Legislative Assembly

Wednesday, the 25th October, 1967

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (23): ON NOTICE

SCHOOLS IN PILBARA

Extensions

1. Mr. BICKERTON asked the Minister for Education:

   What extensions are envisaged to the following schools in the next 12 months:—

   Onslow
   Roebourne
   Port Hedland
   Marble Bar
   Wittenoom?

   Mr. LEWIS replied:

   Onslow—1 classroom.
   Roebourne—1 classroom.
   Port Hedland—Not finalised.
   Marble Bar—Nil.
   Wittenoom—Nil.

TRANSPORT

Fruit and Vegetables: Retention of North-West Market

2. Mr. GRAHAM asked the Minister for Transport:

   (1) Has he seen the report in *The West Australian* dated the 5th instant headed "Fast Housing Plan for N.W. Ore Projects" referring to road transport organisations to operate between South Australia and the north of this State, and reading, *inter alia*, as follows:—

   PERISHABLES

   The first, rail-road perishable service from South Australia to the Wyndham-Kununurra area is also due to begin soon using specially designed refrigerated containers.
   Ten tons of perishables will be railed to Alice Springs from Adelaide and then taken overland by road transport to Kununurra and Wyndham, through Katherine.

   Fruit, vegetables and other goods will be available in Kununurra five days after having left Adelaide markets—giving people in the area a bigger range of commodities?

   (2) In view of what appears to be the imminent loss of a valuable market for Western Australian grown fruit and vegetables, will he examine local transport charges and arrangements with the object of holding the rapidly growing northern market for growers of this State?

   Mr. O'CONNOR replied:

   (1) Yes.

   (2) No restriction can be placed on the interstate movement of perishables referred to in the Press report. The Commissioner of Transport is giving every encouragement to the establishment and improvement of road services for delivery to the north of perishables produced in Western Australia. During his recent visit to the Kimberley area this was discussed from the point of view of both efficiency and minimum freight rates.

   In the meantime, the Government assists in reducing consumers' transport costs by subsidising the air transport of fruit and the more perishable types of vegetables.

   The honourable member will have seen from the Press of recent days that this subsidy has been renewed as from November until May of next year.

NAVAL BASE AT COCKBURN SOUND

Commonwealth Survey

3. Mr. RUSHTON asked the Premier:

   (1) Has the result of the feasibility survey for a naval base at Cockburn Sound been received from the Commonwealth Government?

   (2) If "No," when is it expected the report will be received by the Government?

   Mr. BRAND replied:

   (1) No.

   (2) To the best of my knowledge, the report is expected to be received by the Commonwealth Government by the end of this year. When the Commonwealth Government will forward the report to the State Government is not known.

KINDERGARTEN AT CARNARVON

Vesting of Reserve in Shire

4. Mr. NORTON asked the Minister for Lands:

   (1) Has his department received a request from the Medical Department for Carnarvon Town Lot 831, Reserve No. 24807, to be vested in the Carnarvon Shire for kindergarten and infant health purposes?

(2) If "Yes," on what date was this request received and what action has been taken in this matter?

(3) What is the present classification of this reserve and for what purpose is it held?

Mr. BOVELL replied:

(1) The Medical Department has approached the Lands Department in an endeavour to provide an alternative site for the Carnarvon Kindergarten Committee which it is understood has agreed to develop a centre conjointly with the Carnarvon Infant Health Committee. Reserve No. 24807 is quoted in the correspondence forwarded as being a site which would serve both organisations.

(2) The original letter from the Medical Department dealing with the Infant Health Centre is dated the 30th July, 1967. A further communication from the same source, relating to the provision of a site for both organisations is dated the 8th September, 1967. The requests are currently being examined by the Lands Department.

(3) Reserve No. 24807, comprising Carnarvon Lot 831, is classified Class "C" and is set apart for the purpose of "Recreation."

RESERVE 24138: CARNARVON

Inclusion of Town Lots

5. Mr. NORTON asked the Minister for Lands:

Have Carnarvon Town Lots Nos. 928 and 448 been included in Reserve No. 24138; if not, when will they be added to this reserve?

Mr. BOVELL replied:

Yes. The inclusion of Carnarvon Lots 928 and 448 in Reserve No. 24138 was effected by notice published in the *Government Gazette* on the 20th December, 1963.

SHARK BAY SALT

Extension of Lease

6. Mr. NORTON asked the Minister for Lands:

Has Shark Bay Salt been granted an extension of lease TR4172 on Useless Inlet, north of that which is shown on a map tabled during this session?

Mr. BOVELL replied:

This question should have been addressed to the Minister for Mines.

The answer, however, is "No."

ROAD MAINTENANCE TAX

Interstate Hauliers: Summonses

7. Mr. NORTON asked the Minister for Transport:

(1) In answer to question 9 on Thursday, the 19th instant, the Minister stated that only 293 interstate transport operators out of 638 who had failed to submit road maintenance tax returns had been before courts. Can it then be assumed that the remaining 345 cannot be located?

(2) If this assumption is not correct, what is the reason they have not been before the court?

Mr. O'CONNOR replied:

(1) Of the remaining 345 charges, service of summonses is known to have been effected in 56 cases which are in process of being listed for hearing. The others are still in process of service. Delays frequently occur in effecting service on defendants in other States and it is probable that some instances will arise where the defendants cannot be located.

(2) Answered by (1).

SCHOOL REQUISITES

Supply by Local Traders in Country Areas

8. Mr. EVANS asked the Minister for Education:

(1) Is it the practice for schools in country areas to obtain articles requisitioned for through local traders when such articles are not normally supplied through Government Stores, but through private city traders?

(2) If not, will he give consideration to approving such a practice, where appropriate, so as to afford more convenience to country schools and patronage to local traders?

Mr. LEWIS replied:

(1) Articles must be requisitioned through Government Stores. Where such articles are not on existing contract, tenders are called through private firms.

(2) If country firms are interested in supplying on Government tenders, they should make this fact known to the Government Stores.

FREMANTLE FISHING BOAT HARBOUR

Request for Dinghy Ramp

9. Mr. FLETCHER asked the Minister for Works:

(1) Has any request been made by the W.A. Fleetmasters' Association for the establishment of a

dinghy ramp in the Fremantle Fishing Boat Harbour?

(2) If "Yes," what is the earliest anticipated date of commencement of work on this much needed amenity?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) The question of need, type, and location of such a ramp is under active consideration by the Public Works Department and the Harbour and Light Department.

IRON ORE

Rail Freight: Koolyanobbing-Perth

10. Mr. KELLY asked the Minister for Railways:

What is the present freight rate per ton mile applying to the transport of iron ore from Koolyanobbing to Perth?

Mr. O'CONNOR replied:

It is assumed that the honourable member is referring to iron ore hauled from Koolyanobbing to Kwinana for Australian Iron and Steel Pty. Ltd.

The freight rate for the estimated 1,100,000 million tons to be hauled in the current year is 1.067c per ton mile.

This rate is at present the subject of negotiation for amendment under the terms of the Broken Hill Proprietary Company's Integrated Steel Works Agreement Act, 1960.

BUILDING BLOCKS

Cost: Report by Metropolitan Region Planning Authority

11. Mr. TONKIN asked the Premier:

(1) Will he table the report and recommendations made to the Government by the Metropolitan Region Planning Authority following the authority's survey into certain aspects of the inflation of the value of residential land?

(2) Will he indicate which, if any, of the recommendations it is proposed to adopt?

Mr. BRAND replied:

(1) Yes.

(2) The recommendations in the report have been referred to the committee for investigation.

The report was tabled.

STAMP DUTY

Wages and Salaries: Inquiry by Commonwealth

12. Mr. TONKIN asked the Treasurer:

(1) Has the Commonwealth Treasury been inquiring into the stamp duties on wages and sales in this State for similar reasons to those actuating its inquiries in Victoria?

(2) If "Yes," when were these inquiries first commenced?

(3) Has he received any advice from the Commonwealth regarding the matter giving grounds for belief that the anticipated revenue from stamp duties this year may be reduced?

Mr. BRAND replied:

(1) and (2) One telephone inquiry from Canberra was received about three weeks ago.

(3) No.

COUNTRY HIGH SCHOOL HOSTEL

Geraldton: Establishment for Boys

13. Mr. SEWELL asked the Minister for Education:

After considering the announced intention of the closing of the privately owned and conducted boys' hostels in Geraldton, the first at the end of 1967 and the other in 1968, can he give an assurance that the Country High School Hostels Authority will give a firm date when a boys' hostel under its authority will be functioning in Geraldton?

Mr. LEWIS replied:

No. The Country High School Hostels Authority is at present finalising a suitable site for a new hostel. The planning and erection of the new building will be given high priority.

GERALDTON HARBOUR

Berthage Dues: Applications for Exemption

14. Mr. SEWELL asked the Minister for Works:

Have any of the firms interested in the importing and the exporting of cargoes through the Port of Geraldton made application for exemption from paying the harbour improvement berthage dues at that port?

Mr. ROSS HUTCHINSON replied:

No.

SCHOOL CHILDREN

Pre-fluoridation Dental Check

15. Mr. DAVIES asked the Minister representing the Minister for Health:

(1) Is it correct that a pre-fluoride dental check or survey of school children is to commence shortly?

(2) If so, what will be the extent of the check as to—

(a) schools involved;

(b) numbers of children involved;

(c) ages of children involved;
(d) period over which it will be taken;
(e) the extent of the check?

(3) Who will be conducting the check or survey?

(4) How many and what categories of people will be doing the work?

(5) Will it be a part of or additional to the routine school dental check?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) (a) Ardross primary.
Wembley Downs primary.
Coolbinia primary.
Attadale primary.
Claremont primary.
Subiaco primary.
Tuart Hill junior primary.
Tuart Hill primary.
Gosnells primary.
Brentwood primary.
Midvale primary.
Armadale primary.
Guildford primary.
Victoria Park primary.
Willagee primary.
Cannington primary.
South Terrace primary.
City Beach high.
Bentley Senior high.
Scotch.
Hale.
Santa Maria primary.
Santa Maria secondary.
Our Lady of Lourdes.
St. Peters, Inglewood.
C.B.C. High, Bedford.
St. Johns, Scarborough.
Our Lady of Victories, Wembley.
Marist College Junior School.
Albany Senior high.
Mt. Lockyer primary.
Albany primary.
Albany Junior primary.
Spencer Park primary.
Albany St. Josephs.
Albany C.B.C.
Spencer Park Ave Maria.
Eastern Goldfields high.
Boulder primary.
Boulder Junior primary.
Kalgoorlie primary.
Kalgoorlie Junior primary.
North Kalgoorlie primary.
South Kalgoorlie primary.
Kalgoorlie St. Patricks C.B.C.
Kalgoorlie St. Mary's.
Boulder St. Joseph's.

(b) 6,000 approximately.

(c) Six to fourteen years.

(d) The 23rd October to the 12th December, 1967.

(e) Condition of the teeth surfaces, enamel conditions, gingival conditions, amount of debris and calculus, orthodontic conditions, cleft palate or lip, history of fluoride therapy, oral hygiene, family attitudes to dental health.

(3) Mr. C. Bonney of the Perth Dental Hospital; Mr. G. Metcalf of the School Dental Service; four nurses from the Perth Dental Hospital; and two orthodontists from the Perth Dental Hospital will assist part-time.

(4) Answered by (3).

(5) Additional.

HIGH SCHOOLS

Fourth and Fifth-Year Courses: Standardisation

16. Mr. DAVIES asked the Minister for Education:

(1) Are high school students, currently studying for their Junior examination and hoping to continue to the Leaving examination, only offered set standard courses for their fourth and fifth years of study?

(2) If so, what is the nature of such courses?

(3) Are they the same for all senior high schools?

(4) Are subjects within the courses interchangeable?

(5) If not, why not?

Mr. LEWIS replied:

(1) No. Every endeavour is made to meet individual student needs. However, students wishing to matriculate must pay particular attention to the requirements as accepted for entrance to the University.

(2) Standard courses are not adopted.

(3) No.

(4) Alternative subjects are offered to meet individual student needs.

(5) Answered by (4).

HIGH SCHOOLS

Timetable for Upgrading

17. Mr. JAMIESON asked the Minister for Education:

(1) Has the Education Department a timetable for upgrading three-year high schools to senior or five-year high schools in respect of the metropolitan area?

City Beach, Kewdale, and Cannington: Upgrading

(2) When is it anticipated that upgrading of the City Beach, Kewdale, and Cannington High Schools will commence?

(3) Is he aware that approximately 80 students at Kewdale High

School have signified their intention of going on to fourth year schooling?

(4) Is he aware that these students will be deployed to no less than five schools?

Mr. LEWIS replied:

(1) No. Schools are upgraded according to the demands for upper school courses.

(2) Cannington and Kewdale high schools are being reviewed for possible upgrading in 1969. City Beach High School has at present only first and second-year students. Upgrading is thus not possible until after third-year students have been enrolled.

(3) Yes.

(4) Yes; but the majority will enrol at Belmont Senior High School with smaller numbers preferring Governor Stirling senior high and Kent Street senior high schools.

THIRD PARTY INSURANCE

Claims Tribunal: Lay Members

18. Mr. DURACK asked the Minister representing the Minister for Local Government:

(1) Who are the two lay members of the Third Party Claims Tribunal?

(2) When were they appointed?

(3) What are their qualifications?

(4) By what method were they selected?

(5) What salary are they receiving?

Mr. NALDER replied:

(1) Charles Metcalf.
James Kenneth Usher.

(2) Appointments were made by Order-in-Council on the 22nd June, 1967, and published in the *Government Gazette* of the 23rd June, 1967, providing for appointments from the 17th July, 1967. Mr. Metcalf's term is for five years. Mr. Usher's term is for six years.

(3) (a) Charles Metcalf:

Experience—Joined the Commercial Union Assurance Co. Ltd., Perth, 1930. Advanced from junior level to executive position of chief clerk. In 1958 joined the staff of Dalgety and Co., Melbourne, as insurance manager. This position entailed being manager for Union Assurance Society of Australia Ltd., Melbourne, the major member of the Commercial Union group of companies through the Commonwealth.

Qualifications — Associate of the Incorporated Australian Insurance Institute and for many years one of its examiners.
Institute lecturer.

Author of first study text on motor vehicle insurance for Perth Technical College correspondence course.

Studied accountancy to final examination standard.

Honours — Mercantile Law, Banking, Finance, and Foreign Exchange.
Served on various subcommittees of fire and Accident Underwriters Assoc., including public relations.
Served on the following Melbourne committees:—

Interpretations and Revisions.
Classifications of Towns.
Live Stock.
Workers' Compensation.

Victorian Representative for Fire and Accident Underwriters' Association of Victoria on National Safety Council Executive—Victorian Division.
Special investigations and reports on motor vehicle and workers' compensation insurance.
Wide practical experience in accident claims field.

(b) James Kenneth Usher:

Civic—Appointed a justice of the peace on the 13th December, 1956, and later appointed justice of the children's court. This entailed extensive experience on the Bench and associated duties.

Member of the Royal Association of Justices.

Commercial—Basically an accountant, covering all fields of accounting, auditing and statistics. During service with the Vacuum Oil Co. Pty. Ltd. (now Mobil) was *inter alia* internal auditor and statistics officer for W.A. Later engaged in marketing and distribution. In 1952 commenced business on own account in Wagin.

Disposed of same in January of this year and retired to the city.

Affiliations (post-war)—

Chairman Freedom from Hunger Campaign.
Treasurer of lodge.
Chairman adult committee of youth club.
Committee member, secretary, vice-president, and president of P. and C. association over a number of years.
Committee member, secretary, chairman finance committee of bowling club.
Secretary of tennis club.

Personal Associations—Close relationship with leaders and people from many sections of professional, commercial, and public service fraternity.

(4) As prescribed by the Act, they were nominated by the Minister for Local Government, after extensive inquiries.

(5) $8,000 per annum.

CATTLE

Slaughtering in North-West and Northern Territory Abattoirs

19. Mr. RHATIGAN asked the Minister for the North-West:

(1) How many cattle were slaughtered during 1967—

(a) at the Wyndham Meat Works;

(b) at the Derby Meat Works;

(c) at the Broome Meat Works?

(2) What number of cattle from pastoral properties in Western Australia were slaughtered at the Katherine and Darwin meat works?

Shipment from Derby

(3) What number of cattle were shipped from Derby during 1967?

Mr. COURT replied:

(1) (a) 12,792.

(b) 9,316.

(c) 19,300 (the slaughtering season is not completed).

(2) These figures are not readily available.

(3) 5,781.

I might add that I am endeavouring to obtain the figures in answer to (2), but it is not likely they will be readily available.

BRIDGE OVER FITZROY RIVER

Completion

20. Mr. RHATIGAN asked the Minister for Works:

Further to my question 8 of the 18th instant, will the bridge over the Fitzroy River be completed on the contract date of the 8th February, 1968?

Mr. ROSS HUTCHINSON replied:

In large civil engineering works of this nature it is not possible to give assurances of completion with absolute certainty. However, the contractor confidently expects to complete the contract by the due date.

FISHING CRAFT JETTY AT BUNBURY

Construction

21. Mr. WILLIAMS asked the Minister for Works:

(1) Is it proposed, during this financial year, to construct a new fishing craft jetty in Bunbury?

(2) In what area of the port will this be constructed?

(3) What will be—

(a) materials used in construction;

(b) the aproximate dimensions;

(c) the draft depth?

(4) What are the anticipated commencement and completion dates?

Mr. ROSS HUTCHINSON replied:

(1) Construction of a jetty at Bunbury for fishing craft and other craft is to be commenced this financial year.

(2) Adjacent to the new slipway.

(3) (a) Timber.

(b) Neck section—15 feet wide, 182 feet long.

T H section—25 feet 6 inches wide, 199 feet long.

(c) Depth of water at face of jetty head 12 feet below low water mark.

(4) Commence approximately the 5th February, 1968.

Completion approximately the 31st October, 1968.

BUNBURY HARBOUR

Hydrographic Surveys

22. Mr. WILLIAMS asked the Minister for Works:

(1) Has finance been allocated for this financial year for hydrographic surveys, ground testing, and water

probing in the Bunbury port and estuary areas?

(2) If so, what are the expected commencement and completion dates?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Commenced approximately the 23rd October, 1967—completion prior to June, 1968.

INDUSTRIAL DEVELOPMENT

Food Processing Plants: Armadale-Kelmscott

23. Mr. RUSHTON asked the Minister for Industrial Development:

(1) Is it practical for the establishment of food processing in the Armadale-Kelmscott area, based on fruit, vegetable, and poultry production from the region?

(2) If "Yes," what minimum production is necessary to attract processing plants?

(3) What employment could this industry be expected to generate?

Mr. COURT replied:

(1) The practicability of establishing a food processing industry is dependent on a number of critical factors—

(i) availability of produce within a reasonable distance;

(ii) availability of facilities—

(a) to provide large quantities of water;

(b) to dispose of considerable quantities of effluent;

(iii) market for finished products;

(iv) a decision from a company with the necessary capital and experience that the location meets its requirements.

To determine if Armadale is suitable in respect of (i) and (ii) above would entail research which it is proposed to undertake concurrently with similar research planned for a number of districts.

(2) It is impossible to be specific. The minimum production necessary to attract processing plants would be dependent on the requirements of the particular operation contemplated after research and negotiation. A composite plant for fruit, vegetables, and poultry would vary as to individual quantities compared with a project specialising in one commodity.

(3) Number of employees would depend on the size of the factories and the number of products being processed. However, the numbers would be considerable, including a substantial proportion of female employees.

BILLS (2): INTRODUCTION AND FIRST READING

1. Plant Diseases Act Amendment Bill.
2. Ord River Dam Catchment Area (Straying Cattle) Bill.

Bills introduced, on motions by Mr. Nalder (Minister for Agriculture), and read a first time.

BILLS (2): THIRD READING

1. Child Welfare Act Amendment Bill.

Bill read a third time, on motion by Mr. Craig (Chief Secretary), and passed.

2. Poisons Act Amendment Bill.

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Report

Report of Committee adopted.

STOCK DISEASES ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

CHILD WELFARE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 18th October.

MR. CRAIG (Toodyay—Chief Secretary) [4.53 p.m.]: This Bill, which was introduced by the member for Claremont, seeks to amend the Child Welfare Act so that the names of offenders between the ages of 16 and 18 years can be published or made known in open court. The member for Claremont feels that such publication would offer a considerable deterrent to first-offenders in regard to offending a second or third time, or on more occasions.

Figures were produced to show what I feel was an alarming situation in regard to certain offences, particularly stealing or unlawful possession of motorcars. We do know, of course, that magistrates have the power or the authority under the Act to release the names of offenders should they think fit to do so. However, magistrates do not always exercise this discretion.

As the honourable member has pointed out from time to time, many offenders do not learn their lesson on the first occasion and more or less use the occasion of a court appearance as a possible boost to their particular and peculiar egos. The Government has given a lot of thought to the proposals contained in the Bill and, after considering all the factors and the advantages and the disadvantages which lie behind the proposals, has agreed to support the measure. In doing so it feels that if the Bill operates as intended, it will deter children in general—whether

they have committed offences previously or whether they have never committed an offence—from breaking the law after their 16th birthday. This deterrent rests in the certainty that if they do break the law on a second occasion after their 16th birthday, their names, ages, and addresses will be made known to any person having a proper interest in those details.

I have an amendment on the notice paper along the lines that anyone seeking this information must have justifiable reason for doing so. For this purpose it could reasonably be accepted that members of the Press have a proper interest in publishing the names of children who indulge in criminal misbehaviour. It is the hope of the proposer no doubt that children, generally, will have sufficient self-respect and sufficient concern for the reputation of their families to avoid the embarrassment of the publication of their names and addresses, and so will refrain from misbehaviour. So far as the Press is concerned, I noted the subleader in *The West Australian* on Monday the 23rd October, which showed general support of the Bill, and clearly defined the attitude of the Press, as is illustrated by the following extract:—

> The bill would not jeopardise the interests of the great majority of children who simply make a mistake once; the public would not want that and the press, in all cases, would exercise discretion.

I have enough confidence in the Press to realise that this, of course, would be its attitude. The Bill also serves as a reminder to parents that they have a responsibility to supervise the behaviour of their children so that not only the guilty children, but other members of the family and the parents themselves will not have their reputations tarnished by the publication of their children's offences.

The Bill is more readily supported because of this particular aspect, and I think it very wisely limits its operations to children over the age of 16 years, so that the younger and less mature children who commit wrongs are not penalised by publicity, nor are their parents embarrassed by such publicity.

Members will, no doubt, recall my reference last night to the treatment of minor offenders who were under the age of 15 years, and to the proposals which will be put in force in the very near future to extend this age to 16 years. This will mean that first offenders will not be required to go before a court. The member for Claremont, in limiting his proposal to those over the age of 16 years, has safeguarded the younger children. He has rightly taken the point that older children are expected to be more mature and to have better self-control.

Another aspect of the Bill—and this is a very important one—is that it rectifies an unfortunate consequence of the present rigidity of sections 23 and 126 of the Child Welfare Act. One of the consequences of those two sections is that a person who suffers damage by the Act of a juvenile cannot initiate civil proceedings to recover damages. In other words, a person cannot learn the name or the address of the offender. This does seem wrong; that is, that a person who suffers as a result of an offence should be precluded from exercising his civil right to recover damages.

The proposals contained in the Bill will now make it possible for the sufferer of a wrong committed by a child to ask the Children's Court for the name and address of the guilty child. The sufferer is then in a position to exercise his proper right to initiate action for damages.

These proposals have, of course, been supported by the Minister for Child Welfare and, as stated by the member for Claremont, they are also supported by the Commissioner of Police.

The honourable member referred to a report I obtained from the then acting Deputy Commissioner of Police—now Chief Inspector Wedd—who for many years was in charge of the Criminal Investigation Branch. This man had some 20 years of service in that section of the Police Force and he dealt with hundreds of cases concerning juvenile offenders. He, like every member in this House, no doubt, has given considerable thought to the merits or demerits of carrying out the proposals contained in the Bill, having in mind the possible deterrent against a repetition of the offence, and also the effect on the offender's rehabilitation in the community.

Nevertheless, the chief inspector's opinion is that the advantages of the proposal in the measure far outweigh the disadvantages. Then again, I can recall the many requests I have received from responsible organisations that something be done along these lines to curb the incidence of crime committed by juveniles. The alarming feature of juvenile crime is that frequently offences are committed by people who have previously offended, and these offenders are unknown to the public or to those who have suffered as a result.

Therefore the Government believes that the proposals in the Bill are worthy of support. Only through the passage of time can we find out the true value of the measure. If it does not fulfil what the member for Claremont believes it will do, or what we hope it will do, or it does not have the desired effect, possibly we can review it, and our attitude to it, after a period of time. The only way to find out is to try out the provisions and, therefore, the Government supports the measure.

MR. FLETCHER (Fremantle) [5.3 p.m.]: I notice the Minister has on the notice paper an amendment to clause 2. Before we get into Committee I would like the Minister's reaction, and also the reaction

of the member for Claremont, to an amendment I propose to move in Committee. Perhaps I should have suggested it earlier, but to test the feelings of members opposite I would like to later move in line 8 of page 2—

The SPEAKER: Order! The honourable member cannot get into a Committee debate on the second reading. He can discuss the amendment in principle but not in detail.

Mr. FLETCHER: Very well, Mr. Speaker. At this stage I have no objection to the Bill, but I do have a brief amendment which I shall suggest at a later stage.

MR. DUNN (Darling Range) [5.4 p.m.]: I desire to add a few words in support of the measure. Members will recall that during the Address-in-Reply debate I spoke on the problem of the unlawful use of motor vehicles and the steep increase that is taking place in the number of juveniles who indulge in this practice. I suggested to the House that some steps should be taken to call a halt.

Immediately after my speech I was approached by the member for Claremont who advised me of his intention to introduce the Bill that is now before us. I told him I would be delighted to support any measure that he decided to introduce along the lines proposed, because I felt it represented a positive approach to a problem which I am sure is exercising the mind of every member in the Chamber and, in fact, the mind of every person in the State. There is ample evidence to prove that this problem is also the subject of very close attention by people throughout Australia, generally. I understand that although a similar measure was defeated in the New South Wales Parliament last year it has been resubmitted, or will be resubmitted, and there is every likelihood of the members of that Parliament playing their part in endeavouring to stem this rather tragic tide of juvenile delinquency which is being expressed in the form of stealing vehicles. In some instances these offences show almost a criminal intent.

It is true that as the law stands magistrates have the right to disclose the names of offenders, but from my experience this is not done. I refer to a problem I had when I first became a member of Parliament. I was concerned at the number of escapees from Stoneville and the problems they were causing to nearby residents. I was interested in one case in particular and I attempted to get the Government to do something about the matter. This was a case where a man lost his motorcar. The family consisted of the mother and father and four children, and because of the circumstances under which they lived the vehicle was of very great importance to them and its loss was severely felt.

I endeavoured to get the names of the offenders involved, but I was unable to do so. It was intimated to me that if I liked to go to the trouble I could possibly get the information I wanted, but I refused to do that because I felt the matter had been dealt with by the law as it saw fit; and I left it at that. However, it is clear that there are groups of children who are content to use the law as it stands for their own convenience and, unfortunately, it appears that these children are influencing many others who normally would not be tempted to embark on stealing offences and the unlawful use of motor vehicles.

Like other members, no doubt, I realise that officers of the Child Welfare Department, and those responsible for these matters, are acting in the belief that they are being helpful and protective to youthful offenders when they adopt the attitude of declining to make available the names of delinquent children. I think we all sympathise with these officers because of the problems they have; we realise they are endeavouring to right a wrong in the best possible way, and within the limits of the law which we as a Parliament pass. I can readily appreciate that any attempts we make to alter the law could cut across what these officers have endeavoured to do over the years.

However, there is one fundamental which stands out when we discuss this problem. The incidence of the type of crime we have been discussing is increasing considerably, and that is clearly borne out by the figures which are made available from year to year. Therefore, I am of the opinion that if we do not support the Bill—and I hope every member will support it; in fact, I would be surprised if any member did not support it—the figures will continue to increase. While we must do everything possible to ensure that children are given the full protection of the law, we must also do what we can to restrict the influence of the stronger-minded delinquents on those with weaker characters.

In my view the member for Claremont, when introducing the Bill, clearly set out its purpose and the Minister for Police has indicated the Government's support of the measure. I want to give it my support and put my shoulder to the wheel to do all I can to reduce the number of children who are being brought before the courts day by day. I have much pleasure in supporting the measure.

MR. GUTHRIE (Subiaco) [5.12 p.m.]: Before addressing myself to the Bill I want to deal with some statistics which were mentioned by the member for Claremont in the course of his second reading speech. I queried these statistics by way of interjection when the honourable member introduced the measure.

Members will recollect that the member for Claremont made reference to certain figures for first offenders. There was a lower figure for second offences and then a higher figure for third offences. I think most members in the Chamber found this

a little difficult to follow; they wondered how this could be so. Since the honourable member introduced the Bill I have had the opportunity to study the report from which he quoted, and I have had the opportunity to verify what was intended to be portrayed by those figures. This is the explanation: The first set of figures were for the number of children who came before the courts only once in their lives. The second set of figures were for children who came before the courts only twice in their lives; and the third set of figures were for those who came before the courts three or more times. That, as I understand it, has always been the pattern.

Fortunately, the vast majority—something like 75 per cent. I understand—of children who are arraigned before the Children's Court make only one appearance there. Something like 50 per cent. of the remainder appear a second time, and those left represent only a very small percentage but, unfortunately, they are the real delinquents—the real problem. Once these youngsters have got past the second appearance they are problem children, so I am told.

Mr. Bickerton: They would not care whether their names were published or not.

Mr. GUTHRIE: No. Dealing with the Bill, I must confess that when the member for Claremont first told me of his intention to introduce it I was very much opposed to the measure. However, as it has now emerged it is different from what I feared and, consequently, I am prepared to support it because it has safeguards in it which I feel are adequate—or I hope are adequate.

I must remind members that when the Children's Court was first instituted the main feature of it was that no names should be published because it was felt that the appearance of the children's names in the paper could do irreparable harm to them psychologically. In the main I think that is true of those children who come before the court once and once only. But we have passed through changing times, and I must admit that a child of 18 years in 1923, when the first special magistrate was appointed, had ways a little different to those of a child of 18 years today; not that a youth of today is inherently worse than his predecessor in 1923, but he can, if he does commit an offence, do greater damage. I suppose the worst offence a youth of 18 in 1923 could commit was to steal a bicycle or some oranges from an orchard. Those offences were about the height of his disdemeanours. In those days there were few motor vehicles available for him to borrow or steal and, in any event, he was not able to drive one.

We are living in a different age today, and different times require different remedies for the offences that are committed. As the member for Balcatta indicated by interjection during the speech made by the member for Claremont, I also think the time has come when we should make a general review of the age of adulthood for various purposes. For example, firstly, for centuries we have had a law which provides that no person under the age of 21 years has legal power to make a contract. Next there is a younger age when a person can be called up for war service, and to become eligible to vote one must be 21 years of age. Under the Child Welfare Act the age provided is 18, and now we are making a distinction between 16-year olds and 18-year olds.

Therefore the time has come to review completely all these ages, and it could well be that on proper consideration 18 years of age is too great an age to retain as a limitation for appearance before the Children's Court. I am not so sure we could not reduce it to 17.

Mr. Davies: Are the other ages you mentioned standard throughout Australia?

Mr. GUTHRIE: For centuries the age of 21 has been the recognised age under common law. I would not be sure whether the other ages are standard throughout the Commonwealth. There is another age restriction, of course; that is, a person must be 17 before he is eligible to be the holder of a motor-driver's license.

Mr. Davies: The ages provided under the drinking laws differ quite a bit.

Mr. GUTHRIE: Yes, under the Licensing Act, the age provided is 21 years.

Mr. Bickerton: Do you think when a child has committed a second offence the publication of his name should be automatic, or do you think the magistrate should have discretionary power to withhold his name?

Mr. GUTHRIE: I do not know what the member for Fremantle proposes, but I assume the member for Claremont will accept the amendment proposed by the Minister for Police, which seeks to provide that any person seeking the name of an offender from a magistrate must have a good and sufficient reason. If I walked into the court completely unknown and requested the name of a boy who had been convicted that morning of a certain charge, his name would not be disclosed to me if I did not give a sufficient reason. I must satisfy the magistrate that I have a good and sufficient reason.

Mr. Davies: Would it be a sufficient reason if a Press reporter made the request?

Mr. GUTHRIE: This aspect has been discussed, and I believe that if the request were made by a Press reporter that should be a sufficient reason. As I said to the member for Claremont, I say with respect that if any magistrate is foolish enough to say that a Press reporter has not a sufficient reason to ask for the name of

any offender, the legislation should be returned to Parliament for further amendment.

Mr. Evans: That would depend on how soon after the hearing the request for the name was made.

Mr. GUTHRIE: Yes; we must be fair. The Press is not likely to seek the name of an offender some time after the case has been heard. Should the Press seek to build up a story two years after the commission of the offence, I would certainly support the magistrate if he held the opinion that the matter was no longer news because it had long passed. I would certainly support any magistrate who took that view.

Mr. Bickerton: Sufficient reason still does not give the magistrate discretionary power.

Mr. GUTHRIE: He is the person who decides whether the reason is sufficient.

Mr. Bickerton: Once he establishes that a Press reporter has a sufficient reason he loses any discretion.

Mr. GUTHRIE: That is so, but we have the qualification that this must happen immediately after the event, as raised by the member for Kalgoorlie. There are other people, of course, who could have a sufficient reason. As mentioned by the member for Darling Range, a lawyer could disclose he is acting for the person who had been injured as a result of the offence committed by the person appearing before the court. He may say that he wants the name of the offender so that a civil proceeding can be instituted. In this circumstance I should imagine the magistrate would agree that was sufficient reason. It would be wrong for him to protect the boy from the legal repercussions of his wrongful acts.

I am a little disturbed about some of the provisions in the Bill and for that reason I have placed two amendments on the notice paper. As the Bill stands at the moment it is not quite clear that a second offence refers to a second appearance before the court of anyone who commits an offence in the classification, or whether he has to appear twice for that particular offence. In other words, as the Bill stands at the moment a boy could be convicted say, of stealing, of arson, of embezzlement, and some other serious crime, but he has committed each one of those crimes only once, and therefore his name cannot be released. That is not the intention of the member for Claremont, and for that reason I have placed on the notice paper an amendment to make it perfectly clear that if a boy appears in court a second time for an offence that comes within the general classification set out in the relevant clause, his name can be released on request.

As to the other aspect, it will be noticed that the proposed new subsection (4) appearing on page 3 of the Bill seeks to provide that these names can be published even though the first offence committed occurred outside the State. Quite frankly, this provision is quite impracticable. For a start nobody can commit an offence under the Western Australian Police Act outside of this State. No-one can commit an offence under the provisions of the local Traffic Act outside of Western Australia.

It might be argued that this part of the Bill might be applied only to some similar offence. If it did apply to some similar offence, the court would be required to study some of the Eastern States' offences and this would take a long time. No court in Western Australia would have a set of all the Statutes of each State of the Commonwealth. A magistrate would be required to go to the Supreme Court, the Crown Law Department, Parliament House, or the Public Library, where he could quickly peruse the Statutes of the other States of the Commonwealth; that is, if he were a magistrate in the metropolitan area. If the court was in a country area it would be quite impossible. Such a court could consist of two justices of the peace and this would be an unfair provision to thrust upon them. I therefore hope the member for Claremont will not press this part of the clause.

Concluding on the line I started on before I was side-tracked by interjections, I think the Bill is worth a trial, because it does impose a limit to a certain class of offences which are of a more serious nature, and it will not apply to minor offences. I hope the measure will have the effect the member for Claremont believes it will, and I repeat it is worth a trial. Misdemeanours by young offenders are certainly becoming a problem, and anything that will reduce them is to be commended. If the Bill does not prove to be successful we can amend it at a later stage.

Mr. Davies: At the present time is the Children's Court open to any member of the public who is not interested in the case?

Mr. GUTHRIE: I am not sure, because I must confess it is many years since I appeared in the Children's Court, but I was under the impression that that is so. I think the member for Victoria Park will have to ask someone else what the practice is. I have never been stopped when I have walked into the Children's Court, but at least I am known. I have often sat at the back of the court and have never been asked to leave. I would not be sure whether the general public or persons not connected with the case being heard are admitted.

Mr. Crommelin: Only those connected with the case are admitted to the court.

Mr. GUTHRIE: That answers the interjection by the member for Victoria Park. In some instances I have been present in the court not as counsel, but as a

person representing some organisation interested in the child charged with an offence. I was there to hear the result of the hearing, and made no representation on behalf of the child. As I have stated, for the reasons outlined, I support the Bill.

MR. DAVIES (Victoria Park) [5.26 p.m.]: I have read the speech made by the member for Claremont with interest, and this evening I have taken a great interest in the debate. I made a point of taking particular interest in this subject, because I had not made up my mind whether I would support the Bill. I still cannot come to a firm decision, because I became more confused as the debate progressed, especially when it was mentioned that further amendments to the Bill are proposed. This has made me wonder whether the provisions contained in the Bill are fraught with administrative difficulties.

It is obvious that the member for Claremont has made a study of the subject, because he was able to answer the interjection I made whilst the member for Subiaco was speaking, so he may be able to clear my further doubts when he replies to the second reading debate.

First of all I am wondering, if the name of the offender who has committed an offence for the second time is to be released, who will be the persons seeking his name? The Minister for Police indicated that one person could be the aggrieved party, because he may seek to obtain damages against the offender. But is the aggrieved party able to seek damages only if the offender has committed a second offence? Does the provision in the Bill mean that a person who has suffered from an act of vandalism or some similar crime committed by a boy for the first time can, under all circumstances, be denied the name and address of the offender? Does it also mean that if a boy commits an offence for the second time, and that offence comes within the classification outlined in the Bill, his name and address will be disclosed and that action can be taken by the aggrieved party?

If what I say is correct it would seem to be unjust. It would seem we are seeking to protect a boy of 16 who commits only one offence, but if he is foolish enough to commit the offence a second time he is liable to have his name and address, and the circumstances of the case, published in the Press. In addition, he is liable to pay the cost of any damage he has caused.

Mr. Durack: I think the police would give the name of the offender. They do in traffic cases, and they might in cases of vandalism. However, the Minister for Police could tell us.

Mr. DAVIES: The Minister for Police has indicated the Bill will rectify one of the anomalies that has existed for a long time. The member for Perth has legal knowledge that the names and addresses of offenders, in certain circumstances, are made known by the police to the aggrieved parties, particularly in traffic cases. So it seems we could have confusion confounded with this Bill, and what has previously been a clear-cut position will cause some concern in the future.

The other people who are likely to require the details of these offences are the Press reporters. If the Press is not admitted to the Children's Court at the present time, how does it find out what goes on? I have read small reports in the newspapers from time to time which have excluded the names and addresses of juvenile offenders, but I have been wondering since this debate started how such information gets to the Press, if, in fact, the court conducts closed hearings. This matter needs clearing up, because I cannot imagine the members of the Press waiting outside the court until an offender who has been charged with committing a second offence is tried, and then going into the court to hear the details. Possibly that is not the way in which the hearings are conducted.

Mr. Jamieson: Surely the court makes a statement afterwards to the Press.

Mr. DAVIES: I imagine that is what happens now. If the members of the Press are admitted to the court, and if they take down the proceedings and the decisions, does it mean that before they can publish the names and addresses they have to approach the magistrate and tell him that they have all the details, and then ask for permission to release the names so that they can be published? That seems to be the only way in which this can be done, but it is a cumbersome method. If this is the procedure that is adopted then unnecessary and additional work is placed on the court and on the magistrates.

The member for Claremont went to considerable length to explain why he believed this measure contains a desirable amendment to the Child Welfare Act. Most of the information he put forward during the second reading of the Bill was quite sound, although as was pointed out by the member for Subiaco we now have a clearer picture from the statistics which were quoted, and they were one of the main reasons for introducing the measure.

In the course of his remarks during the second reading the member for Claremont said that the only place where apparently similar legislation has been tried out is Helena in the State of Montana in the U.S.A. This is a town with only a small community. He said that it has had the effect of reducing the crime rate of children of 16 years of age by 49 per cent. over the past few years. However, the 49 per cent. reduction is not very clear to me, and I would be pleased if he would clarify this point. Whilst the 49 per cent. decrease is remarkable—and if applied to cities like Perth or Sydney it could represent a considerable reduction in the

number of crimes—if it is applied to a town like Helena in Montana which might have a population of only 700, this percentage would represent a very small number. I do not think this argument which was put forward by the member for Claremont is a sound one.

Because of likely administrative confusion which could arise, I am still in doubt as to how I will vote on this measure. I do agree with the proposed amendment of the member for Subiaco to delete the provision in the Bill relating to recorded offences in other States, but once again this will add considerable work, and cause considerable confusion, to the courts. I doubt whether there will be many occasions when such a requirement is necessary.

I suppose that on the question of child delinquency, people have their private views. This is a problem which has been with us always, and a great deal of material has been written on the subject. I think *The Australian* newspaper published an extensive series of articles on child delinquency, and I remember the publication put out several years ago under the heading of "Bridging the Gap" or some similar heading. It dealt with some of the causes of child delinquency, but I do not know whether the suggestions made have been acted upon.

It is hoped that by publishing the names of certain offenders their shame will be so great that they will not leave the straight and narrow path in future, but I think this is a rather forlorn hope because the figures indicate there is a type of person who, having once committed a crime, continues to commit crimes. The real test is whether persons, having been juvenile delinquents and having appeared before the court on several occasions, stop being delinquents or criminals after they reach the age of 18 years, at which time they can be dealt with by the police court. It would be interesting to have figures in this regard.

Mr. Dunn: Figures of the illegal use of motor vehicles by juveniles have been given. The reason for the reduction in the number of offences committed by people who have turned 18 is that their names are published in the papers.

Mr. DAVIES: The figures relating to the unlawful use of motorcars, sought by the member for Darling Range earlier in the session, showed that a considerable number of the offences or crimes committed by people up to 18 years of age represented the illegal use of motor vehicles. The number representing such unlawful use of cars dropped considerably in respect of offenders over 18 years of age. The member for Darling Range suggested that juveniles on reaching the age of 18 years were less likely to commit these offences because their names would be published in the newspapers.

Mr. Crommelin: That is not the answer.

Mr. DAVIES: I do not think so. I would tend to think that once they reach 18 years of age they are able to obtain a driver's license and buy a motorcar in their own right.

Mr. Williams: They can get a license when they reach 17 years of age.

Mr. DAVIES: I am aware they can. This is more likely to be the answer than the fact that their names and addresses are likely to be published. In my view the unlawful use of motor vehicles and the stealing of motor vehicles are offences apart. It seems they have a particular appeal to young people, as was pointed out by the member for Claremont. I have read that during this year there have been over 1,000 cases of car thefts or unlawful use of motor vehicles.

Mr. Williams: If this measure is passed, can you see any harm arising from it?

Mr. DAVIES: If a youth is bent on criminal activity then I do not believe this measure will have any great effect on him, but I am not sure. I am inclined to vote for the Bill and then wait for a couple of years to see whether it has any effect. However, I do not think it is fair to the parents to publish the names and addresses of the offenders. I am not a family man so I cannot say how a 16-year-old youth will react to this.

It appears that a large number of youths from very good families, who have received proper home training and sufficient education, go off the straight and narrow path; and this causes considerable concern to their parents. I have had representations made to me by the parents of youths who asked me to have their children admitted to the Longmore reception centre, so that the children might be straightened out because the parents had done everything possible. The amendments contained in the Bill to amend the Child Welfare Act which passed through this House yesterday will enable such children to be admitted to the Longmore reception centre, provided the parents are able to pay the charges.

The tragedy of juvenile delinquency is that the parents of some of the offenders do not care what happens to their children, while the parents of others care a great deal, and my deep concern is for those parents. We like to think that nowadays we are entering into more enlightened times, but on occasions I think we would not have such a big problem with juvenile delinquency if the local police officer lifted the offenders under the ear and sent them home; but if the officer did that, then in many cases the parents of the youths concerned would be on the doorstep of the police station to make a complaint, even before the youths had stopped bawling.

Mr. Williams: It might be that nowadays a delinquent will wave his finger at

the policeman and say, "I will have you up for assault."

Mr. DAVIES: That is one of the dangers of education! We would have less juvenile delinquency if a more practical approach was applied. I can remember Sergeant Chambers, who was stationed in North Perth. When I was a lad he had us all frightened, but he was held in very high esteem. I know a few lads who have had a lift under the ear from him, and I think that did them good. The fact is this sort of treatment is not meted out today, and we find a greater incidence of juvenile delinquency. We all seem to have our own theories as to the best way to handle the problem.

Getting back to the Bill, I am inclined to give it a go to see if the number of offences committed by 16-year-old youths —that is, second offenders—will decrease. I am still not happy with the measure, because I think the situation that will arise will be fraught with administrative difficulties.

MR. EVANS (Kalgoorlie) [5.41 p.m.]: I wish to make some brief comments on the Bill. I have listened with a great deal of interest to the remarks of the sponsor and to those of the subsequent speakers. I was particularly interested in what the member for Subiaco said, and on this particular occasion I agree with him in all respects.

After hearing the member for Claremont introduce the Bill my first impression was that the provision to permit the names of juvenile offenders coming within the ambit of the Bill to be released to any person went too far. I did suggest to the sponsor of the Bill that any person requiring this information should at least satisfy the court that he has good reason for having the name released; in other words, that he is not purely and simply a nosey Parker. Some people think there is something magical in phrases such as "without reasonable excuse," "without having reasonable cause," "without just cause" or "without showing good reason." There is nothing of the sort. These phrases can be used to good purpose to clarify the meaning of a bald, legislative statement. In this instance the amendment suggested by the Minister for Police does go a long way towards removing any objection I had originally.

When some offender goes before the court on a subsequent occasion, and application is made to the court for the name and details to be released, a precedent will be created if the court agrees. I do not know whether the court will contend that it is obviously the intention of the Legislature that a Press reporter should be given the information automatically on every occasion. I hope that will not be the case. As I tried to indicate by way of interjection when the member for Subiaco was speaking—and he replied to the interjection—when the particular offence which results in a child coming within the ambit of the Act has long become stale, I would be very reluctant to release this information to any person whomsoever, because it is only a case of bringing up something from the past. A harsh burden of proof should be placed upon a person who requires this information, to show that he is not merely a nosey Parker. However, I go along with the amendment suggested by the Minister for Police.

When we examine a Statute such as the Child Welfare Act, we must consider the purpose for which it was originally enacted. I think the purpose of this Act is to try to place a value on the position of youth in our community. That is the very reason a child is brought before the Children's Court rather than a court open to adult offenders. The idea is that a children's court is not so much a court of punishment, but a court of understanding; and it should, if possible, be a means of preventing future offences.

By the establishment of the Children's Court, I think the Legislature was trying to bring about a balance between the interest of youth and the interest of the community. This is why in the past the Legislature has refused to allow the names of offenders to be published.

This practice has been somewhat qualified and the magistrates now have the discretion to release such names. Some members have stated that the magistrates have not exercised this discretion. It is to be hoped that this Bill will achieve the purpose its sponsor, the member for Claremont, desires, because we must, in true perspective, balance the interest of the child against the interest of the community. I think sufficient evidence has been submitted on this occasion to indicate that some measure of this nature is desirable in order to bring about this balance of which I have spoken.

I support the Bill and I will, in future years, watch it with a great deal of interest because I certainly hope it will achieve its purpose. However, if it does not bring about the state of equilibrium of which I have spoken, then further amendments may be necessary at some future time. With those remarks, I support the second reading.

MR. CROMMELIN (Claremont) [5.48 p.m.]: I would first of all like to thank those members who have indicated their support of the Bill. The Minister for Police expressed his support of it, and the member for Subiaco has an amendment on the notice paper. I will say now that I intend to support that amendment, but will have a few words to say on it in Committee.

I would like to touch on some queries raised by the member for Victoria Park who, at the moment, is not in the Chamber. The position in the Children's Court today is that no-one is admitted unless he is concerned with the case; in other words, a parent, a relative, or that type of person. I understand that during the whole proceedings, the Press is present. I know this because I was asked to attend the court. The Press takes down all the details but is not allowed to publish them unless the magistrate gives permission.

I remember a case which occurred a little while ago. A youth was before the court and evidently the magistrate considered the offence was so serious he would not sentence the youth, but sent him to the Criminal Court where he was sentenced. As a result his name was published.

I say again what I said when I introduced the Bill, and that is, it is something in the nature of an experiment. I have discussed it fully with the Minister for Child Welfare and, indeed, with the Director of Child Welfare (Mr. McCall). Mr. McCall indicated that although the intention of this Bill is to publish the name of only second offenders, he feels it should do more than just deter second offenders. He hopes it will prevent a boy from committing even a first offence; and if this legislation will prevent first offences apart from second offences, it will, in my opinion, achieve a lot more than I anticipated.

The member for Victoria Park also, to some extent, queried the percentage of the reduction in crime in a certain town in Montana to which I referred when I introduced the Bill. I do not know the population of that town, but it certainly is not a matter of 500 or 600. It is some thousands. The judge there indicated that as soon as a 16-year old entered the court, publicity was given to the case and that this procedure was responsible for the drastic results he quoted.

I do not mind admitting that at first I contemplated adopting the same procedure, and members will recall that the police report I quoted was in favour of first offenders being brought under this Bill. However, I was not prepared to go that far, but was quite content to deal with only the second offenders.

The magistrate in the Children's Court today has the right to give the name of any offender, no matter what the age might be; but on most occasions he does not do so, unless he considers the case to be particularly bad.

The other items covered by members can be dealt with in Committee when I will give my arguments for or against the proposed amendments. Once again, I thank those members who indicated their support of the Bill, which I now commend to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Mitchell) in the Chair; Mr. Crommelin in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 23 amended—

Mr. FLETCHER: I would at the outset indicate it is not my intention to impede this Bill in any way because, like others, I am anxious for it to be given a trial. As it has the blessing of the Director of Child Welfare, it certainly must have potential.

However, I take exception to the use of the word "shall" instead of the word "may" in line 6 of this clause, because I do not like salacious details ventilated in the Press. This panders to certain types of people; and, also, children other than the offender have access to the Press. The Minister has an amendment on the notice paper, the purpose of which I can understand. It is similar to my own.

Mr. Craig: Yours is similar to mine.

Mr. FLETCHER: That is so, but my suggested amendment will give to the court the prerogative of making the child's name available. As the clause stands now it will be mandatory for the court to make the facts known.

I am aware of the 1965 legislation which enabled the court to use its discretion in this matter. My amendment is complementary to the Minister's. I am not attempting to take the measure out of the hands of the member for Claremont, but merely to make an improvement.

If details are published in the Press, they could subsequently act to the detriment of the person concerned, if he had gone straight, as it were, since the original, perhaps minor, transgression. We all know that newspapers are filed and any unsavoury details concerned in them could be subsequently resurrected. I believe that the offender pays the penalty at the time of his crime, serious or otherwise, and he should not subsequently be further penalised.

Mr. Dunn: Can you give an instance?

Mr. FLETCHER: Yes. Without mentioning any names, I refer to a trade union official who was an extremely capable man. He desired to stand for Parliament but some offence he had committed in his youth went against him. Members are aware that a person cannot stand for Parliament if his record is not clean. I quote that as an example to answer the interjection. I therefore move an amendment—

> Page 2, line 6—Delete the word "shall."

Mr. CROMMELIN: I can appreciate the intention of the member for Fremantle and of the Minister. Both amendments would achieve the same result by different methods. In either case the court would have the right to stipulate who

would publish the names. The Minister's amendment intends to prevent a certain type of person, who has a minor interest, from trying to obtain the information.

It is quite logical that if the car of the member for Fremantle had been stolen and he had been without it for a few days, he would want to go to the Children's Court to explain the situation to the magistrate and to ask him whether any charges for stealing cars were to be heard involving second offenders. The honourable member would then give the registration number of his car and that, to the magistrate, would be sufficient reason for him to provide the honourable member with the details.

By striking out the word "shall" and substituting the word "may" we will not achieve anything more than by adopting the amendment which is on the notice paper. I would like to mention that the amendment has been put forward after many a long talk with Mr. McCall, who is the Director of Child Welfare. He has accepted the amendment, which has been put forward following advice received from the member for Subiaco. Mr. McCall is quite content with the amendment as it is and says it will give the court the power it wants. Therefore, I hope the member for Fremantle will not persist, as the Minister's amendment will accomplish the same objective.

Mr. GUTHRIE: I would like to make one comment on the amendment suggested by the member for Fremantle. If the amendment by the Minister for Police were not on the notice paper and if there were no other suggestions, I would support the honourable member's amendment. However, I consider that the amendment proposed by the Minister for Police is better, because it qualifies the position. It does not leave just a general discretion which the alteration of the word "shall" to "may" would do. Instead, it makes it clear that there has to be sufficient reason in the mind of the person who makes a decision.

If we accept the amendment suggested by the Minister—and discussions so far indicate that we will—then I would suggest that once it is accepted, it does not really matter whether the word "shall" or the word "may" appears. We may as well leave the word "shall." Once he has decided it is sufficient reason, it should be automatic that the magistrate should make a decision. If the words were "may for sufficient reason," the magistrate may concoct some thought in his mind that he has a further discretion on some other grounds, but that the Parliament has not indicated what the discretion is.

I consider that we should be clear and precise on this matter. In fact, in my opinion we should be clear and precise in all legislation. In this instance we should say quite definitely that once the magistrate is satisfied there is a sufficient reason, then it shall be done. I support the member for Claremont in his view that the proposed amendment of the member for Fremantle is unnecessary and undesirable, provided the Committee accepts the amendment of the Minister for Police.

Mr. FLETCHER: As I have said, my amendment is intended to be complementary to the amendment moved by the Minister for Police and not in any way to short-circuit his amendment but, in fact, to make it more acceptable to the court. Irrespective of the opinion expressed to the contrary by the member for Subiaco, I can imagine that a magistrate would be satisfied with such an amendment.

The member for Claremont said that the Director of Child Welfare was satisfied with the clause which is proposed. I suggest to the Committee that the same gentleman would be equally satisfied with my amendment.

Mr. Guthrie: I think the member for Fremantle has misunderstood the member for Claremont. As I understand the position, the Director of Child Welfare suggested this amendment. He is satisfied with the amendment as it appears on the notice paper.

Mr. Crommelin: That is correct.

Mr. FLETCHER: I will not argue further on this, because I have made my point. I still consider that my amendment is desirable, but I will leave a decision to the Committee.

Amendment put and negatived.

Mr. CRAIG: I do not think it is necessary for me to explain the purpose behind the amendment which appears on the notice paper. It has been discussed fairly extensively to this stage. The amendment seeks to add certain words to proposed subsection (1a) which reads, in part, as follows:—

> Where the court has made an order pursuant to subsection (1) . .

I would like to quote from subsection (1) of section 23 of the principal Act as follows:—

> At any hearing or trial by a court under this Act, the court may order that any persons not directly interested in the case shall be excluded from the courtroom or place of hearing.

The purpose of this amendment is to add after the word "person" in line 8 of the clause the words "having a sufficient reason." The reason for this is quite obvious, and this has been pointed out by both the member for Fremantle and the member for Subiaco. Personally, I think it is playing with words to a certain extent to consider the merits of the respective views—those suggested by the member for Fremantle and those conveyed in the amendment which appears on the notice paper.

Mention has been made of the Press, because it could publish the names of certain offenders, and a suggestion has been made that this could be done some considerable time after the case had been dealt with. During the second reading stage, I said that the Press has already declared its attitude on this matter. I am sure it will carry out its undertaking in this regard.

The main purpose of the amendment is to offer some safeguard to the individual concerned; and, of course, the magistrate wants to protect the offender to that extent. As we all know, both he and the Child Welfare Department are only too anxious to do all that is possible towards the rehabilitation of an offender. Naturally he does not want to disclose details in response to information sought by inquisitive people who have no business whatever to seek the information except to satisfy their own curiosity. Accordingly, I move an amendment—

> Page 2, line 8—Insert after the word "person" the words "having a sufficient reason".

Mr. BICKERTON: Perhaps the Minister could satisfy me on one point before the amendment goes to a vote. If it is carried, does he consider that the magistrate will have complete discretionary power? What I mean by that is that if the magistrate considers the name, address, and details of the offender should not be published, does the Minister believe sufficient power will be provided by this amendment to prevent such publication? In other words, if reasonable cause were established by the Press for requiring this information would the amendment give the magistrate sufficient power to prevent the publication of the details if he considered their publication would be detrimental to the child?

Mr. CRAIG: In reply to the honourable member, I would say, "Yes." I suppose we have to look upon the Press as individuals. The magistrate will use his discretion in this regard as will the Press. We must not overlook the main purpose of the Bill in the first place; that is, the publication of names of certain offenders as an extra deterrent against their committing further offences. I trust this brief explanation is satisfactory to the member for Pilbara. The answer is, in fact, "Yes."

Mr. DAVIES: I am sorry I was torn away when the member for Claremont was speaking on one of the points I raised. I thought the Minister might have dealt with this point when he was moving his amendment. It relates to the anomaly which exists in connection with the release of names when persons desire to take action to recover the costs of damages that have been incurred. We have been advised that this is done informally. The member for Perth indicated that it is done informally in all cases concerned with traffic matters when the insurance companies want to take the necessary action. Whether this is *ultra vires* the Act, I do not know, but I understand it is a generally accepted procedure.

When the Minister was speaking at the second reading stage, he mentioned that names would not be released except when a second offence had occurred. I believe that one of the greatest deterrents to a delinquent is to require an offender to pay for the damage he causes. Apparently he can cause deliberate vandalism and get away with it on a first occasion. If he is foolish enough to do it a second time, he could be charged in the court and his name released to the public through the medium of the Press, provided there was sufficient reason. Also, in this instance, he could be called upon to pay for the costs of the damage he caused. It seems as if this anomaly still exists and I would like the Minister to explain the position.

Mr. CRAIG: I do not know that the question asked by the member for Victoria Park is directly related to the amendment that is before the Committee at the present time. The Bill restricts the publication of names to those who are second offenders. The honourable member has drawn attention to the apparent anomaly between the non-publication of names of first offenders and the fact that the legislation will allow the publication of the names of those who are second and third offenders.

At the present time the magistrate has discretionary power under the Act to make the name of a first offender available to the Press. Therefore, it is not *ultra vires* the Act in any way at all. In fact, the magistrate does do this on occasions as the member for Victoria Park has pointed out. This is not only in connection with claims for damages through insurance companies and the like, but in other instances as well. I am sure the honourable member will recall reading in the Press the names of juveniles that have been published because of certain types of offences, even though they have been first offenders. Although there is an apparent anomaly, the machinery does exist under the Act and what is proposed by the amendment is really that the names may be disclosed for either a first offender, a second offender, or a person who has offended on any number of occasions.

Mr. GUTHRIE: I would like to comment on the question raised by the member for Pilbara, because I would not like him to be under any misapprehension as to what I think on the point he has raised. As the Minister pointed out, we must not lose sight of the main purpose of the Bill, which is to allow the names to be published when certain offences have occurred for the second time. It is the hope of the member for Claremont that this will have the effect of acting as a deterrent in regard to future offences. There is little doubt in my mind that the words which the Minister proposes to in-

sert will only enable the magistrate to consider the right of the person to have the information.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. GUTHRIE: I was dealing with the question whether or not the words the Minister seeks to insert would give a magistrate discretion to decide that the information should be withheld after taking into account the circumstances of the case. I said that would not be so, because it was foreign to the nature of the Bill. The words "having a sufficient reason", as I accept them, refer only to the right of a person to be the recipient of the information. If the magistrate were given discretion to refuse the information it would not achieve the purposes of the mover of the Bill, and he might as well withdraw it.

Mr. BICKERTON: I appreciate the point made by the member for Subiaco, except for his remarks that we would not be achieving anything. As I understand the Act, a magistrate may, if he desires, release certain details and particulars to the Press. This is rarely done, but the amendment will make it mandatory for him to release the details after a second offence. It would also give the magistrate discretion where he thought it might be damaging to withhold the information. This is slightly different from the Act as it now stands.

Mr. GRAHAM: There seems to be a tendency to pussyfoot on this matter. We should say that in certain circumstances publicity may be given to a case, or, if we think otherwise, we should say "No." If we insert the words proposed by the Minister the position would become ludicrous. Let us say there is a case which comes within the ambit of what the member for Claremont seeks to achieve. You, Sir, and I inquire whether we can be apprised of the details of the person concerned; but having supplied insufficient reason, the answer is, "No." This may apply to a whole lot of people, and then at the end of the queue the magistrate is approached by a representative of the Press who gives sufficient reason for the information to be made available. The next morning we pick up our papers and find all the details in glorious headlines. We should either agree that in certain circumstances the information should be available to the public, or that it should be withheld in the interests of justice, of youth, and of the community.

We should go the whole way suggested by the member for Claremont. I have heard no argument to rebut the case he put forward; nor has any reason been given as to why it should be watered down. The member for Fremantle may have something in his reference to discretion, and as to whether the information should be made available to anybody, but I have no enthusiasm for the Minister's amendment and I am disposed to vote against it.

Mr. CRAIG: This amendment was provided at the request of the Minister for Child Welfare and the Director of Child Welfare. While they agree with the intention conveyed by the member for Claremont when introducing the Bill, they feel a responsibility in connection with the rehabilitation of an offender. I am sure we all appreciate the good work done by the department in this field. After a discussion with the Minister in another place I understand the magistrate will, in all cases, apply the intention as originally conveyed in the Bill. In other words, as the Deputy Leader of the Opposition said, it is really mandatory; but there may be cases where a safeguard is required, and that is why the amendment is sought.

Mr. Graham: I appreciate the intention, but I think it makes the proposition ridiculous.

Mr. CRAIG: I do not think so. If we feel the magistrates are not carrying out the intention of the Act we can have another look at it and remove the amendments in the Bill.

Mr. EVANS: I am afraid I do not agree with my deputy leader. I support the amendment moved by the Minister for Police. Not every person has available to him records of newspapers of years gone by. Some nosey Parker might wish to dig up the past and he would only have to approach the court to get all the information he required; information which he might not be able to obtain from the past records of the Press.

That would be completely foreign to the purpose of the Child Welfare Act, which is to balance the interest of the child with that of the community. In the past strong emphasis has been laid on the interest of the child, as is the case with the Guardianship of Infants Act, where the welfare of the infant is paramount. Only recently has a magistrate been given discretion to release such information; in the past it was prohibited by legislation.

This Bill makes it mandatory for a magistrate to release the personal details. This could be done with or without sufficient reason. A person should show that he has good and sufficient reason to seek the information before it is given him.

Mr. GRAHAM: Do we desire that a person should have the details of a case given to him if he is able to show good cause to the magistrate, or do we propose to have the information publicised? If the publication of the information is to depend on the making out of a case by an individual, that would have particular application. A person could be possessed of the information and make whatever use of it he wished, whether it be

nefarious or otherwise. If it is given to a representative of the Press or TV, it is broadcast to the whole world. As I have said, a magistrate can refuse to give the information to somebody because he has not shown sufficient reason why he should have it, and yet if sufficient reason is shown by a representative of the Press, the information can, next morning, be published in the headlines, and the name, address, occupation, and other circumstances can be published. Is that sensible when we have been so finicky about a single individual having a look? We propose to open the floodgates to everyone in the State.

Mr. Bickerton: That would be the case under the original Bill.

Mr. GRAHAM: Parliament has to make up its mind whether these things should be made public instead of depending on the integrity of the particular inquirer. I prefer the original draft of the Bill to the manner in which it will read if we agree to the Minister's amendment.

Mr. CROMMELIN: I can appreciate the point made by the Deputy Leader of the Opposition. I did not know how this would take place in court. From going down and watching proceedings, I should imagine that if a youth was found guilty of a second offence, the magistrate could there and then say to the Press representatives present that the name could be published. The next day the Press might say, "Tom Jones stole a motorcar"; but I, having been the sufferer in having my car stolen, could go to the court and say, "My car is missing and there is a name published as having stolen a motorcar. Here is the number of my car. Can I find out if that is the youth who stole my motorcar?" That is how I intended it to work.

When I used the words "in the discretion of the magistrate" it was to stop some people who attend all court cases, but have no real interest in them, from blackguarding a person for no reason other than that he might have committed a second offence. It is intended to give the magistrate discretion in these cases. The Press would not publish the name of the owner and the number of the motorcar.

Mr. Graham: The Press could publish what it wished.

Amendment put and passed.

Mr. GUTHRIE: I move an amendment—

Page 2, line 28.—Delete the words "any such offence" and substitute the words "the same or another of such offences".

As I indicated in my second reading speech, I am not happy about the drafting of proposed new subsection (3), which seeks to insert in the Act the words "has been convicted of any offence." Paragraph (b) proposes to insert in the Act the words "is subsequently convicted of any such offence."

It is open to question whether this refers back to some offence referred to in the previous paragraph. It could well be that that is the proper construction. I propose to ask the Committee to change the words to "the same or another of such offences." This will make it quite clear it is a second conviction of any one of the offences in the category within the section.

Mr. CROMMELIN: I am in favour of this amendment, because a second charge could cover any of the offences and not just one offence.

Amendment put and passed.

Mr. GUTHRIE: I move an amendment—

Page 3, lines 1 to 8—Delete proposed new subsection (4).

As I mentioned in my second reading speech, the retention of this proposed new subsection could produce great difficulties. I repeat: It is not possible to commit an offence under our Police Act in any place other than in Western Australia, or to commit an offence under the named sections of our Traffic Act in any place other than in Western Australia. It would be possible to commit, in another part of Australia, an offence, the substance of which is assault, illegal consumption of liquor, drunkenness, or illegal betting, but it would be difficult for the magistrate here to know what the offence was. The person would be convicted of an offence under, say, a section of the New South Wales Act, and problems would arise. The measure is better off if we concern ourselves only with Western Australia. It is questionable whether even on merits, we should concern ourselves with something that has happened in another State.

Mr. CROMMELIN: I agree with this amendment. I have been advised that the proposed subsection is not practicable. I am sorry it is not practicable, because I read in the paper only the other day that a youth came here and committed an offence. It simply means that if a person comes here and commits one offence, he will not come under this Act. I support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Title put and passed.

Bill reported with amendments.

HIRE-PURCHASE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th October.

MR. COURT (Nedlands—Minister for Industrial Development) [7.55 p.m.]: Firstly, I would like to thank the Leader of the Opposition for agreeing last week to an adjournment of this particular item, in view of the fact that my colleague who is responsible for this legislation had not completed his study of the proposition.

On his behalf, as well as my own, I express appreciation to the Leader of the Opposition for his ready agreement to this deferment.

I would like to comment on this particular matter in two distinct parts, first of all in regard to the immediate reaction of the Government to the legislation; and, secondly, to indicate to the honourable member a course of action which I feel might meet with his desires and about which either the Minister for Justice or myself would collaborate if that would help in having the matter further considered. I will elaborate on that before I conclude.

At the outset, I would like to indicate that, so far as the Government is concerned, it feels the import of section 29 of the parent Act has been misunderstood. It is as well that members should study this legislation and know something of its background, because the original intention of subsection (2) of section 29 was to impose some restriction on the extent of giving of commissions.

There is a good point to be made in reading the whole of section 29 (1) at this stage in our consideration of the Bill. Section 29 (1) reads—

> If in connection with any goods any person (in this section called the "dealer") arranges that some other person (in this section called the "financier") shall—
>
> (a) enter into a hire-purchase agreement in relation to those goods with a hirer;
>
> (b) accept any assignment of the dealer's property in the goods comprised in a hire-purchase agreement, or of the dealer's rights under a hire-purchase agreement in respect of those goods; or
>
> (c) advance or pay money to the dealer or to some person on his behalf in respect of a hire-purchase agreement in relation to those goods,
>
> the dealer shall not seek . . .

Those are the important words. Continuing—

> . . . accept, demand, or receive from the financier and the financier shall not pay, offer, or grant to the dealer, directly or indirectly, any money or other valuable consideration that, together with the money (if any) paid or payable by or on behalf of the hirer to the dealer and the value of any other consideration (if any) furnished or to be furnished by or on behalf of the hirer to the dealer would exceed the cash price of the goods.

Then the legislation goes on in subsection (2) of section 29 to set out clearly the circumstances under which, and the extent to which, a commission could be granted or some service could be rendered without transgressing subsection (1) of that particular section.

The background is fairly well known to members because certain practices were rampant in the hire-purchase industry which I do not think were in the best interests of the trade or in the best interests of the dealer; in other words, the person who is eventually going to purchase the goods from the owner. Perhaps it will add more point to what I am saying if I refer to the fact that this practice was most rampant in what is called the domestic field. This is a field in which there has been a considerable degree of recklessness at times as far as trading is concerned. One just cannot understand what the margins are these days in regard to some of these domestic appliances because of the methods of trade. Subterfuges were used, even more so than today, and it was necessary at the time this legislation was last studied, to include something which put a break on some of these practices.

I am the first to admit that no matter how carefully drafted these Statutes are, it is well-nigh impossible to stop people who have the desire to undertake some of these transactions from doing so, because there is usually another approach apart from that set out in the legislation. Often the buyer as well as the seller is a party to these transactions, and is happy to be a party to them.

However, in 1959 the State Parliament did its best to try to write a Statute which made some provision for this particular practice, and to acknowledge that it should not be allowed to reach excess proportions. The Bill before us lays down an entirely different provision so far as commission is concerned. The Bill says there shall be this commission if a guarantee is given, and the Leader of the Opposition set out his reasons why he felt this should prevail.

With respect, I think his research into the matter has been directed largely to the domestic field, which is only 16 per cent.—or one-sixth—of the total hire-purchase business written in this State. I do not know, from his remarks, where he undertook his studies but I can only assume from his comments and the results of his research that he concentrated mainly on what we know as the domestic field.

Mr. Davies: Does that include motor-cars?

Mr. COURT: No; only such things as domestic appliances. Those appliances represent approximately 16 per cent.—or one-sixth—of the business written under hire purchase in this State. I cannot give figures for the other States. However, in the other fields, such as industrial machinery and motor vehicles, the situa-

tion is quite different. For instance, if the Leader of the Opposition had canvassed this matter fairly widely in the motor vehicle trade, he would have found that it is not unusual for some of the people in the trade to receive a negotiated commission in accordance with the parent Statute—particularly under subsection (2) of section 29.

The amount, of course, cannot exceed 10 per cent.; it has to be something within that limit and it is usually the subject of negotiation. From my past experience—and I have not had any up-to-date experience—it is customary in these cases for the hire-purchase people to satisfy themselves that the dealer is a person of substance and, in fact, can stand behind the guarantee he gives before they will enter into this type of commission arrangement.

This is a sensible arrangement because it would be no use paying out a commission to anybody who could not live up to his commitment. In any case, the motor vehicle business is entirely different to the domestic field. I think it is fair to say that in the domestic field the value of a repossession is comparatively small when compared with the debt. I think it is normal that these appliances depreciate very quickly. The appliances might be considered to have years of use left in them for the original owners, but once they are repossessed it is found they are something of a glut on the market. It is not possible, usually, to recover the outstanding debt, or any amount more than the outstanding debt. Therefore, appliances have to be placed in an entirely different atmosphere from that of the more responsible form of hire-purchase finance we see in the motor vehicle trade and in the industrial machinery trade.

In most cases there is some sort of equity in motor vehicle finance today. I agree that some people are still irresponsible and reckless, and will take any chance; but in the main, with the educational programme followed by the Hire-Purchase Conference and the action which has been taken, there is a greater sense of responsibility both on the part of the dealer and on the part of the hire-purchase companies.

The motor vehicle section covers approximately 69 5 per cent. of the hire-purchase business written in Western Australia. In other words, it is the major section of hire-purchase business in this State. Between that figure of 69.5 per cent. and 84 per cent., the business is written by the industrial section and one or two others. The other 16 per cent. of the business is devoted to the domestic section, to which I have referred.

In the motor vehicle trade, where there is a greater degree of stability in the type of finance which is given, from my own inquiries I am sure it is not unusual for a commission arrangement within the terms of the existing Statute to be worked out.

Under the amendment proposed by the Leader of the Opposition this would not be a matter of negotiation. Once the guarantee was entered into it would be a mandatory figure as set out in the Bill. I submit to members that in many circumstances this could be just a straight-out gift to certain dealers and could have no real relation, in fact, to the original intention of the Act when section 29 (2) was enacted.

Unless I have judged the Leader of the Opposition wrongly, he would not be seeking to achieve this. I can see the situation where a particular dealer also owns a hire-purchase company. This is not unusual where both interests are owned by the one person or the one company. Quite often a dealer has a controlling interest in, or complete ownership of, a hire-purchase company. This group will be placed in an entirely different situation and will, under this legislation, have a considerable advantage over the independent dealer who has to use hire-purchase facilities for his financing medium. Here again, I am quite certain this was not intended to be the object of the Leader of the Opposition.

I want now to refer to the general situation that prevails in respect of hire-purchase legislation. We have tried to achieve a reasonable degree of uniformity throughout Australia. This is not yet complete but I think there has been a much greater degree of understanding between the States in recent years, because so many hire-purchase transactions are becoming interstate in character.

As a result of this it has been undertaken, through the standing committee of the appropriate Ministers—I am referring to the State and Commonwealth Attorneys-General—to consider matters where uniformity has some value without surrendering any political principles. The standing committee made a decision some time ago to undertake a complete review of hire-purchase legislation. It is at this point I would like to lead into the second part of my comments; and I think the Leader of the Opposition will be interested to hear what I have to say.

I understand that as a result of the decision of the standing committee, questionnaires were sent out to many hundreds of people and organisations seeking answers and reactions to hire-purchase law practices as they exist today. The best information I could obtain fairly late this afternoon was that there has been a ready response to the questionnaire. With a view to having the information co-ordinated and collated it was arranged by the State and Federal Attorneys-General that the Adelaide University would collate all the information and prepare a

submission to go to the standing committee.

It is a lengthy task, but it seemed a sensible way of carrying out the collation; that is, to submit it to an independent authority. An independent study can be made of the reactions of a great cross-section of people. I cannot find out whether the type of proposition foreshadowed by the Leader of the Opposition in his Bill has, in fact, been put forward by any of those people in response to the questionnaire. It has been suggested that the proposition has not been put forward, but I would not be dogmatic on this, because I do not know. It may be that in the course of sorting out the information it will be found that somebody from another State—or from this State—has, in fact, put forward a proposition along the lines suggested by the Leader of the Opposition.

In view of the fact that the Government does not feel disposed to accept this legislation at this stage without a lot more study, may I suggest to the Leader of the Opposition that he write to an address, which I can get for him, at the Adelaide University—or the Minister for Justice would write on his behalf—and submit to the appropriate authority his submission and the response by myself and others and ask the authority to consider the proposal in conjunction with the general submission which it will make to the Attorneys-General, who are sitting as a standing committee on this matter of uniformity in legislation?

This, to me, appears to be a sensible proposition, because by this method we will surely obtain a more balanced view of the several States and of the people practising in this business of hire purchase than if we make a snap decision at this point of time. To the best of my knowledge this is something different to what has been included in any of the other States' legislation.

Whether the Leader of the Opposition would like to submit his proposal directly, or whether he would like me, through the Minister for Justice, to have it submitted is immaterial so far as I am concerned. I would undertake to submit the proposal as a suggestion for study by the Adelaide group. I put forward this constructive suggestion in the hope that it will be of some value to the Leader of the Opposition.

To sum up the position, the Government does not feel that this legislation is warranted. We feel it is at variance with the original intention of subsection (2) of section 29 of the Act. We think it would be the means of granting a gift to certain dealers and it could, under certain circumstances, be unfair to some dealers. Also, we feel it could bring about a degree of irresponsibility in a certain section which deals in hire purchase, particularly domestic hire purchase.

I can see the situation arising where some people who are rather reckless in their trading could use this commission as another gimmick to further extend their activities in this particular field. I do not think any Statute will effectively control some of these people. I do not subscribe to their methods of trading and I think that their trading is not in the best interests of either the manufacturers, the distributors, or the buyers. However, they are with us, and they will be with us for a long time no matter what restrictive legislation we like to bring down. With those remarks, and repeating my offer to the Leader of the Opposition, I indicate the opposition of the Government to this Bill.

Debate adjourned, on motion by Mr. Graham (Deputy Leader of the Opposition).

DISCHARGED SERVICEMEN'S BADGES BILL

Second Reading

Debate resumed from the 18th October.

MR. JAMIESON (Beeloo) [8.13 p.m.]: In the absence of the Minister who took the adjournment on this Bill, I rise to speak. I intended to speak anyway, and I suppose that now is as good a time as any. I thought, perhaps, the present Government was about to emulate the Hawke Government in not associating itself in any way with the original badge Act dealing with R.S.L. badges. I noticed at that time that the member for Geraldton took the adjournment after the Bill was introduced by Mr. Yates, and no Government speaker was involved. So I am not too sure where we stand on this Bill; whether there has been an accident, or whether the Government wants to keep out of it.

Mr. Court: It is purely accidental. The Minister concerned was expecting the previous debate to continue. He will appear in a minute or two.

Mr. JAMIESON: The Bill has, as its intent, a rather good purpose. This suggestion was also made at the time of the original move for legislation to protect the situation relating to the wearing of badges. At that time I thought the move to single out one particular organisation was inclined to be rather selfish, and I said—

> I think the Bill is of a rather selfish nature.

I explained my reason for saying that. I thought that as we were giving protection to one organisation we should provide the same protection for other *bona fide* organisations. I pointed out there were other bodies such as the Legion of Ex-Servicemen, the Air Force Association, the Ex-Naval Men's Association, and others, which would probably want the same protection as that Bill afforded the members of the R.S.L.

The member for Nedlands—now the Minister for Industrial Development—said there would be innumerable difficulties which could not be overcome if we included the badges of other organisations in the legislation which was then being introduced. However, I think that was an overstatement, although probably the Minister still holds the same view. I am still of the same opinion, despite what the Minister said on that occasion. On page 1521 of *Hansard* No. 2 of 1953, I am reported as having said—

> I do not think those other bodies should have to ask for individual Bills to grant them the protection to which they are entitled.

Further on, I said—

> The Bill looks well on the surface and there is no doubt that the R.S.L. does a great job in its own sphere, but it already has several Acts that give it protection in various directions. I consider that every worthy organisation could have been included in this measure and had that been done, I think the member for South Perth would have received more support for the Bill than it may receive in its present form. The badges issued by Rotary, Legacy and many other organisations are worthy of protection and I would ask the sponsor of the Bill to consider increasing the coverage in the way I have suggested.

From that, members can see my thinking on the matter has been consistent over the years. I can think of no reason why I should now change my mind, or the attitude I expressed on that occasion.

As I pointed out previously, possibly that Bill was the only private member's Bill which had ever gone through the Assembly, at any rate, without any indication being given by the Government of its attitude, one way or the other, to the issue. A number of amendments were moved during the Committee stage, but neither on the amendments nor on the various stages of the Bill was a division taken. All votes were decided on the voices, which indicates that there was a fair amount of unanimity about the matter. It also indicated that members had discussed the Bill among themeselves and had come to a decision in regard to it.

It is noticeable that in his reply to the debate, Mr. Yates, at page 1523 of the *Hansard* to which I have already referred, said—

> The R.S.L. badge is the most coveted badge of any organisation in Australia. The badge of the T.P.I. organisation—

and that organisation is dealt with specifically, among others, in the Bill before us—

> —is different and it has a protection of its own. No one would wear a T.P.I. badge unless he was a member of the T.P.I. organisation.

Of course, they were the views held by the honourable member, but I do not agree with them. We all agree there are certain rights associated with the T.P.I. badge, just as certain rights are associated with all badges. I have noticed two or three members wearing the badge of Torchbearers for Legacy. If anyone were to pick up a badge of this organisation there would be nothing to prevent his wearing it because we have no legislation to protect Torchbearers for Legacy.

Anyone could pick up a Rotary badge; and I understand from some members that they have been misled by people wearing the badge of that organisation because they were not Rotarians. Rotary, like other organisations, I suppose, examines applicants for admission and these applicants must fit in with certain requirements before they are admitted to the fold. In this way the admission of ratbags is prevented; the organisations make sure that applicants have the proper *bona fides* and are decent people with some standing in the community.

Surely if a person wears a badge to which he is not entitled, and masquerades as a member of an organisation, he is doing something wrong and some action against him should be possible. However, at present there is no Act which can be used and there is no way of taking such a person to task. It is true that a person who tried to gain admission to a Rotary function, when he was not a member, would probably be recognised. But there again such a person might not be recognised, because Rotary is a big organisation and if a person such as I have referred to were smart enough or spry enough, he could possibly bluff his way into some of these bigger Rotary functions.

There are many organisations which come readily to mind which will not receive the protection of this legislation, and which will not be able to fit into its provisions as they are at the moment. That is why I have placed certain amendments on the notice paper. From a reading of the measure it can be seen that the title is the "Discharged Servicemen's Badges Bill," which automatically excludes an organisation not associated with discharged servicemen. I think that is wrong. In any case, I think the title should have referred to both discharged servicemen and servicewomen, although probably the Interpretation Act would cover that aspect. However, as I have just said, the measure covers only organisations associated with discharged service personnel, and does not cover Torchbearers for Legacy and similar associations, to which I have referred, including the War Widows Guild, the R.S.L. auxiliary, and a dozen and one other organisations.

If a *bona fide* organisation issues a badge to its members, surely that organisation has the same rights as those mem-

tioned in this Bill, and as the R.S.L. The members of such an organisation should have equal rights, and their badge should be protected in the same way as those of discharged servicemen's organisations. They should have the right to expect that a person wearing the badge of their organisation is a *bona fide* member of that organisation. However, at the moment there is no law to say that nobody but a member of the organisation shall be entitled to wear the badge. It might be possible to take legal action under the Criminal Code or the Police Act if a person is masquerading as member of a particular body, but I think it would be difficult to initiate such action, and I doubt very much whether one would be able to induce the police to act. Probably action would have to be taken by the organisation concerned.

I believe this legislation should provide for the coverage of any organisation that may from time to time be proclaimed by the Governor. No doubt certain conditions would have to be laid down which would ensure that not just any little branch of an organisation which happened to have its own badge could be proclaimed as an organisation having the protection of the legislation. Only bodies thought to be worth while, and whose badges entitled the members to certain privileges not enjoyed by non-members, would be able to be proclaimed. Such organisations should have their privileges protected and we as a Parliament should be prepared to protect them.

My proposal is to make this legislation a badges Act and to provide that an association means a body specified by the Governor. This will permit any association to apply to be proclaimed. The present wording of the Bill permits an association which conforms to the provisions in the Bill to be added to the schedule, and we on this side of the House have already had a good deal to say this session about schedules to Bills and about giving the right to somebody outside of Parliament to alter a schedule after it has been agreed to by Parliament. This proposal was discussed over and over again when dealing with Bills associated with iron ore and other agreements. Members know the attitude of those on this side of the House towards the proposal, and if it is desired to protect organisations I think specific reference should be made to them in the law and it should not be done by means of a schedule to which additions can be made without reference to Parliament.

I suppose legislation such as this does not provide a great deal of protection, but it certainly does not do any harm and it would probably prevent many people from wearing badges that they happened to pick up; because the fear would be there that action could be taken against them. Once an organisation had been proclaimed, and a person knew he could be taken to task for wearing a badge to which he was not entitled, there would be less likelihood of his wearing it and obtaining something to which he was not entitled—such as credit through different associations, and certain other benefits.

We should not allow people to masquerade under false colours and we should clean up in one fell swoop the position in regard to the wearing of badges. Therefore not only ex-servicemen's organisations but also others akin to them, such as the ones to which I have referred—Rotary, Soroptimists, Lions, and a dozen and one others—should be protected. They are worth-while bodies in our community and their members are doing a good job. The members of these bodies recognise one another by the wearing of an emblem, and their rights should be protected.

That reminds me of something the Minister for Industrial Development mentioned when the other badges Bill was being discussed. He complained that we could not bring other organisations within the provisions because it would not be possible to clearly define the badges of those organisations. However, I think it would be the responsibility of the body seeking to be proclaimed as an organisation to supply its badge so that it could be registered. Also, the Bill states—

> A person who is not a member of that association shall not, without lawful excuse, wear a badge, or a colourable imitation of a badge, issued by a discharged servicemen's association for the purpose of identifying its members.

As I propose to move to delete the words "a discharged servicemen's" and insert in lieu the word "an", this would cover the position to which I have just referred.

No doubt a register would be kept of all badges of the associations covered by the legislation and there would be a list of the prescribed bodies. It see nothing wrong with the move of the member for Perth, except that it does not go far enough, and does not cover the position fully. If my amendments are not accepted I think we will have to repeat this exercise over the years by including other organisations from time to time; because at the moment the Bill does not even cover those bodies which are akin to ex-servicemen's associations; which do a wonderful job for ex-servicemen; and which are deserving of protection.

I see nothing wrong with the principle in the Bill but I think we should enlarge its scope so that other *bona fide* bodies can be covered by its provisions.

MR. CRAIG (Toodyay—Chief Secretary) [8.30 p.m.]: I am sorry I was not present in the House when the debate

commenced, but I now take the opportunity, on behalf of the Government, to support the measure which has been introduced by the member for Perth. As clearly stated in the Bill, it refers only to associations of discharged servicemen. I do not suppose that in any way it is a shattering Bill; possibly it is more of an innocuous one, but nevertheless it is important to those who are members of associations of discharged servicemen.

The Returned Servicemen's League has its own legislation which protects the wearer of the R.S.L. badge, but, as pointed out by the member for Perth, the T.P.I. Association sought and requested similar protection, and this Bill was introduced to meet that request and to cover similar organisations that wished to apply to the Governor to obtain this protection.

It is interesting to note that in the official organ of the R.S.L.—*The Listening Post*—there are probably 30 ex-servicemen's associations referred to, and this does not include all of them. Each one of these associations has its own badge which identifies the wearer as having served his country at some time or another in one of the branches of the Armed Forces. It is only natural that an association is very jealous of its badge and is very concerned if anyone wears the badge when he is not entitled to do so.

As pointed out by the member for Perth, the wearer of a badge issued by the T.P.I. Association is entitled to certain privileges which no doubt he has rightly earned. As members of Parliament we have a badge which entitles us to certain privileges, some of which are very limited, and we do not always avail ourselves of them.

I notice that in the Bill there are only two associations referred to which are to be included in the schedule. They are the T.P.I. Association and the Limbless Soldiers' Association. Our very esteemed member for Harvey who sits in the seat at the back of me is a member of several such associations and it is noted from the badge he wears that he is also a member of Rotary, which was mentioned by the member for Beeloo. The Bill is restricted to particular persons; namely, a person who wears a badge which he is not entitled to wear. Such a person, by wearing the badge, is claiming to be a member of a discharged servicemen's association.

To a great extent I disagree with several points made by the member for Beeloo, but I will leave the member for Perth to deal with them when he replies to the debate. It does occur to me, however, that if the amendment proposed by the member for Beeloo is agreed to, it would mean that any organisation could apply for the protection provided by the Bill. For example, even a football club could apply for this protection.

Mr. Jamieson: Why not?

Mr. CRAIG: As far as I am concerned I do not care how many people—whether or not they are financial members—wear the Swan Districts Football Club badge—it would not worry me in the slightest—but I am sure there is a marked difference between the intention of the member for Perth and that of the member for Beeloo. Their intentions are completely divorced.

Mr. Jamieson: They are not really.

Mr. May interjected.

Mr. CRAIG: The member for Collie is a very old member of the R.S.L. and he would be very jealous indeed to know that a person who was not entitled to wear the R.S.L. badge was in fact doing so.

Mr. Jamieson: Don't you think the war widows are entitled to protection?

Mr. CRAIG: They can apply for protection.

Mr. Jamieson: No; they can't under this Bill.

Mr. CRAIG: Arrangements can be made for them to make application in the same way as any other organisation.

Mr. Jamieson: No they can't.

Mr. CRAIG: There is one feature in clause 4 about which I am not clear, but I can deal with it later. It refers to a person who has been excluded from membership of one of these organisations by operation of its rules, but cannot be deemed to be so excluded unless he is served with a notice to that effect either personally or by prepaid registered post. This means, in other words, he would continue to wear the badge of the association until such time as he is advised he is no longer financial, or has been excluded from membership for some other reason.

I know there are many organisations that do not bother to inform their members that the financial year has ended and their subscriptions require to be renewed. If the intention in the clause is put into effect these organisations will be required to advise all their members that their subscriptions have fallen due. I do not know if this is what is meant by the provision in the Bill, but possibly the member for Perth can refer to this aspect when he replies to the debate.

I consider the measure is worthy of support. I know it is supported by the R.S.L., as pointed out by the member for Perth when he introduced the Bill. It was felt that perhaps the Act covering that organisation could have been amended to embrace other associations, but the R.S.L. is of the opinion that its Act should be left intact. This is one of the reasons why the Bill has been submitted in this form, and I give it my support.

MR. I. W. MANNING (Wellington) [8.38 p.m.]: I support this measure, which I would like to see passed in its present

form. Its provisions have more general application to ex-servicemen than have those of any other similar legislation on the Statute book. The reason for my saying this is that anyone illegally wearing the badge issued by the T.P.I. Association or the Limbless Soldiers' Association would be practising greater misrepresentation than he would if he were illegally wearing another badge, because, as mentioned by the member for Perth, such a person attracts sympathy and consideration from members of the general public.

This has been evident to me when I have been travelling on buses and trains. I have noticed that men wearing the T.P.I. badge receive some sympathy and generosity from members of the general public at various times, and I would not like to think that a person who was not entitled to wear such a badge was accorded such sympathy and generosity. Therefore I think the Bill introduced by the member for Perth deserves support to a greater extent than any other similar legislation, because the wearer of a T.P.I badge or the badge issued by the Limbless Soldiers' Association deserves greater protection than the wearer of the R.S.L. badge.

For the reasons I have given I believe the registration of the R.S.L. badge has an entirely different purpose from the registration of the badges issued by the T.P.I. Association and the Limbless Soldiers' Association. I cannot believe that any of the other organisations such as Rotary, would be keen to have their badges registered.

Mr. Jamieson: They do not have to.

Mr. I. W. MANNING: I do not feel that those organisations need any protection. If they desire to have their badges registered they should make application for legislation to be introduced, and submit the reasons for its introduction. The whole purpose of the Bill is completely lost if its scope is widened to encompass other organisations whose members are not discharged ex-servicemen, because there is nothing to be gained by persons misrepresenting themselves by wearing the badge of some organisation to which they are not entitled.

I support the Bill for the reasons stated by the member for Perth; namely, that the badges issued by the T.P.I. Association and the Limbless Soldiers' Association deserve protection because of the generosity and sympathy that is extended by members of the general public to the wearers of those badges. If the badges are registered, those people who are not entitled to wear them will not be so inclined to misrepresent themselves and enjoy privileges which they do not deserve.

I hope the Bill will be carried in the form in which it has been introduced. If it is not, I believe we will defeat the purpose of its introduction.

MR. DAVIES (Victoria Park) [8.42 p.m.]: I do not think it could be rightly said that Australians generally are enthusiastic badge wearers. If one looks around this Chamber one will notice that not many members wear a badge. In the main, the badge that is worn is that of the R.S.L. and it is covered by its own Act of Parliament.

It seems the member for Perth has introduced this measure because some special benefit is conferred on the wearer of either a T.P.I. Association badge or a Limbless Soldiers' Association badge. When introducing the second reading of the Bill the member for Perth said he was satisfied this is so, but he has not been able to tell us how the wearer of either badge does benefit. It may be correct that the wearer does gain special consideration when getting on or off a bus, or by being moved up to the head of a queue waiting for a bus, but I think that would be about as far as it would go. The member for Perth, however, might, when he replies to the debate, be able to tell us in more detail what benefits accrue to the wearer of a T.P.I. Association badge or a Limbless Soldiers' Association badge.

The long title of this Bill is as follows:—

> A Bill for an Act relating to the Wearing of Badges issued by certain Associations of Discharged Servicemen.

I think the House will agree that the number of associations of discharged servicemen is fairly limited. There is the Air Force Association, the Ex-Naval Men's Association, and the Legion of Ex-Servicemen. To my knowledge that just about covers them. Of course the title of the Bill implies that ex-servicemen are to be afforded some special consideration, but whether this is desirable is, of course, purely an opinion. Most people would probably think so, but I am sure ex-servicemen themselves do not consider they need any special consideration or protection in regard to wearing a badge.

If any person is found to be wearing a badge when, in fact, he is not entitled to do so, I think he would be despised by the community in general and particularly by his mates and associates; although I have heard of men who have passed themselves off as returned servicemen by wearing the R.S.L. badge when, in fact, they have never been out of the country on war service.

If we are to agree that discharged servicemen warrant some special consideration, particularly in regard to protection relating to the wearing of badges, then we should not stop at ex-servicemen, because many other bodies are associated with ex-servicemen and they also warrant similar consideration. We have only to take into account Torchbearers for Legacy, the Legacy clubs, the war widows' association, the Laurel Club, and similar ones.

All of those bodies are directly associated with, working for, or related to, ex-servicemen. I think they should be given the same consideration. At least, the four that I have named should receive similar protection to that provided in the Bill.

However, I cannot agree that ex-servicemen's associations want this protection. If it is the view of this House that badge wearers should be protected, then any association related to ex-servicemen which desires to apply to be listed under the terms of the Bill should be allowed to do so.

The Rotary Club has been mentioned, but not anyone can join it. Membership is only by invitation, and the number of members is restricted by the categories. Therefore the membership of Rotary is limited. On the other hand, the Lions Club will take in any number of members in any category. There is no limit to the membership, provided applications for membership are acceptable. There is a difference in the case of the Rotary Club, and because its membership is limited in a minor degree, then if it so desires it should be given the right to apply under the terms of the Bill for protection against the unauthorised wearing of its badge.

The interjection of the member for Beeloo was very valid when he said that no club would be forced to protect the wearers of its badge. If it wants such protection it can apply to be listed. That seems to be the meat of the Bill.

Mr. Jamieson: And, further, if the organisation is satisfactory to the Governor.

Mr. DAVIES: Yes; if the organisation meets the standards set by the Government and is acceptable to the Governor, it can be listed. Firstly, it has to apply, then it is listed. If we wish to take the matter to the extreme we could add the Red Cross to the list, as it is an organisation associated with ex-servicemen, and it should be equally entitled to protection for the wearers of its badge. These are the features which should be looked into.

If we agree that protection of badge wearers is necessary—and I would like a more detailed explanation from the member for Perth as to why it is necessary—then we must accept the fact that all badge wearers should be entitled to similar protection. This is a matter entirely up to the club or association concerned, and before it can be listed it must be acceptable to the Governor. Under those circumstances the amendments foreshadowed by the member for Beeloo are reasonable and logical. No doubt he has expressed to the House that in his opinion the ex-servicemen's associations are entitled to this protection, and that two of them have been named in the Bill.

Mr. Hawke: What about the war widows' association?

Mr. DAVIES: I have mentioned that organisation as well as the Laurel Club, the Torchbearers for Legacy, and the Ex-Naval Men's Association.

Mr. Jamieson: The R.S.L. Women's Auxiliary could also be included.

Mr. DAVIES: All of these bodies are directly associated with ex-servicemen, and so they are entitled to the same protection as is proposed in the Bill. I would like a more detailed explanation from the member for Perth as to why the bodies mentioned in the Bill require this special protection.

MR. DURACK (Perth) [8.50 p.m.]: I thank the members who have taken an interest in this Bill and who have expressed their views in the second reading debate. I have had the advantage of hearing the suggestions of the member for Beeloo, and have had an opportunity to study his amendments, as they have appeared on the notice paper for the past several days. Perhaps I will deal with that point later, as it represents the only substantial criticism which has been made to the Bill in its present form.

Firstly, I would like to deal with the comments of the Chief Secretary, who raised one or two small queries, although I thank him for his general support of the measure and also for his expression of support by the Government. He mentioned there are some 30 bodies of ex-servicemen which are affiliated with the R.S.L. As I explained when I introduced the Bill, it is in such a form that it can be extended, either by this Parliament or by the Governor-in-Council, to cover any of these bodies, or any other similar body which satisfies the requirement that its membership is composed substantially of ex-servicemen.

In regard to this matter, I was approached only by the T.P.I. association and The Limbless Soldiers' Association. I mentioned to the R.S.L. my intention of introducing the Bill. The only other association which has been in touch with me is the Air Force Association, and it desires to be included. I explained why I did not include it in the Bill, and pointed out that I considered the object of the measure was to protect associations such as the T.P.I., the members of which derive some material benefit from the wearing of badges. I explained that the Bill was in such a form that the Air Force Association could apply for inclusion if it could satisfy Parliament or the Governor that it deserved to be included.

As I said earlier, my mind was quite open in this matter; and if I heard from other bodies, or if other members of this House heard from other bodies, that wished to be included I would give sympathetic consideration to attaching them to the schedule during the passage of the Bill through the House. It is of interest that

the Bill received a small amount of publicity. A number of people have told me that they noticed the Bill had been introduced. With the publicity, and because some members of this House might have mentioned the Bill to other people, I am sure that associations which are interested would have come forward for inclusion in the schedule. There is still time for them to do so.

The other matter raised by the Chief Secretary was in relation to a provision in the Bill which requires service of a notice on a former member of an association before he is liable to the penalty imposed under the Bill for the wearing of a badge. He was a little concerned as to whether this might impose too great a hardship on the association. I can only say that when the T.P.I. association approached me and asked for my cooperation to introduce legislation it submitted the New South Wales Act. I understand it has been seeking to promote similar legislation in all States of Australia. The New South Wales legislation contains a similar type of protection for an ex-member before he becomes liable to a penalty. Indeed, the section of that Act is rather more strict, because it provides for notices to be served and so on, although it might not necessarily accord with the rules of the association. It seems preferable to me that the legislation should not cut across the rules of the association, and all that an ex-member is reasonably entitled to expect is a notice that he has, in fact, been excluded.

I do not think the matter which concerns the Chief Secretary is of any great practical significance, and the effect of the amendment does not require an association to send out notices if it is not the practice for it to do so. All that an association would be required to do is to notify any member who has not paid his subscription, and so ceases to remain a member pursuant to the rules of the association, if it wants to take advantage of this provision in the legislation to prevent him from wearing the badge.

I now turn to the more major criticism of the Bill by the member for Beeloo and the member for Victoria Park. I am surprised that the member for Victoria Park has asked me to explain what particular benefits or reasons exist for the T.P.I. association to seek this form of protection.

Mr. Davies: I asked what special benefits are there for the wearing of badges?

Mr. DURACK: I dealt in two paragraphs with the whole reason for introducing the Bill. I do not propose to read out what I said previously as that would take up unnecessary time. The purpose of this Bill is based on the fact that the T.P.I. association and The Limbless Soldiers' Association both informed me that, firstly, their members do obtain some material benefit from the wearing of their badges; and, secondly, some people are abusing the privileges. These are people who have not been members and are thorough imposters, and people who were members formerly and who are still wearing their badges. I have explained the purpose of the Bill to the House and it seems that most members have understood the point.

Mr. Hawke: The member for Victoria Park wanted to know what advantages are derived from the wearing of badges.

Mr. DURACK: I mentioned the advantages during the introduction of the second reading, but perhaps I should emphasise them again for the benefit of some members. The advantages include free travel on buses and trains, trade discounts arranged by the associations with various shops, and reduced admission to some sporting fixtures.

Mr. Davies: Are they not also applicable to the Civilian Maimed & Limbless Association?

Mr. DURACK: I do not know. I have not been approached by the Civilian Maimed & Limbless Association in regard to this matter, but these advantages might well be applicable to its members. If bodies other than those I have included in the Bill receive privileges of that kind then another Bill could, perhaps, be promoted for their benefit. However, I have not been approached by any bodies of that kind, and the purpose of this Bill is for the narrow object I have outlined.

Dr. Henn: It would be difficult to impersonate a maimed person, would it not?

Mr. DURACK: I do not know about that. Presumably it would apply also to maimed ex-servicemen, but I feel the proposals of the members for Beeloo and Victoria Park refer to a question entirely different even from that of the mere extension of the Bill to bodies such as the Civilian Maimed & Limbless Association. I understand that the proposition of the members is that some form of protection should be granted to bodies, generally, if they are of a substantial character.

I think the member for Victoria Park posed the general question as to whether badge wearers should be protected as such. Here again, this Bill had no object of that general kind. I feel that proposition is a very different one from my intention and the intention of the Bill. It seems to me that if that matter is to be considered, it should be considered under a different form of legislation and dealt with separately from the special issue presented in this Bill.

I suggest that if this Parliament feels that bodies, generally, should have some form of protection, it would be a very cumbersome way of going about it to legislate that the Governor shall decide in each case whether an association is eligible. It would be most invidious for the Governor-in-Council to have to choose, for instance, between Rotary and Lions.

Mr. Davies: Name them both.

Mr. DURACK: That could well be possible, but the honourable member himself said there were distinctions between those two bodies; and that is the sort of question that could well arise. I think that legislation of that kind should simply provide for an automatic right of registration of a body with some public officer, if the conditions laid down in the legislation are satisfied.

What I am saying would indicate that the type of legislation envisaged to protect badge-wearing as such would be, in my opinion, very different from the proposal in this Bill.

Mr. Graham: How many Statutes do you want to cover the situation?

Mr. DURACK: Only one Statute would be required, and the Governor-in-Council should not be bothered—

Mr. Graham: There is one already; you are introducing a second; and now you suggest a third.

Mr. DURACK: It is not my suggestion. I am not saying I favour such a proposal. As a matter of fact, I think it is a very dubious proposal, anyway. I am simply pointing out how very different is that proposal from the limited one in this Bill.

Mr. Graham: One Bill to cover the lot would be the solution.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Durack in charge of the Bill.

Clause 1: Short title—

Mr. JAMIESON: Members will realise that any argument on my amendment must be dealt with now. However, first of all I would like to say that, contrary to the opinion of the member for Wellington, I am not opposing the legislation. He gave the impression I was.

Mr. I. W. Manning: No.

Mr. JAMIESON: Oh yes he did. If he read what he said, he would know he did.

Mr. Graham: Probably deliberately, too.

Mr. I. W. Manning: I asked that the legislation be passed in its present form.

Mr. JAMIESON: The honourable member made a very definite accusation that I was opposed to the legislation. I am not. The only thing is that I feel it should have a much wider coverage. I again draw the attention of members to those people who are excluded; and I will later call for a division on my proposed amendment, because I would like the names recorded in order that we might know who is opposed to war widows, Legacy, R.S.L. Women's Auxiliary, and the Laurel Club being covered under this legislation.

Mr. Craig: Legacy is associated with the R.S.L. Legacy could apply for registration.

Mr. JAMIESON: Members of Legacy are not ex-servicemen.

Mr. Craig: You cannot be a member of Legacy unless you are an ex-serviceman.

Mr. JAMIESON: That is wrong.

Mr. Craig: No it is not. You must be sure of your facts before you try to argue.

Several members interjected.

Mr. JAMIESON: It is an offshoot.

Mr. Guthrie: No, it is not.

Mr. JAMIESON: Legacy has been established for the very purpose of acquiring funds and—

Mr. Guthrie: It is not an offshoot. Get your facts right! It is an independent body.

Mr. JAMIESON: Let us leave it at that —that it is an independent body. Is it not worth protecting? Is the member for Subiaco saying it is a body not worth protecting—

Mr. Guthrie: I have not said that!

Mr. JAMIESON: —and that it is not worth its salt?

Mr. Guthrie: I am not saying that. I am questioning your statement. Do not try to wriggle out of it.

Mr. JAMIESON: I am not!

Mr. Guthrie: Of course, you are!

The DEPUTY CHAIRMAN (Mr. Crommelin): Order! Order!

Mr. JAMIESON: The member for Subiaco is implying that that body is not worth it.

Mr. Guthrie: You have yourself in a hole!

Mr. JAMIESON: No, I have not!

The DEPUTY CHAIRMAN (Mr. Crommelin): Order!

Mr. JAMIESON: I am bigger than the member for Subiaco!

Mr. Guthrie: You are not big! You are tiny!

Mr. JAMIESON: If I used the word "Legacy" wrongly, and should have said "Torch Bearers for Legacy" I am prepared to admit I made an error. However, I still say that Torch Bearers for Legacy is an organisation well worth protecting.

Mr. Guthrie: I did not raise that issue at all!

Mr. JAMIESON: The honourable member raised it all right!

Mr. Guthrie: No, I did not!

Mr. Graham: He is quibbling!

Mr. Guthrie: I am not!

Mr. Graham: I do not think Torch Bearers for Legacy have a badge.

Mr. Bickerton: Relax, will you!

Mr. Guthrie: What has that to do with it?

Mr. JAMIESON: I am not saying that that body has a badge; but there is nothing to say it will not get one. I do not know

whether the war widows, or any of the others, have a badge, but if they have, then surely they are entitled to registration. They would all be covered under my proposition and no harm would be done.

I would say to the member for Wellington that if some other member of Parliament had suggested these things, he would probably not be raising any opposition. However, that is by the by. My intentions are clear and I am consistent. I have been consistent since 1953 when the first legislation was introduced. I think all these worth-while organisations should be included. It does not matter whether the Governor, or some other authority determines the matter. I move an amendment—

Page 1, lines 7 and 8—Delete the words "*Discharged Servicemen's*".

Deputy Chairman's Ruling

The DEPUTY CHAIRMAN (Mr. Crommelin): I am going to quote to the honourable member Standing Order 277, as follows:—

> Any Amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with Rules and Orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House.

The member for Beeloo is, in my opinion, completely altering the content and context of the Bill. Before he moved his amendment he said he wanted to include the Women's Service Guild and Rotary, and in my judgment this is quite contrary to the Bill, and I am consequently not prepared to accept the amendment.

Dissent from Deputy Chairman's Ruling

Mr. JAMIESON: I move—

That your ruling be disagreed with.

The DEPUTY CHAIRMAN (Mr. Crommelin): I want it in writing.

[*The Speaker (Mr. Hearman) resumed the Chair.*]

The DEPUTY CHAIRMAN OF COMMITTEES (Mr. Crommelin): Mr. Speaker, I have to report that during the sitting of the Committee the member for Beeloo disagreed with my ruling on Standing Order 277. I quoted this Standing Order and ruled that the honourable member's amendment was out of order with the subject matter of the title of the Bill.

Mr. Graham: Shame upon you!

The SPEAKER: The reason given by the member for Beeloo is—

> I move to disagree with the Deputy Chairman's ruling on Standing Order 277.

Speaker's Ruling

The member for Beeloo does not actually give any reason; but, in any case, I propose to uphold the ruling of the Deputy Chairman of Committees.

Mr. Graham: For what reasons?

Dissent from Speaker's Ruling

Mr. JAMIESON: I move—

> That the House dissent from the Speaker's ruling.

I do this because part of Standing Order 277 reads—

> Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill.

I maintain that the subject matter of the Bill will not be altered. Even if my amendment were carried, the provisions as envisaged by the Bill would still all obtain and therefore my amendment cannot affect the situation of those proposed to be covered under the Bill at present. My amendment is not altering the intention of the Bill. It merely widens the coverage to include other organisations. It does not take away any of the authority from those people who are proposed to be covered. It is very clear in that respect.

With respect, I would ask you, Mr. Speaker, to have a second look at your ruling. I consider it is rather important that we should know if the extent of a proposal before the Chamber is to be expanded to grant authority further than that orginally proposed. If that is to be the procedure of the House, I think the members should know about it.

Up until now my experience is that this has not been the case. Many Acts have come before the Parliament and, indeed, that is the purpose of debate in Parliament. If we have found that the coverage does not go far enough, we have altered the situation to satisfy the members of the Parliament, debate has ensued, and eventually a decision has been arrived at.

On this occasion the question of whether the words "Discharged Servicemen's" should be removed from the short title does nothing, I submit, to alter the intent of the legislation that is before us. As a consequence, your ruling, Sir, is out of order in my opinion.

Mr. DAVIES: I wish to second the motion and merely to point out that we would argue on this point from only the first two and a half lines of Standing Order 277 which reads—

> Any Amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill.

As has already been pointed out by the member for Beeloo, we consider that this is the argument. The Bill deals with the wearing of badges, but the amendment does not in any way limit the wearing of badges to ex-servicemen's associations.

Possibly, Mr. Speaker, if you were to look further into the Standing Order you could show where the member for Beeloo may have been in error. I am sure he would accept your guidance if he were in error. It may have been better to approach the subject by leaving the title as it is, namely, "An Act relating to the Wearing of Badges issued by certain Associations of Discharged Servicemen," and add the words "and other bodies" to this title.

This may have been the correct way to do it, but the end result would be exactly the same. We are dealing with the wearing of badges. Any ex-servicemen's association can apply to be listed under the schedule; but, in addition, the amendment proposes that any other association may apply to be listed under the schedule. In effect this is the purpose of the amendment; that is, the scope of the legislation is being extended.

If the member for Beeloo is in error, I am sure he will accept your guidance. Otherwise I would have to agree with him; because, as both he and I have already stated, the proposed amendment does not in any way limit the original intention of the measure.

The SPEAKER: I wish to answer to some extent the queries raised by the two members who have spoken. In my opinion, the Bill deals with discharged servicemen's badges: that is the subject matter of the Bill. What is proposed now would widen the scope of it tremendously and, in my opinion, it obviously is outside the scope of the Bill altogether.

In reply to the member for Victoria Park, the second portion of Standing Order 277 is relevant to any further amendments which might be applied to this Bill in relation to ex-servicemen's badges. For instance, if an amendment were proposed to give free travel to wearers of badges, or something of that nature, it would be permissible, but it would necessitate an amendment to the title. It would have to read, "Discharged Servicemen's Badges and Privileges Act," or something like that.

Mr. DURACK: I rise to support your ruling, Mr. Speaker, and to oppose the motion that has been moved by the member for Beeloo and seconded by the member for Victoria Park. Standing Order 277 which both you, Mr. Speaker, and the Deputy Chairman of Committees have referred to, makes it very clear in my view that amendments in Committee must be relevant to the title of the Bill.

It was not only my intention, but I think it is clearly expressed in the title of the legislation, that it is to be an Act relating to the wearing of badges issued by an association of ex-servicemen, and not an Act relating to the wearing of badges generally. The amendment which has been proposed—that is, to delete the words "Discharged Servicemen's" from the short title—will, of course, completely alter the character of the legislation.

Therefore it seems clear to me, Sir, that your ruling is correct and that is why I propose to support it.

Mr. I. W. MANNING: Mr. Speaker, I hope the Committee supports your ruling; because, as indicated by you and by the member for Perth, the whole purpose of the Bill and the subject matter of it is to register the wearing of badges by a certain category of discharged servicemen for a particular reason. The reasons given by the member for Beeloo in seeking to amend clause 1, or the short title of the Bill, has no relation at all to the intention of the legislation.

For that reason I suggest—as I tried to indicate during the debate on the second reading—that if the member for Beeloo wishes to achieve his end he must introduce separate legislation. As you have pointed out, Mr. Speaker, this Bill applies only to the wearing of badges by members of discharged servicemen's associations.

Mr. JAMIESON: Nothing I have heard indicates the amendment is in error in any way. It is true that the words in the amendment differ from the words used in the Bill, but the coverage provided by the legislation is the same; that is the salient point. From the amendment there is no indication that it would affect any of the other clauses. For instance, the long title could still be retained, and the short title could be cited as the Badges Act, 1967.

The legislation previously referred to gives no indication it has particular reference to the matter raised. As a result it would appear to me that the title of "Returned Servicemen's Badges Act" would not indicate it has reference only to the Returned Servicemen's League. That would only be the short title and it would not necessarily bind the decision before the House, including the decision made on the long title. This would be a special matter for consideration by the House. When the member for Perth introduced the Bill he could, very easily, have used the short title of the Badges Act, 1967. It would have made no difference to the real intent of the legislation. I still believe I have not heard any argument that my amendment to the short title is out of order.

Question put and negatived.

Committee Resumed

Clause put and passed.

Clause 2 put and passed.

Clause 3: Governor may by proclamation add to Schedule—

Mr. JAMIESON: This is the clause which first mentions the schedule. To be consistent with our present attitude

towards the alteration of schedules outside Parliament, I feel I must move an amendment—

Page 2, line 6—Delete the words "and add its name to the Schedule of this Act."

If we are to legislate to allow the Governor to prescribe these ex-servicemen's associations by proclamation, it should be done by the Governor-in-Council and be recorded by being published in the *Government Gazette*.

Previously in debate we agreed that a schedule is part of the legislation, and to allow an authority outside Parliament to alter the schedule is wrong in principle. All members are aware of the arguments that have been advanced in support of that principle.

Mr. DURACK: Whatever may be the merits or otherwise of the arguments advanced by the member for Beeloo about schedules, the fact remains that clause 2 has been passed and it sets up the framework of the schedule. Therefore it would be nonsensical to delete the words proposed in the amendment.

Mr. Graham: We will recommit the Bill to pass the amendment.

Mr. Jamieson: The amendment, Mr. Deputy Chairman (Mr. Crommelin) is out of order; I have missed out.

Amendment put.

There being no voice raised for the "Ayes", the Deputy Chairman put the clause as printed.

Clause passed.

Clauses 4 and 5 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 9.32 p.m.

Legislative Council

Thursday, the 26th October, 1967

The PRESIDENT (The Hon. L. C. Diver) took the chair at 2.30 p.m., and read prayers.

SWEARING-IN OF MEMBER

THE PRESIDENT (The Hon. L. C. Diver): I am now prepared to swear-in The Hon. F. R. White, the member for the West Province.

The honourable member took and subscribed the Oath of Allegiance and signed the roll.

The PRESIDENT: Welcome to the Legislative Council of Western Australia, Mr. White. May your service here be fruitful to the State and rewarding to yourself.

QUESTIONS (3): WITHOUT NOTICE

PASTORALISTS IN MEEKATHARRA

Investigation of Plight

1. The Hon. G. E. D. BRAND asked the Minister for Local Government:

In view of the desperate position of pastoralists around Meekatharra, and north of that town, will the Minister have an immediate investigation made with a view to offering some alleviation of their plight?

The Hon. L. A. LOGAN replied:

I will make some investigations. However, in the meantime I would suggest the pastoralists and Mr. Brand start praying, because this looks to be the only answer to their plight.

RESEARCH STATION AND DEPARTMENT OF AGRICULTURE, DENMARK

Staff and Salaries

2. The Hon. J. M. THOMSON asked the Minister for Mines:

(1) How many are on the staff actually engaged on the farm site of the Denmark Research Station?

(2) How many are on the staff engaged within the office of the Department of Agriculture at Denmark, excluding Mr. R. Sprivulis, now resident at Albany?

(3) In the event of the research station being closed, would the Department of Agriculture office at Denmark also close?

(4) What are the net total salary and wages per annum—

(a) covering (1);

(b) covering (2)?

The Hon. A. F. GRIFFITH replied:

I wish to thank the honourable member for giving me prior notice of this question. The replies are as follows:—

(1) The manager and a field assistant on the salaried staff and eight wages staff employees.

(2) Two salaried staff.

(3) No.

(4) The net amount of salaries and wages paid is not available. The gross figures are—

(a) $22,439.

(b) $ 7,351.