who reside there.

I would like to add a little to the remarks made by Mr. Griffith in connection with the rates charged for water throughout the State. He referred to the assessments on the value of properties in relation to water rating over the past few years. Mr. Davies interjected and said the rating was determined by local authorities. In the majority of cases that is not so. The Water Supply Department sent many assessors out to all districts, particularly to value country town properties to reassess them and they made the values as high as possible, much higher than those fixed by the local authorities. Since doing that, the local authorities have adopted the figures of the Water Supply Department and increased their rates.

I agree with Mr. Griffith that this step is not conducive to the conservation of water. I quote an instance of the business I am concerned with in the country. When a reassessment was carried out the water allowance went up to 400,000 gallons per annum, whereas the total consumption was 350,000 gallons. In other words, we could use another 50,000 gallons a year without paying any extra water rates. Averaging it out, the cost of water in the country, on the basis of our normal consumption, would be 5s. 4d. per 1,000 gallons, against 1s. 9d. charged in the metropolitan area.

The Minister for the North-West: The 5s. 4d. is a special rate.

Hon. N. E. BAXTER: It is a special rate. But the business I conduct is the same as any other business. To discriminate between the water rates charged for one type of business and those charged for another is not fair. If a person used a large amount of water for a profitable purpose it would be a different matter; or if water was actually used to produce an article for sale by which a good profit was made, there might be some justification for a differentiation in rates.

The Minister for the North-West: In your case, is the water not used to wash glasses?

Hon. N. E. BAXTER: Yes; but there is not much profit in washing glasses.

The Minister for the North-West: The profit would be much less if you did not.

Hon. N. E. BAXTER: I would inform the Minister that there is a limited profit made today. The increasing costs are hitting the business very hard. Even on that basis, the cost of supplying water to that type of business is 5s. 4d. against 2s. 9d. for the ordinary consumer in the country, and 1s. 9d. in the metropolitan area.

The Minister for the North-West: It is 5s. in Wyndham.

Hon. N. E. BAXTER: I appreciate that. As a believer in equal charges for water, electricity and other services, I contend that it is high time some step was taken to bring the rates to an even basis.

At present, water restriction is imposed in country districts; but as far as I know, no restriction is imposed in the metropolitan area. Supplies in some country

areas are particularly low this year, and the Government will face a big problem during the summer to find sufficient water for those districts. In one district the hospital has only sufficient water to last a fortnight; and that will mean the carting of water after that time. That would be a very expensive business.

In other districts, owing to the very extensive rains last year, many dams were filled at the beginning of last summer, and water restrictions were relaxed; but today the position is different, because nearly a month ago water restrictions were imposed. In the case of Brookton, even at the end of last summer restrictions were relaxed, but today there is less water than at the end of last summer. The Government, no doubt, realises the serious position in the country. I hope that it will take steps to relieve the shortage in every way possible.

Referring to the Brookton supplies, I would point out that the natural spring at Happy Valley, five miles away, could be utilised. The water from that spring could be piped to Brookton dam at a cost of £5,000. The pipes could be laid on the surface of the ground initially, and covered later. The obtaining of pipes, which are in short supply, might take a while. If they can be secured, it will solve the water position in one country district during this summer. With those remarks, I support the Bill.

HON. E. M. DAVIES (West) [5.51]: This Bill provides scope for members to deal with many subjects of importance in their own provinces. I do not propose to take up any time in dealing with matters of a parochial nature.

I would like to ascertain the methods adopted by the Taxation Department in assessing the values of estates of deceased persons. Estates which comprise only freehold properties and personal effects are frozen when persons die. In some cases, where the beneficiaries are pensioners and have not the means to engage lawyers to settle these matters, the respective members of Parliament have been called upon to assist. It is my opinion that such cases should be assisted.

On one or two occasions I have helped persons to obtain probate or letters of administration. To do that, it was necessary to obtain a valuation of the estates. When such a valuation is obtained from a competent valuer and submitted for probate or letters of administration, it has to go through the Taxation Department; and often that department increases the value. In one case the assessment of the Taxation Department on a particularly old dwelling was approximately £900 higher than the sworn valuation. This meant, of course, that stamp duty amounted to a considerable sum.

On an appeal being made to the Taxation Department on behalf of the person concerned, a fresh assessment was made, and the value was reduced to slightly above the valuation first obtained. Had the member of Parliament not taken an interest in that case and appealed against the valuation of the Taxation Department, the person concerned would have had to pay a much higher stamp duty.

It appears to me that the system adopted by the Taxation Department for assessing the value of estates requires investigation. I was rather astounded to learn that valuations were made in some instances without inspection of the properties. It was not until I appealed that a valuer was sent to inspect the property in question. Consideration should be given by the Government to the method adopted by the Taxation Department in arriving at valuations, and to whether it merely looks at a plan and the locality in which a property is situated and then makes a valuation without an inspection. In some cases properties are very old and of timber construction. I do not know the method adopted; but if it is as I suggest, then people are not given a fair deal.

HON. H. HEARN (Metropolitan) [5.55]: I do not intend to speak at any length. I want to draw the attention of the House to the position relating to pine planting in this State. I am sure that all members realise the importance of timber as an asset to the State. From the time of World War I, through the intervening years to World War II and subsequently, we in this State have realised more than ever the immense value of the forest country, and this natural resource of the State. During those years, a great deal of work has been done in pine planting, and the results obtained were very good.

I was very interested in the report of the Conservator of Forests relating to pine planting. In the report for the year ended the 30th June, 1954, he said—

> A temporary lull has been called in the tempo of pine planting while the economics of the land available for the varying species are further investigated and the planning of areas well in advance to use loan moneys effectively when they become available. During the year under review 1,357 acres were planted, and about 1,000 acres per annum only are proposed for the immediate future unless first-class land for the planting of Pinus radiata becomes available. In any case, loan funds available limit the programme to 1,000 acres at present.

It is very regrettable that pine planting is to be constricted. We owe a duty to posterity to ensure a sufficient supply of pine wood for this State. Bearing in mind the fact that the growing of pine will ultimately become a source of revenue to

the Government, I feel that the Government should secure the necessary land and loan funds quickly to carry on with this planting. It is interesting to note that during the year under review the return from the sale of pine logs and pine timber amounted to £78,933.

Looking at the progress made in pine planting in South Australia we find that that State has practically secured for itself a never-ending source of timber supplies through its efforts in this direction. This State, with its wonderful assets of jarrah and karri, should not be content without a continuous progressive policy of pine planting; because, in years to come, results from such a plant would be of immense value. In this State we have found many and varied uses for the pine grown here. It is common knowledge that local pine is being used continuously for the manufacture of solid core stock, and for the manufacture of plywood. The capacity of the plywood industry in this State can only be measured by the ability of the Forests Department to supply the necessary timber. Therefore I hope that the Government will be able very soon to give this important matter the urgent priority that I believe it needs. I support the second reading.

On motion by Hon. F. R. H. Lavery, debate adjourned.

BILLS (2)—FIRST READING.

1, Milk Act Amendment.

2, Forests Act Amendment.

Received from the Assembly.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th October.

HON. C. H. SIMPSON (Midland) [6.3]: I intend to support the second reading; but in Committee I propose to move two minor amendments which I think will be acceptable—I have discussed them with the departmental officials—because they would serve to clarify one or two provisions which do not seem to be clearly understood by those who may be affected.

The Bill seeks to amend three sections of the Act: firstly, Section 53 (3); secondly, Section 56 (6); and thirdly, Section 82, the latter of which governs the regulations. The Bill proposes to add two minor paragraphs to the section dealing with regulations.

Section 53 (3) relates to the certificates that are issued by the authorities to engine drivers, crane and hoist drivers, and boiler attendants. The Act, however, provides for certain exemptions, which are covered in this subsection and refer to such items as any steam engine or boiler owned or hired by any bona fide agriculturist and used exclusively on any farm for agricultural or dairy purposes and not worked for more than six months of the year. The other exemptions are designed to cover minor uses where, in the opinion of the department, certificated men are not necessary.

All of them are commonsense exemptions, but there is one which it is intended not to amend but to qualify. The Act provides that the section shall not apply to any internal combustion engine or group of engines having an area of cylinder or combined area of cylinders not exceeding 200 square inches. It is proposed to amend this to apply to any internal combustion engine or group of engines where they are under the charge of one driver if the area or combined area of the cylinders of the engine or group of engines does not exceed 200 square inches.

There is no objection to that, except on one count, namely, the inclusion of the words "where they are under the charge of one driver". There are instances where a group of engines corresponding to the specifications set out are under the control of more than one driver, and literally it could be insisted that where one driver was in charge, he need not be certificated, but if there were two, they should hold certificates. That is not the intention of the department. After having discussed the matter with the officials, I am suggesting that the words "where they are under the charge of one driver" be deleted. That would make the paragraph read that Section 53 (3) shall not apply—

> to any internal combustion engine or group of engines if the area or combined area of the cylinders of the engine or group of engines does not exceed two hundred square inches.

That would make the paragraph perfectly clear, whereas the retention of the words that I suggest should be deleted would introduce some element of doubt. My amendments have not yet been placed on the notice paper, but as I expect that the debate will be adjourned, this and other amendments I have in mind will appear on the notice paper for tomorrow. That is the only alteration I suggest to that subsection.

Hon. H. Hearn: Are you otherwise quite happy about it?

Hon. C. H. SIMPSON: Quite.

Hon. H. Hearn: I am not.

Hon. C. H. SIMPSON: In my discussions with the parties concerned, I was informed that they would be quite happy to have those words deleted. I went to a fair amount of trouble to ascertain the general understanding of those provisions.

The Bill proposes a further amendment by adding a paragraph (i) to the list of exemptions as follows:—

> (i) to any overhead travelling crane operated from floor level by pendant controls, or any overhead travelling crane controlled from a driver's platform attached to it and which is used solely for maintenance of the plant of the owner of the crane.

The insertion of that exemption would lead to a cabin-controlled overhead crane coming within the list of those requiring a certificated operator. Previously cranes that had a jib required a certificated operator, but travelling overhead cranes were exempt. This proposal will leave cranes of this type exempt with the exception of those overhead travelling cranes which are cabin-controlled.

There are two bodies of opinion. A pendant-controlled crane is operated by a man who walks along on the floor level. With a crane travelling at a walking speed, he can see where he is going, and it is not usual to insist on a certificated man having control of such a crane because it is not regarded as a job of a skilled operator. On the other hand, the cabin-controlled type moves at variable speeds, and a good deal faster, and it is claimed that, on account of the restricted vision of the operator, he is not in as good a position to see, and therefore must exercise more skill. Consequently he must satisfy the department that he possesses the requisite degree of skill in order to operate a crane of that type. A fatal accident with one of these cranes occurred at the Hume works on the 9th February, 1953, and the jury specially recommended that the drivers of such cranes should possess a certificate of competency. That is the intention of these proposed new paragraphs.

There are people who believe that the man who is travelling with the overhead crane has a better view than the man on the floor level, but that is not the opinion of those who are charged with the administration of the Act and whose duty it is to ensure that all possible safety measures are observed. Personally, I am of opinion that the officers administering the Act are correct. This was one of my departments, and I know from experience that these officers are competent and reliable and consider those engaged in industry so that safety factors may be carefully attended to with as little inconvenience as possible being occasioned to those who actually operate the machinery.

The next matter is that affecting Section 82. The proposal in the Bill is to insert a new paragraph (6b) to provide for prescribing the fees to be charged for the inspection of cranes driven by hand or animal power, while the proposed new paragraph (8a) refers to regulating the construction, inspection, maintenance and testing of lifting tackle and gear and other appliances or contrivances of whatever description connected or used with any machinery. The portion I propose to amend refers to the words "with any machinery." The words are not only vague, but they also make the provision very far-reaching, and the word I shall suggest inserting in lieu is "therewith."

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. SIMPSON: I was trying to explain the effect of the amendment which I propose to move to proposed new paragraph (8a) of Section 82, which applies to regulations. I propose to cut out the final words "with any machinery" and substitute the word "therewith." This would then confine the application of the paragraph to the particular gear mentioned in it, whereas the final words that appear here now could possibly be much wider in their application. I understand the substitution is acceptable.

Reverting to the earlier paragraph prescribing the fees to be charged in respect of cranes driven by hand or animal power, I might say that the only cranes affected are those over one ton capacity, and there are not many of them. Possibly not more than two firms would have more than one of these cranes. The charge would be a nominal one; I do not think it is fixed yet, but it is estimated that it will be about 15s. per year. At the moment, these cranes are inspected in the interests of safety and also in the interests of those who are concerned with them; but because no provision for charging a fee is prescribed, a certificate cannot be issued or a fee charged. The object of the paragraph is to regularise what is an existing practice, and to charge a nominal fee for the actual service and the issuance of the certificate.

Returning to Clause 2, paragraph (i), I might say that the men who are now operating the overhead cranes mentioned would, in accordance with the usual practice, be issued with a certificate of service by the department, and this would exempt them from the necessity of sitting for any prescribed examination. They would be issued with a certificate because they had proved by actual operation that they were competent to handle these cranes. I have, in the course of my investigations, contacted both sides, and I find there is an excellent understanding and degree of cooperation between the administrative officers of the department, and the employers with whom they are associated. I hope the House will accept the two minor amendments I have put forward, and that they will be adopted when the Bill becomes an Act. I support the second reading.

HON. E. M. DAVIES (West) [7.35]: From time to time, certain improvements take place in various types of machinery and motive power, with the result that

amendments to the Act have to be made. The Bill proposes to make some slight amendments for the purpose of clarifying the Act. I understand there has always been a formula for calculating the power of a certain type of engine. When steam was the principle motive power, the calculation was, for the purpose of simplicity, based on the diameter of the cylinder. Instead of having to work out the area of the cylinder, the Act provided that where an engine had a cylinder diameter of 12 inches, or where there was more than one cylinder with a combined diameter of more than 12 inches, it was necessary for a certificated person to be in charge. But a new power—diesel—has been introduced in the last few years. Diesel engines have a number of cylinders which are all of a smaller diameter than 12 inches, but it is necessary that we should have competent people to take charge of them.

The amendments proposed in the Bill have been dealt with fairly fully by Mr. Simpson; but in connection with Clause 2, dealing with the substitution of paragraph (f), I find I am not in agreement with what he says—namely, that the proposal to delete certain words is not of any great consequence. I understood him to say that this amendment was for the purpose of making the new subclause more explicit. During the short time I have had at my disposal in which to analyse this amendment, I have come to the conclusion that, as a result of what it provides, there might be a number of engines that would be under the control of one driver; and even if the combined area of the cylinders exceeded 200 square inches, it might be possible to say that it was not necessary to have a certificated driver in charge of them.

Hon. C. H. Simpson: It would be mandatory if they were over 200 square inches.

Hon. E. M. DAVIES: I am not too sure about that. There may be more than one driver engaged in looking after a set of engines; and, as a result, it might be construed that a certificated driver was not necessary. I am not exactly au fait with the interpretation of the proposed amendment so, at this juncture, I do not say what my attitude to it is. My analysis of the proposed new subclause and the amendment suggested by Mr. Simpson leads me to the opinion that there may be some difficulty in regard to his interpretation of it.

The question of overhead travelling cranes, and cranes operated by pendant controls, is something that is of great importance; because I feel that with travelling cranes there is a great danger, and the possibility of accident, unless competent people are in charge. The House would be wise to give serious consideration to this matter, especially if it considers doing anything that will not permit of the proper control of this type of machinery.

The other amendment deals with the question of prescribing fees to be charged for cranes driven by hand or animal power. This is something that has been in the Act for a number of years. In my opinion, the control and inspection of machinery is one of the most important functions of those in charge of administering the Act. The inspection, maintenance, and testing of lifting tackle is also a question of great importance. We have known of accidents that have happened in certain factories because lifting gear has not been properly inspected. The result has been that undetected faults have developed and someone, unfortunately, has lost his life. Proper regulation for the maintenance and testing of machinery is very important. I would not like to see this House do anything that would prevent some types of machinery—cranes and so forth—from being kept under the provisions of the Act.

Only recently I was reading an article concerning an event that happened some years ago, when there was great loss of life on a ship. An inquiry was held into this occurrence, and it was ascertained that quite a lot of the lifeboat gear had not been inspected or tested for years. It was not workable; and when it was actually required, it was found to be useless. In cases like this, it is wise for the House to give every consideration to the matter before it in order to ensure that proper protection is given to the people who operate these types of machinery, and to see that the general public, who might be endangered by the fact that competent persons are not engaged to operate it, are safeguarded. I support the Bill.

On motion by Hon. H. Hearn, debate adjourned.

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

HON. H. K. WATSON (Metropolitan) [7.45]: This Bill is a rather lengthy document; but so far as I can see, its sole purpose is to tidy up some anomalies and weaknesses which have been found in the drafting of the principal Act, and in its administration since it came into operation in 1948 or thereabouts. As members know, the third party insurance fund is underwritten by a group of the ordinary insurance companies; and since the fund was established in 1948, there has been no payment by it to any of the insurance companies which have underwritten it, for the simple reason that over that period the operations of the fund have resulted in substantial losses. I understand that losses are not expected to arise in the future because of the increased rates that were brought into effect last year.

The operations of the fund over the last four or five years tend to demonstrate that all insurance business is not necessarily profitable, and that insurance companies do sustain substantial losses. Indeed, I understand that although, when the fund commenced, every insurance company participated in it in the same proportion which its then third party business bore to the total business conducted throughout the State, in recent years some of the fairly substantial underwriters withdrew from the fund, as they saw no sense in continuing to participate in what looked likely to be a perpetually losing proposition. As I said before, although the fund has been in operation for all those years, no payments have been made to the insurance companies. The management committee of the fund has retained all moneys to meet prospective losses.

As the settlement of claims takes a number of years, the premiums are held by the fund, with the result that it has substantial moneys which are invested in trustee securities. Peculiarly enough, it has been found that the Act does not authorise it to invest any money in that direction; and this Bill proposes to permit the management committee of the fund to invest its money in this way.

The Bill will also protect the fund so far as hit-and-run motorists are concerned. At the moment the position is that if a person is injured by a hit-and-run motorist, he can sue the trust. Apparently there have been cases when persons have been injured, not by a motorcar but by some other means, and have thought it worth a flutter to try to take the trust on, and claim that they have been hit by a motorcar. This Bill proposes that any person who claims to have been injured by a hit-and-run driver shall produce due evidence that he has made every endeavour to trace both the car and the driver in question.

Another point which it is intended to cover with a view to more fully protecting the rights of the trust is in respect to cases where the driver or the owner of a car has breached the policy. In a case where the driver or owner of a car has breached the policy and an accident occurs, the injured person has the right to claim against the fund. The Act provides that the fund, in its turn, can claim against the owner of the car. Apparently some weakness has developed, and the fund has not the power to recover the full amount which it may have paid out to an injured person, from the owner of the car who has breached his policy by drunken driving or by some other means. The Bill proposes to rectify that position.

Similarly it would appear that although the trust can, at the moment, recover from the drunken driver who owns his car, there is a technical weakness in the Act, and the trust cannot recover from a drunken driver who does not happen to be the owner of the car concerned. That is anomalous, and the trust should have rights against a drunken driver regardless of whether he is the owner of the car or merely the driver of it. That weakness, too, is covered by the Bill.

A still further weakness in the principal Act, which is covered by this Bill, is with respect to uninsured vehicles. So far as these vehicles are concerned, the position is that any person who is injured by the driver of an uninsured vehicle may claim against the trust. But under the Act as it stands, the trust has found itself in the position of knowing nothing at all about the accident or about the case between the injured person and the offending party. The Bill provides that in all such cases the trust shall be given due notice of when the case is being heard by the court, so that it may put in an appearance.

The last remaining purpose of the Bill is to remove an anomaly regarding the position which arises when a person's policy has expired and has not been renewed for, say, one month or two months. He then renews it; but, in the meantime, he has sustained an accident. The proposal in the Bill is that such a driver shall be deemed to be uninsured for that period, and that there shall be no back-dating of his policy. In such a case, if a driver has an accident while the car is uninsured, and he subsequently takes out a policy or renews it, the accident shall not be deemed to be covered by the policy. That, of course, in no way affects the insured person but affects the rights which the fund has against the offending owner of the car.

I understand that all the proposals have been recommended by the management committee of the fund and, in my opinion, are necessary and desirable in order to protect it. I support the measure.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—DOG ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st October.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.55]: I find myself in the position of not being able to support this measure.

Hon. C. W. D. Barker: I am not a bit surprised at that.

Hon. H. L. Roche: Do you keep dogs?

The CHIEF SECRETARY: One of my reasons for opposing it is that I think it is the wrong way to tackle the position. The hon. member is adopting the principle of wiping out something by way of taxation, and that does not appeal to me in any shape or form. If he wants to prevent people from owning dogs, he should have legislation passed to that effect; but do

not let him get around it by using this method, and by making the fees so high that he hopes people will have to destroy their dogs. Something similar to this was attempted in years gone by in the way of orchard registration, and I do not think that move was successful. This attempt will not be any more successful.

All that the sponsor of the Bill will do will be to have more unlicensed dogs running around than there are now, because people will not license their dogs at the fees set out in the measure. All this will do will be to rob the local authorities of some of the funds that they are collecting today. We read every day in the Press complaints about the number of dogs running the streets. There are those complaints even with the scale of fees now operating, and the number of licensed dogs will dwindle considerably if this measure is passed.

Hon. H. K. Watson: But the licence fee today is only a nominal amount.

The CHIEF SECRETARY: The fees are 7s. 6d. and 10s., but this proposal is to increase one section to £3. If people will not pay the present-day fees, why should they pay the new rates proposed in this measure? As a result, there will be more dogs loose on the streets than there are today; and until such time as the local authorities take the matter in hand and appoint dog catchers, there will not be any improvement. Some local authorities today are doing a good job regarding the dog nuisance; but if this Bill is passed, they will get even less by way of licence fees, because very few people will license dogs at the rates proposed. So local authorities will be in a worse position and will not be able to employ men as they are doing today.

Hon. J. D. Teahan: The fees for the first dog will not be increased.

The CHIEF SECRETARY: But they will be increased for the second.

Hon. J. D. Teahan: The idea is to make it harder for people to own more than one dog.

The CHIEF SECRETARY: The objective might be a good one, but the method does not appeal to me.

Hon. L. A. Logan: What is the method?

The CHIEF SECRETARY: To charge more money for licence fees. That is the method set down in the Bill.

Hon. J. D. Teahan: What would you suggest?

Hon. L. A. Logan: Give us some alternative.

The CHIEF SECRETARY: I will not give any alternative other than to retain the fees that are paid today. A number of the people concerned are paying those fees; and as a result, some local authorities, from the revenue derived from those fees paid for dog licences, do employ inspectors to deal with the dog nuisance. If we take that revenue away from them, then even those who today are employing dog inspectors will not employ them, and the dog nuisance will be much worse.

It might appear that this will be the means of having dogs destroyed. People will not pay the fees, but the dogs will not be destroyed. I was asked to sponsor this proposal as a member of the Government, but I would not touch it, because I believe no good would come from it. Although costs have increased considerably in almost every walk of life, and it has been necessary to increase fees in most directions, I did not think it was necessary to increase these fees. Consequently I would not handle the matter as a member of the Government.

Hon. H. L. Roche: It is necessary to decrease the number of dogs.

The CHIEF SCERETARY: It may be, and possibly I will agree with the hon. member on that score; all that we disagree on is the proposal in the Bill. I believe the objective will not be achieved by this Bill.

Hon. A. F. Griffith: How will we achieve it?

The CHIEF SECRETARY: The only way is for local authorities to appoint dog catchers in every district, and give them power to make a clean-up. Some districts are doing this, and there is no dog nuisance in those areas.

Hon. A. F. Griffith: Some are making a very big clean-up, and are not very discriminative either.

The CHIEF SECRETARY: I know there has been agitation from the Great Southern for the free licence to be taken away from the natives. But nothing has eventuated. So far as the metropolitan area is concerned, I can see no improvement; the position will only get worse if this Bill goes through. For those reasons, I oppose the measure.

HON. N. E. BAXTER (Central) [8.3]: I entirely disagree with the Chief Secretary.

The Chief Secretary: Do you ever agree?

Hon. N. E. BAXTER: Very seldom. I disagree that the revenue from licence fees will get less, for the simple reason that local authorities know how many dogs are registered annually. They have their records of the registration, and the onus is on them to chase up their fees if they want them for the purpose of employing a dog catcher. If the fees were increased as the result of this Bill, they would get increased revenue.

Hon. H. K. Watson: The increase in the fees is only on a par with the increase in the water rates.

Hon. N. E. BAXTER: That is so; it is only a portion of the schedule that is being increased. There is every reason to believe that under the provisions of this Bill the local authorities, if they so desire, could get extra revenue. There is perhaps no method by which dogs can be controlled, other than by local authorities setting themselves out to do the job efficiently. This Bill will to a great extent do what is intended: namely, assist the country people—the farmers and graziers who are very concerned about the dog menace. I know a number of local authorities have an officer who makes a pretty good check on the dogs. If people have more than one dog they will destroy the remainder, and so reduce the menace to stock that exists today. I think that this measure will be one way of achieving the purpose that it sets out to achieve. I support the second reading.

HON. F. R. H. LAVERY (West) [8.5]: In order to show members that there are various slants on this matter, I would like to read some correspondence that has been addressed to me. The writer of the letter, however, is wrong in his details, because he states that I introduced the Bill. The letter reads as follows:—

> I have just heard that you are raising the dog question or dog licence question in the near future. Some few weeks ago I made the following suggestion to the Minister for Local Government.

This is the suggestion—

> License a number of reputable men to be the only breeders of dogs, pure breeds, none of their dogs to be allowed off their owner's property except under owner control, all the progeny, except any sold to other licensed breeders, to be sterilised. The owner when making a sale shall collect the first year's licence and pay it to the governing authority with the name and address of the buyer. He shall issue to the buyer a certificate in writing that the dog in question has been sterilised.
>
> Failure to fulfil the above conditions shall render the breeder liable to a £50 fine and the loss of his licence. The owner of a pet dog, or dogs, if they dispose or part with them to advise the governing authority, of failure to carry out this section rendered the owner liable to a £10 fine. Any person, other than a licensed breeder, having in their possession a dog neither licensed nor sterilised shall be liable for a £10 fine, the dog to be taken and destroyed.

Why should the dog be destroyed?

Hon. H. L. Roche: You feel we should destroy the owner?

Hon. F. R. H. LAVERY: In a few cases that might do some good. The letter continues—

> The licence for approved small breeds shall be 10s. per year and for all other breeds £1 per year.

Hon. L. Craig: What about "bitsers"?

Hon. F. R. H. LAVERY: If the hon. member would let me go on, he might find out. To proceed—

> The above would regulate the dog problem. The governing authorities would get all the licences with trifling costs of collection. The sterilised pets would be much less vicious yet answer the purpose of pets. The above would apply within a ten-mile radius of Perth.

It does not reach Fremantle, thank goodness!

The Chief Secretary: I thanked him for his correspondence and said it would receive consideration.

Hon. F. R. H. LAVERY: There is a covering note I received which reads as follows:—

> I think the enclosed is self-explanatory. It would need an alteration of the present Dog Act which is obsolete —when magistrate Wallwork could say, as he was reported in "The West Australian," as saying when trying a case, "Unfortunately the dog is not allowed the first bite." Regards and good fishing.

As I have already said, why destroy the dog? Are there no people in the world prepared to give anything else a chance to live in this supposed democracy? Must people be denied every tithe and tittle of home comfort they wish to have? The other night, Sir Charles Latham said elderly ladies wanted to have dogs for pets. Local authorities have a responsibility to the community at large, just as the community has a responsibility to local authorities. It is necessary to pay a fee for almost everything—even if it is a licence to build a shed. There would not be the same necessity for this Bill in the area in which I live, and the people of West Province whom I represent, as there would be in the North-West area, and, perhaps, in the sheep country in the south.

Hon. C. W. D. Barker: That is where we get our living from, and we must protect them.

Hon. F. R. H. LAVERY: If the hon. member would amend the Bill to protect only those people in the North-West, and the sheep breeders in the south or anywhere else, I would support him. But the contention that every person who may have a dog in the metropolitan area must pay

increased fees, leads me to agree with the Chief Secretary. If the matter were investigated, it would probably be found that a great number of people do not pay fees, which shows that some of the local authorities are not doing their jobs. I would not point the finger of scorn at any one of them. I know that when we owned a dog, and were a month or six weeks in arrears with our fees, the Fremantle City Council soon let us know. I trust Mr. Barker will give consideration to the suggestion I have made. I support the second reading and hope there will be some amendments in Committee.

HON. L. A. LOGAN (Midland) [8.14]: Although the debate has become facetious at times while we have been dealing with this matter of dogs, it is nevertheless generally a very involved one. We are confronted not only with the problem of pets and pests in the metropolitan area, but also with dogs that have gone wild, bred with dingoes, and are causing so much damage in the agricultural and northern areas.

We know that very often the mongrel type of puppy is the best friend a child has. Often such an animal has been responsible for saving the lives of children. I know a certain dog that has saved three children from drowning at different times, and it happened to be an unlicensed dog roaming the streets. So I realise that this can be an involved problem. Whether this measure will achieve what the hon. member desires, I do not know; but at least he is making an attempt to do something. He has not sought to have the rate on the first dog increased, but provides for an increase only if a person wants to retain more than one. I think that if people desire to do that, they should have to pay for the privilege.

The Chief Secretary: You generally get a rebate for quantity, you know.

Hon. L. A. LOGAN: For some things, yes. If people want pleasures, they have to pay for them; and if they want the pleasure of owning more than one dog, they should pay for that.

Hon. F. R. H. Lavery: Would you allow one dog and one bitch to a family?

Hon. L. A. LOGAN: No. There is one aspect of this matter that, to my surprise, has not been mentioned. I refer to the number of accidents that have been caused by unlicensed dogs roaming the streets.

Hon. F. R. H. Lavery: And by licensed dogs, too.

Hon. L. A. LOGAN: Yes; but mainly by unlicensed dogs. In most cases—though not all—when a person has enough responsibility to license a dog, he has enough to control it, to a certain extent. I venture to say that the number of accidents caused by dogs in Western Australia is fairly high. I have had two very fortunate escapes myself, and on both occasions I almost put the whole family through the windscreen. A dog ran out in front of the car, and I automatically braked. In future, if I have enough wits about me, I will run into the dog; and then I will probably have the R.S.P.C.A. chasing me on account of cruelty to dumb animals!

One has only to look around at nighttime to realise what a menace dogs are in a city. The other day, when the hon. member introduced the Bill, I walked down a street and saw seven dogs in one cluster chasing one another around. Surely that should not be allowed! Although Mr. Lavery does not like restrictions, I consider that when it comes to pests of this type, restrictions are necessary.

Hon. F. R. H. Lavery: I consider that the owners of the pests should be penalised for not looking after their dogs.

Hon. L. A. LOGAN: It is hard to ascertain the owner of an unlicensed dog. It is most difficult to do so. Such creatures become a menace. I think that the hon. member could have phrased his Bill more satisfactorily. He chose what he thought was the easiest way out, without giving the matter a great deal of study. I intend to support the second reading with a view to seeing whether this proposal will reduce the dog population, which is such a nuisance. It is alarming to go into the figures covering the losses caused to pastoralists by wild dogs in the agricultural districts, and any attempt to reduce those figures should be supported by all members.

Hon. F. R. H. Lavery: I agree with that.

Hon. L. A. LOGAN: How we are going to distinguish between the dogs in those areas and elsewhere, I do not know, unless a distance of a 10-miles radius from the Perth G.P.O. is stipulated. It has to be remembered that in agricultural towns dogs go out at night to the farming areas on the outskirts of the towns—and some of them are registered dogs. They do a good deal of damage on farming properties, are back home in their kennels in the morning, and often cannot be traced. If they have disks, their owners can be located.

Although I stated earlier that often the unlicensed mongrel is a child's best playmate, I think that for the safety of everyone, and for the benefit of agriculturists and pastoralists, it would be better if we arranged for all unlicensed dogs to be cleaned up immediately. If we were a little severe in that respect, and local authorities combined to have a raid on these pests, the same as is done with respect to rabbits and foxes, this menace could probably be reduced considerably.

HON. J. McI. THOMSON (South) [8.22]: In introducing the Bill, Mr. Barker said he was trying to make it prohibitive for a person to own more than

two dogs, by increasing the fees to the extent outlined in the Bill. I have asked myself what will be the effect of the application of this measure. I consider that if the law on the statute book were enforced by the local authorities, the position could be dealt with adequately. I fail to see how, by increasing the fees, the situation would be policed more effectively than is being done under the present set-up.

The Chief Secretary: We will have less chance of doing so.

Hon. J. McI. THOMSON: I am inclined to agree.

Hon. C. W. D. Barker: That is a matter of opinion.

Hon. J. McI. THOMSON: I agree with the Minister. The damage in the country areas is done by both licensed and unlicensed dogs; and it is of little consolation to take the names of the owners of dogs from the disks they wear, and prosecute those owners, when the damage has been done. I do not see any justification for the Bill. I consider it is not applicable to the circumstances, and will vote against it. If the hon. member would withdraw and redraft the measure, there might be some merit in it. As it stands I cannot support it.

HON. L. CRAIG (South-West) [8.25]: The objective of the hon. member is a good one, but I do not think the Bill will have the desired effect. The aim is to clean up a lot of the dogs in the nigger camps. That is very desirable.

Hon. J. McI. Thomson: We all agree with that.

Hon. L. CRAIG: But the niggers disclaim ownership of the dogs. When one asks who is the owner of a dog nobody claims it; it belongs to the camp. The £3 could not be collected, because the dog would have no owner.

Hon. J. D. Teahan: You have the right to shoot them.

Hon. L. CRAIG: The right exists to shoot them if they are not registered; and on farms and stations, baits are laid.

Hon. C. W. D. Barker: But they do register them.

Hon. L. CRAIG: How many dogs in a niggers' camp are to be found with disks?

Hon. C. W. D. Barker: They can register as many as they like.

Hon. L. CRAIG: How many do they register?

Hon. C. W. D. Barker: A case occurred recently—

The PRESIDENT: Order! The hon. members will have the right to reply to the debate later.

Hon. L. CRAIG: The point is that by our making registration more expensive, there will be fewer registrations from niggers' camps.

The Chief Secretary: And from anywhere else.

Hon. L. CRAIG: Yes. I do not think that the Bill will achieve the objective desired, and there is the disadvantage that it will impose a burden on people in towns who want to keep dogs. We should encourage people to keep a dog or two dogs. I think it is good that people should have such pets, so long as they are under control.

Hon. A. R. Jones: They are not; that is the trouble.

Hon. L. CRAIG: This burden of £3 will not restrict anybody. Nobody keeps two bitches that are not true-bred; that are not registered animals. It is rare for anybody to keep a mongrel bitch at all. There is nothing to be gained in breeding from such an animal.

Hon. N. E. Baxter: I would not say it was rare. Quite a number keep them.

Hon. L. CRAIG: Some do; but they have been sterilised.

Hon. N. E. Baxter: And there are some that are unsterilised, too.

Hon. L. CRAIG: People who want to keep more than one bitch would register with a recognised breed society and would keep true-bred dogs. The animals would be pedigreed; otherwise, there would be no point in keeping them. Authority exists today to destroy unregistered dogs, but the local authorities just cannot do it; they cannot keep in touch. The number of dogs is kept down by the laying of baits by neighbours.

Hon. A. R. Jones: Do you do that?

Hon. L. CRAIG: I do. If I find dogs amongst my sheep, I lay baits for them. Only last Sunday, when we were driving out of Bunbury, we saw three dogs put a sheep into a pool, and they were trying to get at it. They were all dogs from the local village. We drove to the owner of the paddock, whom we know, and reported the occurrence. He immediately got his son and another boy to go after the dogs with a rifle. After a while, we saw the dogs running up the road back to their homes. The man said, "Now I know whose dogs they are," and he mentioned the owners. He went on, "I will lay a bait. I have always refrained from poisoning; but now that I know these dogs are getting into my sheep, I will lay baits." I have no doubt those dogs are dead by now, as they should be. The wether they attacked was valuable. Anybody who has stock worried by town dogs or any other dogs is perfectly entitled to lay baits for them.

Hon. L. A. Logan: What about baits in the towns themselves?

Hon. L. CRAIG: That is terrible; it is a very bad show. This Bill will not achieve the hon. member's objective, but it will place a burden on thousands of people who legitimately want to keep a dog or two dogs. If the measure would achieve anything, I would support it; but all it will do is to impose a tremendous burden on a great number of folk, without doing what the hon. member has in mind.

HON. C. W. D. BARKER (North—in reply) [8.30]: I desire first to thank those members who have said they will support the Bill. For the first time I find myself in disagreement with the Chief Secretary, who said, in effect, that there is no merit in the measure; and that if it did become law, it could not be given effect. He freely admits that the position is such that something should be done about dogs; but his department has done nothing, and it has been left to a private member to bring down a Bill in an attempt to improve the situation. Now the Chief Secretary says the Bill is no good—

The Chief Secretary: I get into enough fights already, without getting into a dog fight.

Hon. C. W. D. BARKER: Apparently Mr. Craig missed the significance of what the Bill seeks to do. In fact, it would allow a native to have one dog only; whereas, under the Act today, he is allowed to have only one dog without a licence and can license as many others as he wishes. Under the measure, the native could keep one dog only, and all the others would be liable to destruction.

Hon. L. Craig: They can be destroyed now.

Hon. C. W. D. BARKER: That is not so. Recently the police were called to a station where dogs had done a great deal of damage. They found five dogs in the camp for every male native there, but all the dogs were licensed, and so the police could do nothing about them. The Bill would definitely allow the native only one dog—

The Chief Secretary: And all the gins and piccaninnies could have their dogs.

Hon. C. W. D. BARKER: No; the Bill would allow only one dog per male native. I have seen a blackfellow come out of his camp with 60 dogs following him, and that is not an exaggeration. I received a letter from the West Kimberley Road Board asking me to bring down a Bill of this nature, but apparently I anticipated its request. It asked for this measure because in that district Mt. Addison station has nearly been eaten out by dogs. I can name two or three stations around Port Hedland that were actually eaten out by dogs and were abandoned on account of the ravages of these pests. I understand that in country centres the Act is policed, and that all the dogs are licensed. I think one dog is sufficient for any person to own, except in the case of a man who has working dogs for his stock.

The Bill would not affect stock dogs or lead dogs for the blind; and, if the measure were agreed to, I contend that the road boards would see to it that dogs in their areas were licensed. If any member thinks the provisions of the Bill can be improved, it will be open to him to move an amendment during the Committee stage. The Chief Secretary could at that stage move an amendment to increase the penalties under Section 5 of the Act, if he so desired.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; Hon. C. W. D. Barker in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Third Schedule amended:

Hon. C. W. D. BARKER: Is it possible to recommit the measure?

The CHAIRMAN: Yes, but not tonight.

Clause put and passed.

Title—agreed to.

[*The President took the Chair.*]

Bill reported without amendment.

As to Recommittal.

Hon. C. W. D. BARKER: I move—

That the report be adopted.

Hon. H. K. WATSON: Am I in order in moving that the Bill be recommitted for the purpose of reconsidering the schedule?

The PRESIDENT: Yes.

Recommittal.

On motion by Hon. H. K. Watson, Bill recommitted for the further consideration of Clause 4.

In Committee.

Hon. W. R. Hall in the Chair; Hon. C. W. D. Barker in charge of the Bill.

Clause 4—Third Schedule amended:

Hon. H. K. WATSON: I move an amendment—

That a new paragraph be added after paragraph (b) as follows:—

(c) adding at the end of the Schedule the following words:—

For all the purposes of this Schedule a sterilised bitch shall be deemed to be a male dog.

I do not think the amendment requires much explanation. At the moment the fee is 10s. for male dogs, and £3 for bitches; and it has been suggested that the fee charged for a male dog should be the maximum also for a sterilised bitch. I did try to frame my amendment so as to make it more elegant, but was not successful. I can almost hear Mrs. Hutchison saying, "camouflage"; and it is, to some extent.

Hon. C. W. D. BARKER: I have no objection to the amendment and would probably have included this provision in the Bill had I thought of it.

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

Bill again reported with an amendment.

BILL—NATIVE WELFARE.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon H. C. Strickland—North) [8.46] in moving the second reading said: The Bill seeks to amend the Native Administration Act. Several of the proposed amendments are of a machinery or consequential nature, but the principal alterations are designed to bring the Act up to date and in keeping with modern standards. With the passing of time, much progress has been achieved in raising the living standards and general well-being of the Australian aboriginal and his descendants. This has become particularly noticeable since the last World War. In recent years, the Department of Native Affairs has paid a great deal of attention to its responsibilities in this direction.

Through its activities, in co-operation with the magnificent work being accomplished by various missions, State and private schools, institutions, employers, and organised public bodies, extremely satisfactory results have been achieved. Natives generally have been educated and encouraged to attain a much higher standard of living; and although there is still much to be done, the time has arrived when many of the restrictive provisions of the Native Administration Act should be removed. In view of the progress already attained in the uplifting of the social status of natives, it is considered that the restrictive sections of the Act can now be eased to a large extent, and more emphasis on welfare placed in the legislation. For this reason, it is proposed to alter the name of the Act to the Native Welfare Act, 1954.

A great number of natives who reside around the towns and the metropolitan area are well able to conduct themselves in a manner equal to that of the average citizen. Much good work has been done during the past six years, under the direction of the Commissioner of Native Affairs, by his officers, by missionaries, and by various welfare organisations. There is no doubt that they have performed excellent service in teaching the natives how to live according to a higher standard, and have educated them to a degree of proficiency which the majority of them did not reach 20 or 30 years ago. Many caste natives today live and conduct themselves equally as well as the average white person.

Hon. N. E. Baxter: They constitute only a small percentage, though.

The MINISTER FOR THE NORTH-WEST: They might represent only a small percentage of the whole, but there is a striking improvement among them generally; no one can deny that. Today we can see them working in various places; and, in the North, many of them are conducting their own businesses.

Hon. H. L. Roche: How many are working in this city?

The MINISTER FOR THE NORTH-WEST: I have no idea, but it is rare indeed for me to walk along a city street without passing a native. They go about their business in a normal manner, and are well fitted to be classed as citizens. Last year, when similar legislation was introduced, it was proposed to give all castes citizenship; but this Bill does not contain such a proposal. Some misunderstanding got abroad regarding that provision. When I visited the North-West early this year, I was surprised to find that many people understood that every aboriginal would automatically be given citizenship at birth if the Bill were passed. That was not intended at all. All the castes who were not fitted to obtain such a privilege could have been placed under the Native Administration Act, or could have been placed under that Act at their own request. That provision was one to which the majority of members took objection, but no mention of it is made in this Bill. Last year, the Bill was lost principally because of the objection to that provision.

In order to bring the present Act up to date, we have introduced a measure that will repeal many of the restrictive sections, several of which are not only redundant, but are also irksome to the native and the employer. It is considered that if such provisions are repealed, the legislation will be more simple to administer and will facilitate the employment of natives. It is proposed to wipe out the permit system so that it will no longer be necessary for any employer, who wishes to employ a native, to obtain a permit from the Native Affairs Department.

The report of the Commissioner of Native Affairs contains some interesting information. It highlights the active work that department has done and is still doing for the welfare of natives. That work has principally been performed through missions. The stage has now been reached when those organisations are able to do much more for those under their care. They have been provided with more funds, and the natives have been placed on a

footing similar to that of children who are under the care of the Child Welfare Department. In his report, the Commissioner for Native Affairs stated that in August, 1948, the subsidy granted to missions for each child in their care was 3s. per week. On the 1st January, 1949, it was increased to 4s.; on the 1st July, 1951, to 9s. or 12s. according to the grading of the mission. Therefore, evidently 9s. per week for each child was paid to one class of mission, and 12s. to another, according to their grading.

Hon. H. L. Roche: Who classes the missions in the various grades?

The MINISTER FOR THE NORTH-WEST: I have no idea, but possibly it would be the department.

Hon. C. H. Simpson: I think the amount of subsidy granted was according to the number of natives the mission was able to support.

Hon. H. L. Roche: Would the department be the sole arbiter?

The MINISTER FOR THE NORTH-WEST: I could not say, but I think the department would have the job of classifying them. It would make a recommendation to the Minister, and he would grant his approval or otherwise. The commissioner went on to say that on the 1st July, 1953, the amount was increased from the higher rate of 12s. to 22s. 6d. per week per child. That was granted for each and every child under the care of all grades of missions. On the 1st July, 1954, the amount was further raised to 30s. 9d. per week per head. Therefore, today, each mission is subsidised to the extent of 30s. 9d. per week for each child under its care, in exactly the same way as an organisation which has under its care a child that has been committed to the State.

That increase in the subsidy will enable the missions to do much more than they did in the past. They will probably not be able to do a great deal more in regard to religious instruction, or in the raising of the educational standard in the primary classes; but they certainly will be able to feed, clothe, and house the natives in a much better fashion. They will also be able to give them the benefits of more literature, visual education, radio talks, and so on. We can therefore expect that each generation of native children from now on will be educated to a higher standard than has ever been attained.

The figures showing the increase in the caste population are very interesting. In 1950 I told the House that we would be faced with increasing problems unless something was done to begin to remove the castes from the provisions of the Native Administration Act. Since that time the caste population has increased tremendously. In 1901, it was 1,000. In 1934 it had increased to 4,000; in 1939 to 6,039; in 1951 to 6,486, and at the 30th June, 1954, to 7,264.

Hon. L. Craig: Are they castes?

The MINISTER FOR THE NORTH-WEST: Yes, castes under the existing Act. In the past 20 years there has been an increase of 81 per cent.; and in the past three years, nearly 12 per cent. They are multiplying rapidly; and there is no doubt that, as the number grows, so the percentage increase will grow correspondingly.

Hon. C. H. Simpson: Probably, as the social standard rises, the increase will drop a little.

The MINISTER FOR THE NORTH-WEST: It may. As I said previously, a hybrid race is being developed very quickly, and we must do something for it. We are attempting to do this by placing them on a higher plane of living. A lot of interest has been taken in housing natives properly. In my opinion, this is where a start should be made. We should house them adequately so that families are not herded into one or two rooms. If this is brought about, a big difference will be noted.

It is interesting to note the dispersal of the castes. In the Kimberleys there are 554; in the Pilbara and Gascoyne districts, 794; in the Central, 3,938—and this takes in from Gascoyne down to approximately the East-West line; and in the southern portion of the State there are 1,967—making a total of 7,262. There are 4,017 full-bloods in the Kimberleys; 2,007 in the North-West; 1,948 in the Central Division; and 223 in the South—making a total of 8,195. These figures are pretty accurate, because the department took a census within the last two years, so they can be accepted. Aborigines were not included in the 1947 Federal census, and I think this also applied in 1954.

In the missions 1,667 natives are cared for; and of these, 502 are adults, while 1,165 are children. There are quite a number of missions; and when one looks at the total number of natives cared for by them, the figure does not appear to be high. No doubt more missions will be set up, because various bodies are anxious to establish new missions. Doubtless more children will be cared for by these. It is proposed to establish schools on the stations; and one station at Fitzroy Crossing has already made the move. It is building its own school, and quarters for a teacher. When that is done, the Education Department will be asked to supply a teacher. It can therefore be seen that stations are taking a deeper interest in natives.

Large sums of money have been spent to improve the health of natives. During last year and early this year, an examination of all natives for trachoma and eye diseases was undertaken in the Kimberleys.

The incidence of this disease is about 42 per cent. of the population. Since Professor Ida Mann has undertaken this examination, and made a concerted effort to treat the natives for eye diseases, a great improvement has been shown. It was intended to obtain student-doctors from South Australia during their vacation to go to the Kimberleys and treat every native who could be found and rounded up, and thus wipe out the eye diseases; but the student-doctors would not be available until January, 1955. As that is the wet season in the Kimberleys, transport would, of course, not be available in many parts. The scheme, therefore, had to be abandoned.

A group of stations at Fitzroy Crossing employs its own qualified nurse to treat natives. She has been employed to see that the natives are treated regularly. I understand medicines and ointments for the eyes are supplied to natives, and many natives who had been unable to see have had their sight restored and are now able to work. When referring to those natives I speak of the full-bloods, the primitive or semi-civilised natives.

Generally, the stations—in particular Fossil Downs—have done good jobs in providing ablution blocks for men and women, and community kitchens. The station named has erected a kitchen and dining-room and has secured the services of a caste woman from Moola Bulla to teach the natives how to use kitchen utensils. Instead of cooking in the ashes and dirt, the natives at the station prepare their meals like other people, and use pots and pans. The younger natives are taking to this tuition easily, but it is more difficult with the older ones.

When these customs are taught to the younger natives they seem to adopt them. This will help to raise their standard of hygiene and living considerably. As a whole, a very marked interest is taken in the native by employers and others concerned. The co-operation between stations and the Native Affairs Department is most commendable. A great deal of mutual understanding exists where it did not exist six or seven years ago.

Referring to the amendments in the Bill, which will not affect citizenship rights or the provision relating to liquor—both contentious clauses in last year's Bill—Clause 9 proposes to empower the Minister to acquire land for the purpose of settling natives on farms or providing them with a residence. This clause was in last year's Bill.

Clause 11 seeks to amend Section 8 of the Act, which relates to guardianship. Under the Act, the commissioner is the legal guardian of all natives until they reach the age of 21, notwithstanding that their parents may be alive. The proposal put forward by the Crown Law Department seeks to amend this by adding a proviso which will exclude children, who are wards under the Child Welfare Act, from the guardianship of the commissioner.

Hon. L. Craig: What children would come under the Child Welfare Act?

The MINISTER FOR THE NORTH-WEST: Orphans, or children who have been abandoned. They come under the legal guardianship of the commissioner. The commissioner can apply for them to be exempted from his guardianship, and then they can be sent to missions. It is also proposed to give power to the commissioner to delegate to another person his authority as a guardian. The reason for this is that some youths who have neither parents nor homes come under the Child Welfare Act, but they have been taken out of a mission and are ready to start work. In several instances they have been employed on stations in the Murchison area. Yarlarweelor station is one—and the commissioner delegates his power of guardianship to the owner or manager or whoever is in charge of the station. Thus they are not removed from the control of the department. This is being proposed at the suggestion of the Crown Law Department and will validate action that has been taken over the past few years.

Hon. L. Craig: He could move them back at any time, if necessary?

The MINISTER FOR THE NORTH-WEST: Yes; if they are being ill-treated or there is other reason for their not remaining, the commissioner has power to take them under his care again until they reach the age of 21. Clause 13 proposes to amend Section 9, which deals with the permit for movement. The Bill contains a provision to enable the Minister to issue a permit for natives to travel below the 20th parallel for the purpose of education, employment or welfare. The 20th parallel is midway between Broome and Port Hedland. This restriction was adopted as a protection against the spread of leprosy.

A marked improvement has been made in the treatment of lepers and quite a number are being discharged from the leprosarium as cured. However, that is not the object of the amendment; the object is to permit the Minister to exercise some discretion in granting permits. As the Act stands, a permit may be issued in the case of mental infirmity, if a native requires medical treatment or if he is needed as a witness in a court case; or drovers may move them below that line. However, a native who wishes to come south for the purpose of education, employment or welfare, must submit himself to medical examination if it be suspected that he is suffering from leprosy, and the Minister would still have the power to send him north of the line.

Clauses 15 and 16 propose to repeal Sections 13 and 14 covering the removal of natives to reserves, institutions or hospitals. It is considered that this is a

punitive and restrictive section and undesirable in legislation aimed at providing for native welfare. Any action necessary for removing a native to the hospital is provided for in the Health Act. There is no desire to throw the onus on the Health Department. There is good co-operation between the Medical Department and the Department of Native Affairs. An employer might wish to obtain the services of a native, and we desire to repeal the provision in the Act so that he may go to a reserve and secure the native for employment for droving or other work.

Under Clause 19, it is proposed to repeal the section providing for compulsory medical examination for disease as this matter is also covered by the Health Act. Clause 20 proposes to repeal Section 18, which is a redundant section dealing with apprenticeships enacted under the Aborigines Protection Act of 1886. I understand there has been no apprenticeship of natives for many years. The Aborigines Protection Act embodied this provision in the early days of settlement, and it afforded some protection for natives who were apprenticed; and each party had to live up to the obligations stipulated in the agreements. The Act that was passed in 1905 cancelled all indentures, and then began the permit system which has applied ever since.

Clauses 21 and 22 propose to repeal Sections 19 and 20. The Act at present provides that no native under 21 years of age may be employed without a permit. Further, any native over 21 years with a preponderance of native blood may not be employed without a permit. This is an irksome requirement, creating hostility and frustration amongst both natives and employers. If an employer wishes to obtain the services of a native, it is necessary to go to the native welfare officer and procure a permit. Many employers do not comply with this requirement, and it is considered that the repeal of the section will be of benefit to all.

Under Clause 23, we propose to amend Section 21, which provides that no native under the age of 16 may be employed on a ship or boat. The intention is that where the interests of the native would be better served by so doing, the commissioner may give written consent for a native under 16 years of age to be employed on a ship or a boat.

Hon. L. Craig: Could that power be delegated?

The MINISTER FOR THE NORTH-WEST: Yes; the commissioner may delegate his authority to district officers. Clauses 24 and 25 propose to repeal Sections 22 and 23. This will remove the restrictions on natives who are employed on ships trading outside the State. Pearling fleets at times move between Darwin and Broome, and under the Act it was unlawful to take a native out of the State. The same thing applied to drovers employing natives when it was desired to cross the Northern Territory border.

The Act at present forbids a person to allow natives in his home or camp without a permit. This militates against assimilation; and, assimilation being the ultimate solution of the native problem, it is desired to repeal this section. At present, a white man is not supposed to go to a native camp or reserve; there is supposed to be no association at all between the two. It is not the intention to facilitate association; the object is to facilitate business arrangements. If a drover or station-owner wishes to employ a native, he should be entitled to go to the camp and interview him.

Hon. N. E. Baxter: There has never been any objection to that.

The MINISTER FOR THE NORTH-WEST: No; this is one of the provisions that should have been removed from the Act some time ago.

Hon. L. Craig: Would it not be dangerous?

The MINISTER FOR THE NORTH-WEST: A lot of the restrictions in the Act are redundant as they are breached almost daily.

Hon. L. Craig: Is there provision to prevent a white man going to a half-caste camp?

The MINISTER FOR THE NORTH-WEST: The point is that some of the relatives might be classed as natives and others might have citizenship rights, and yet one lot would not be allowed to visit the others. Such visiting does go on, but it is a breach of the law. The courts would be filled if action were taken every time this provision were broken.

Clause 26 proposes to repeal Section 24, which provides a penalty for the unlawful employment of natives. As I have mentioned, many employers would come under this section, which is out-moded. Clauses 27, 28, 29 and 30 propose the deletion of Sections 25, 26, 27 and 28. These sections deal with agreements for employment, which have to be attested, signed and witnessed by a justice of the peace. This is considered to be redundant and rather an obstruction to the normal course of employment.

Although the Bill proposes the discontinuance of the permit system for employment, we provide under Clauses 31 and 32 that any native employed as an employee or an independent contractor will be provided with adequate supervision by the commissioner. The object is to safeguard the conditions of employment, etc. The measure will ensure that the department

has access to such natives and their places of employment in order to make inquiries or inspections.

Clause 35 proposes the repeal of Section 33 and the enactment of a new section. The Bill will require a person engaging a native either as an employee or as a contractor to convey the native back to the point where he was engaged. This applies when a native is required to carry out services more than 50 miles from the place of engagement. The requirement is necessary to prevent the dumping of natives by masters of ships, side-show proprietors, drovers, etc. There have been cases of showmen, particularly, taking natives from one district to the other end of the State, and then abandoning them. Some, I understand, have taken natives and, when they no longer required their services, have just left them stranded. Now when these people take a native more than 50 miles, the onus is on them to return him to his place of engagement.

Hon. A. R. Jones: Unless the native wants to go somewhere else.

The MINISTER FOR THE NORTH-WEST: Yes. This is to safeguard abandonment. Cases have occurred where the department has had to provide funds to return a native to his district or to the State.

Hon. A. R. Jones: This sets out definitely that a native shall be returned to the place from which he was engaged. It could be that the native would want to seek employment 10 or more miles away in the opposite direction.

The MINISTER FOR THE NORTH-WEST: I have not gone into that point. We can go into it when we are in Committee. At present the Act requires an employer to contribute to a medical fund. The migrating habits of many natives make it difficult for the department to determine whether they are covered or not. Payment to this fund at present absolves an employer from any liability under the Workers' Compensation Act. The Bill places natives on the same basis as any other employee, and it will enable them to enjoy the benefits under the Workers' Compensation Act.

Hon. L. Craig: Does that mean all natives on stations?

The MINISTER FOR THE NORTH-WEST: Only those who come under the Workers' Compensation Act would be paid. The Department of Native Affairs is responsible for all medical, dental or optical treatment of natives generally. This would only affect a native who was working. The provision will have the most effect in the southern areas where we have the caste population that I spoke of earlier. The Bill empowers the commissioner to take action under the Child Welfare Act to ensure that a father contributes to the support of his child. Clause 41 repeals Section 40. This measure repeals the section prohibiting persons from frequenting native camps.

Hon. C. H. Simpson: Do you not think that is rather dangerous?

The MINISTER FOR THE NORTH-West: It could be. The section is considered too restrictive. Anomalies arise when a native with citizenship rights cannot enter a reserve to visit his relatives.

Hon. C. H. Simpson: Except by permission of the protector. He has a discretion.

The MINISTER FOR THE NORTH-WEST: It is almost impossible to comply with some of the provisions of the Act, and they would be impossible to police. This clause, no doubt, will provoke quite a deal of debate; and if members can suggest something better, due consideration will be given to what they put forward. At present, a prospective employer is barred from interviewing a native in a native camp. He must get a permit and do everything through the welfare officer.

Clause 42 repeals Section 41. As the removal of camps from townsites is covered by the Health Act, it is proposed to delete the section from the Act. There is no further need for this provision. Clause 43 repeals Section 42. Under the present Act, any native loitering in any town, or not decently clothed, can be ordered to leave. It is considered that the provision is unnecessary and should not be applied to natives in a welfare Act. This is one of the clauses which is redundant. The provision forms part of the original Act and was drafted at a time when natives did not wear clothes. In these days they are well clad.

In the past four years I have not, anywhere in the North, seen natives walking around in the same state as was the case in 1920. At that time it was nothing to see a native wearing only a girdle or a loin cloth; but I have not seen one in that condition in the last four years. The last time I was in the Kimberleys, each native stockman was wearing a bright-coloured shirt with elastic-sided riding boots, big spurs, and corduroy trousers. Those natives certainly look after themselves these days. There was a time when, if they were given clothes, they threw them away; but not today.

Clauses 44, 45 and 46 repeal Sections 43, 44 and 45. It is also proposed to repeal the section applying to prohibited areas as well as those dealing with native females approaching within two miles of a creek used by pearling or other boats. This provision has served its purpose and is now out-moded. Under the Act, no female is allowed to be within two miles of any

harbour, river or creek, between sundown and sunrise. Of course, that section has never been properly applied, because it would be impossible to enforce it in places like Broome, Derby and Wyndham. It was included when there were 300 or 400 pearling boats operating along the coast and they all had Asiatic crews. The idea was to protect the natives from the Asiatics. This provision is no longer required.

Clause 47 repeals Section 46. Under the Act, no native may marry without the commissioner's consent, and it is an offence for a clergyman to solemnise such a marriage. It is considered that this is no longer necessary, and the Bill proposes to repeal the section.

As the Act stands, a native is not permitted to enter licensed premises for food or lodging. This is one of the provisions of the Bill which will certainly draw a lot of comment. It is considered that a native should not be obliged to apply for citizenship rights merely to be enabled to obtain food and accommodation at a hotel. In any case, there are many lads under the age of 21 years who are in good positions and well educated, but are denied access to licensed premises for meals and accommodation.

Hon. C. H. Simpson: They can get citizenship exemption.

The MINISTER FOR THE NORTH-WEST: If they can get citizenship rights.

Hon. C. H. Simpson: No, without them.

The MINISTER FOR THE NORTH-WEST: Does the hon. member mean exemption from the Act?

Hon. C. H. Simpson: Yes.

The MINISTER FOR THE NORTH-West: Yes, they could get an exemption certificate; but that would not be desirable, because there are some portions of the Act from which we might not want to exempt them. If we give them an exemption from the Act, of course they are completely exempt.

Hon. C. H. Simpson: Not from everything.

The MINISTER FOR THE NORTH-WEST: Yes, except for the leprosy provisions.

Hon. C. H. Simpson: That is so as far as the administration Act is concerned, but not in regard to certain other Acts applying to natives.

The MINISTER FOR THE NORTH-WEST: With respect to liquor they are covered by the Licensing Act. This provision has drawn quite a lot of comment. I have here from the Licensed Victuallers' Association, the Commercial Travellers' Association, and other bodies, letters protesting against this provision. We have to look at the position reasonably; because when we start to examine the caste population, we find there is a percentage equal to, and in some cases above, average, in conducting themselves as citizens. We find these natives in the central and some of the northern areas; and I should say there are probably some in the southern areas. I know of an instance of a contractor who was working on a hotel, and he had a caste native working for him; but because of the Act, the hotel-keeper was not allowed to accommodate the native, although there was nowhere else for him to stay. It was a matter of the builder losing a good man.

Hon. C. H. Simpson: Was the hotel-keeper willing?

The MINISTER FOR THE NORTH-WEST: Yes.

Hon. C. H. Simpson: Why did he not get a certificate of exemption?

The MINISTER FOR THE NORTH-WEST: I do not know; but why should a decent native have to run for a certificate of exemption in order to have a meal or to stay three or four days in a hotel?

Hon. C. H. Simpson: It would cover the case.

The MINISTER FOR THE NORTH-WEST: Why should he have to do it if he is a decent citizen?

Hon. C. H. Simpson: I think it is very desirable.

The MINISTER FOR THE NORTH-WEST: I cannot see the logic in it. The hotel-keeper has the right to refuse anyone who is undesirable. Under the Licensing Act the hotel-keeper can refuse anybody whom he deems to be undesirable.

Hon. N. E. Baxter: Unless the local police officer decides otherwise, he cannot refuse him.

The MINISTER FOR THE NORTH-WEST: If he were undesirable, the police officer would not recommend him; and if he did there would be the ordinary process of law to give protection. I cannot see where this provision will cause the discomfort that is imagined. On two occasions Mr. Simpson has mentioned the permit system. But the higher class of so-called native certainly will not apply for a permit; nor will he apply for citizenship rights. He considers that he is a citizen.

Hon. H. L. Roche: Under this Bill, would he not need to have exemption before a hotel-keeper could admit him?

The MINISTER FOR THE NORTH-WEST: Not under the Bill; but perhaps the Licensing Act would need to be amended.

Hon. L. Craig: The hotel-keeper can object to anyone who is undesirable, black, white or brindle.

The MINISTER FOR THE NORTH-WEST: Yes. There seems to be an idea abroad that we will have all the full-bloods, or some of the poorer class of natives, demanding accommodation. The poorer class of whites seek accommodation now; and I myself, when I was keeping a small hotel, refused them.

Hon. H. L. Roche: Clause 50 of the Bill provides for a native exempted from the provisions of the Act.

The PRESIDENT: Order! I suggest that the Minister continue with his speech, and that members deal with the matter when they speak on the second reading.

The MINISTER FOR THE NORTH-WEST: If this provision is removed, the position will be that the Native Administration Act will not prohibit the hotel-keeper from allowing a native on his premises. Under the Licensing Act he is protected. As the Act stands at the moment, such a person is not permitted to get a meal or lodgings; and we think that in these days that provision is far too restrictive, and should be removed.

Clause 61 repeals Section 64 of the Act. The necessity for establishing native courts has passed, and it is proposed to repeal the section dealing with this subject. Clause 64 repeals Section 68, because it is felt that the section dealing with the supply of poisons to natives is now out-dated, as many natives use poison in the course of obtaining their livelihood. We know that in the course of their employment, natives are given strychnine, cyanide, and other poisons, and are well aware of their effect. They know the consequences if the poison is distributed to someone else; and the provision was originally placed in the Act so that they could not poison another native, their boss, or somebody else. Those days have passed, and even the semi-civilised natives in the Kimberleys use poison for killing dogs. They know how to handle it. I think that this time members will find that there are a number of provisions in the measure which are badly required.

Hon. C. H. Simpson: Would you explain Clause 58 ?

The MINISTER FOR THE NORTH-WEST: That clause repeals Subsections (2), (3) and (4) of Section 61, and the marginal note to Section 61 is "No plea of guilty to be entered except with the approval of a protector." Does the hon. member want me to explain it?

Hon. C. H. Simpson: The Commissioner of Police has asked for it to be revised, and I am wondering what you propose to do about it.

The MINISTER FOR THE NORTH-WEST: Did he ask his Minister to revise it?

Hon. C. H. Simpson: It is in his report to the Governor.

The MINISTER FOR THE NORTH-WEST: That will be attended to, and I will answer the hon. member's query when I reply to the debate. Anything that I have missed will be covered then, and members can highlight it in their speeches. I move—

That the Bill be now read a second time.

HON. L. A. LOGAN (Midland) [9.50]: As the Minister stated when introducing the Bill, certain of the provisions in the measure of last year have been left out; and he expressed the opinion that because they were left out, the Bill would receive a better reception. I agree with the Minister in that regard; and I think that, on sober reflection, members will probably realise that the action we took last year was the correct one, despite the fact that a Minister in another place has, on a few occasions, told us that we were wrong. Nevertheless, at no time has he told us where we were wrong.

This measure is almost as big as the one which was introduced last year, and which we were asked to amend in the dying hours of the session. We were requested not to defeat it, but to amend it. It would have been an impossibility to amend a measure of that size at that stage of the session last year. This year I think we can accept the measure and amend it in Committee. Bearing in mind that the Bill of last year was designed to take away all protection for the welfare of our natives, even the 999 per cent. ones, their protection and welfare would have gone by the board. It is obvious that a lesson has been learnt, because one of the first amendments in this Bill is to alter the Act and make it read "a native welfare Act".

I am inclined to think that the department is endeavouring to pass the buck in quite a few of these provisions, and is putting the onus on to the missions and some of the other departments, such as the Education and Health Departments. If it can pass on a few more of its jobs to other departments, there will not be much left for it to do.

The Minister for the North-West: You will agree that it is doing a good job?

Hon. L. A. LOGAN: I do not know that we could pick out one class and say that it is doing a better job than any of the others. I would say that most sections of the community today are doing a much better job for our natives than they have done in the past.

The Minister for the North-West: I mean the department.

Hon. L. A. LOGAN: Yes, generally the department is doing a good job; but in one or two instances it is doing a bad one, and I will relate those later on. This measure contains 67 clauses. Of those, 29 amend various sections of the Act, and 30 repeal different sections of the Act. That chops it around a good deal.

The Minister for the North-West: Most of them are consequential.

Hon. L. A. LOGAN: Three sections of the Act are repealed and re-enacted, and there are four new subsections. As the Minister stated, many of the provisions were introduced last year and defeated; others are redundant; and several are consequential. But there are three or four clauses with which I do not agree, and which will be debated at length.

The missions have been mentioned; and in my opinion the job they are doing is one of the highlights in the care of our natives today. I have no objection to the extra sum of money being paid to them, because it will enable them to do a better job. Our biggest problem is from the time the child leaves the mission at the age of 15 or 16 until he reaches 18. As yet, I have seen no plans for the assimilation of these persons from that age onwards. I will admit that we have Alvan and McDonald Houses, but the number that they can take is so few that it makes little or no difference.

We still have to find some means of occupying these adolescent children until they are able to go out into the world and fend for themselves. That will be our most pressing problem in the years to come. As we all realise, nothing can be done for the older natives. Up to the age of 15 years, a child can be cared for in the missions or through other avenues; but then we come to the testing time.

Naturally the more we assimilate these people, the greater will be our population. The figures given by the Minister will prove that. During that period, our problem will become greater, until such time as we reach a stage where the percentage of castes will start to disappear, and we will have a greater proportion of whites. But that will be a slow process.

I do not altogether follow the Minister's statement that we are going to take out of the Act that portion which prohibits persons from frequenting native camps. I will agree that one clause deals with it; but if the Minister looks at Section 15 of the principal Act, which is amended slightly under the Bill, he will see that it reads—

> It is an offence against this Act for any person other than a native to enter or frequent or to be within the boundaries of a reserve for any purpose whatever.

That does not seem to give anybody the right to enter a native reserve. In my opinion it would prohibit any person, other than the administrator or his deputies from entering a reserve. A person cannot be in a native camp unless he is on a reserve, so I would like the Minister to have a look at that particular part of the Bill. If it is as he says, and the restriction is removed, I am afraid we might be in for trouble. To say that at present the person with citizenship rights is not entitled to go on a reserve might be too harsh. Also, to say that a pastoralist, or someone looking for a person to employ cannot go on to a reserve, might be harsh, too. But if we allow those two persons—and everyone else as well—to enter a native reserve, one can imagine what will happen. Despite the fact that today there is a heavy fine for persons being in native camps, they still go there. I shudder to think of what will happen around these native camps if that restriction is taken away altogether.

Hon. N. E. Baxter: It would become a free-for-all.

Hon. L. A. LOGAN: Yes. People would frequent these camps with their bottles of plonk; and in my opinion, that would add to the problem we have today. I only hope that Section 15 of the principal Act will prevent that; but if it does not, I must vote against the repeal of the other section.

The Minister for the North-West: It is not proposed to delete that.

Hon. L. A. LOGAN: No, but I am pointing out to the Minister that he stated that this restriction was to be taken away. I am of the opinion that Section 15 will definitely restrict them, and I hope it will.

The Minister for the North-West: It will in native camps.

Hon. L. A. LOGAN: A camp is always on a reserve—or mostly, anyhow.

The Minister for the North-West: No, stations have native camps.

Hon. L. A. LOGAN: The problem is not at the stations; it is on the reserves.

Hon. L. Craig: That is where we have our problems.

Hon. A. R. Jones: It may be anywhere.

Hon. L. A. LOGAN: I am rather doubtful about the powers of land resumption. We had a discussion on land resumption in this House recently, and we do not want another. All the land that has been purchased for war service land settlement in this State—and it is quite a large tract of country—has been purchased by negotiation. If the Native Affairs Department wants land for native settlement in the North-West, or anywhere else, I think it

should be obtained by negotiation, and not by resumption. In the present circumstances, I must vote against that portion of the Bill.

The Minister has already remarked on the clause dealing with Section 50. This was altered in another place to provide that exempted natives could enter an hotel to secure food and lodging. I am not sure how this works; but in my opinion an exempted native is exempt from the provisions of the Native Welfare Act, but not from those of the Licensing Act. I do not think that provision will get them very far. Apart from that, I certainly do not altogether like it. I agree that there are certain circumstances where young fellows travelling through a town should be provided with food and lodging, where the hotel is the only place at which they can obtain it. Giving it to the type of person for whom this Bill seeks to provide, will make it available to a lot of others as well. We must also remember that every part of the premises is licensed premises, and the exempted native would be entitled to go into the bar.

Hon. C. H. Simpson: He would purchase a soft drink.

Hon. L. A. LOGAN: He could go into the bar.

Hon. L. Craig: The person serving him with liquor would be liable.

Hon. A. R. Jones: There would be no chance of checking it.

Hon. L. A. LOGAN: There would be Buckley's chance and his own. He could be sitting still in a back corner and somebody could be passing him liquor.

The Minister for the North-West: If he is quiet, what is the objection?

Hon. L. A. LOGAN: He would be breaking the law, and so would the barmaid. We have received letters from a number of kind-hearted people suggesting that we should grant natives the right to go into hotels willy-nilly. One can imagine what would take place in country hotels if that right were granted as originally intended. I would make a suggestion to the kind-hearted people who are so keen on the uplift of natives, and also so keen to pass on the responsibility to someone else to share accommodation with them, that they themselves submit their names and addresses to the department and offer accommodation to these people when they are in the city. If they are prepared to accept that responsibility, I am willing to pass it on to somebody else. But although these people do not mind somebody else sharing accommodation with natives, they are not ready to do so themselves.

The Minister for the North-West: It is a matter of giving them the right to do it.

Hon. L. A. LOGAN: But the right is given for somebody else to share accommodation with them.

The Minister for the North-West: Where did Jack Johnson stay when he came to Australia?

Hon. C. H. Simpson: There were probably quite a few hotels in the towns at which he stayed.

Hon. L. A. LOGAN: We are dealing with a different type of people at the moment.

The Minister for the North-West: It is only a matter of colour.

Hon. L. A. LOGAN: Another portion of the Bill to which I wish to refer is that repealing the provision in the Act which allows freedom to natives below the 20th parallel. Although the Minister qualified that by saying that these natives will be subject to the Health Act for examination, I am not sure whether it is wise to give natives freedom below the 20th parallel. It is also proposed to repeal that portion of the Act which gives the right to move natives from reserves. I do not know that we should worry much about that.

I also think it would be all right to remove from the Act the provisions dealing with native women around creeks, and crimes and penalties. The provisions for the consent of the Commissioner of Native Affairs before natives marry is also one that we do not need. The Minister had better look at Clause 39 (2) because I think it is badly drafted, and will probably need further adjustment.

Another section which is to be repealed is that which states that a native cannot dispose of blankets. It would now be possible for a native issued with blankets by the department to dispose of them. Whether anybody would want to use those blankets after they had been used by a native, I do not know., I do not think that is altogether desirable.

In dealing with the question of native courts, I would point out that although in the southern part of the State it is not necessary, there could be some portion of the Kimberleys or the far North where tribal customs still prevail, and the establishment of a court might be of assistance, but I do not know whether we should argue about that; it probably will not hurt to have the provision out of the Act. There is the point, however, that tribal natives may at some time in the future have need for it.

The provision dealing with Section 61 of the Act, which refers to submission of guilt will cause a certain amount of

controversy. I know that from the police point of view the provisions of the Act have stopped them from obtaining convictions, when there was no argument as to the guilt of the person concerned. Many officers of the Police Department are anxious that this provision should be repealed so that a submission of guilt may be obtained from a native. It has been suggested that because we have not gone the whole hog and given the native citizenship rights, we have that portion of the Act to protect him. It is hard to decide which is the right procedure to adopt, because on many occasions I have stated that the native has got away with too much, simply because his submission of guilt has not been accepted. In these enlightened days, when the education of the native has improved so much, it might be better if a submission of guilt were taken as evidence.

The provision dealing with workers' compensation will, in my opinion, have far-reaching effects. I appreciate that it will affect only the native who is actually employed. But when we get from the native to his dependants and all the rest covered by workers' compensation, I am afraid the compensation board will have a job sorting out who is who; and it could lead to a costly business and one that would need a lot of study. If the native is employed, I agree he should be entitled to workers' compensation. It could, however, lead to trouble as it relates to dependants and relatives. It has been said that many natives will not apply for citizenship rights. Unfortunately, that is so today; but when we look at the reason we find that the Department of Native Affairs has not been very helpful in this matter. I mentioned this point earlier in my speech.

The department has referred to it as a dog-collar licence, and all sort of things, and has declared that it would be degrading for natives to apply for it. That is one case in which the department has not fulfilled its functions and has done a great disservice to the natives of Western Australia. We cannot give natives citizenship rights carte blanche; that would be impossible. The only alternative is for those who have reached the standard to apply for citizenship rights. At one time they were glad to have them, and the same should apply today. I agree that a person who has volunteered for the forces, or gone overseas, or joined the army, is entitled to citizenship rights; it should be automatic.

I agree that there are many persons under 21 years of age who should be given citizenship rights. We cannot grant them under this Act; it would mean amending another Act to allow that to be done. To tell a native that it is degrading for him to apply for citizenship rights is to do him one of the greatest disservices that can be done to a native in Western Australia. Apart from those clauses taking away restrictions concerning going on to reserves and dealing with Land Act resumption and also Clause 50, and one or two others I have mentioned, I support the second reading of the Bill.

I hope that the removal of some of these restrictions, which the Minister has rightly stated have been on our statute book too long—many of them being redundant—will lead to a better set-up in the department. I hope that the missions will be able to expand, and provide extra facilities for children who today are not able to participate in those missions; and that greater housing facilities can be provided. With the Minister I agree that that will be one of the beginnings of the social uplift of the natives. I do not consider that we can do much with the older natives, but those who are coming on are the ones we have to provide for and look to in the future. The provision of better housing will ensure that the education they are receiving today will be carried on into their adult life.

There are many ways in which we can assist the natives; but, as I stated earlier, the more we assist them and the greater the assimilation, the greater will be the population and the more difficult the problem. It is a problem which only time will overcome. I hope the easing of the restrictions will assist the natives in the way the department desires. I support the second reading.

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

House adjourned at 10.17 p.m.