

often become the mouthpiece of the local policeman. With better travelling facilities we might well consider doing away with our honorary justices and letting the stipendiary or resident magistrates carry out those duties together with their other work.

The Minister for Justice: The honorary justices have done a wonderful job.

Mr. SEWARD: That is so, and in many cases the men appointed are qualified to hold the position. But latterly I can see deterioration.

The Minister for Justice: Can you give me specific instances?

Mr. SEWARD: I know of two or three cases that were sent to Perth and the decisions altered. I would like to hear something from the Minister on the recent appointment to the Licensing Court. I notice that two members retired and one has been reappointed. I do not know the age of the man who has been reappointed and made chairman, but I think he is pretty well up in years.

The Minister for Justice: He is under 70.

Mr. SEWARD: I hope he is! I think it is generally recognised that when a man reaches the age of 65 he should retire.

The Minister for Justice: The retiring age of the Judiciary is 70 years.

Mr. SEWARD: The Licensing Court has previously come up for criticism here. When the two members of that court retired, it was an opportunity to appoint a new court altogether. Matters in that sphere want straightening up a bit. During the war years some of the hotels closed and generally did as they liked. At some hotels it was impossible to get served because of the crowd there, and at others people could get only a small amount of liquid refreshment. We have our Licensing Act and we should see that it is observed. The hotels are here to provide the travelling public and the public generally with whatever refreshments are required, whether liquid refreshments or meals. Frequently hotels will not serve meals. If they experience difficulty in getting staff then that should be taken into consideration and assistance made available to them, but the travelling public should be able to get

service throughout the State from the hotels. I will not mention the State hotels now because they come under different Estimates.

Progress reported.

*House adjourned at 9.17 p.m.*

## Legislative Council.

*Tuesday, 30th October, 1945.*

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

### AUDITOR GENERAL'S REPORT.

*Section "A," 1945.*

**THE PRESIDENT:** I have received from the Auditor General, in pursuance of Section 53 of the Audit Act, 1904, for presentation to the Legislative Council, a copy of the Treasurer's statement of the Public Accounts of the State of Western Australia for the financial year ended the 30th June, 1945, together with Section "A" of the report thereon. It will be laid on the Table of the House.

### BILLS (3)—THIRD READING.

- 1, Soil Conservation.  
Returned to the Assembly with an amendment.
- 2, Closer Settlement Act Amendment.
- 3, Administration Act Amendment (No. 2).  
*Passed.*

### BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

*Recommittal.*

On motion of Hon. A. Thomson, Bill re-committed for the further consideration of Clause 2.

*In Committee.*

Hon. J. Cornell in the Chair; Hon. C. F. Baxter (for Hon. G. B. Wood) in charge of the Bill.

Clause 2—Amendment of Section 10:

The CHAIRMAN: The question is that Clause 2, as amended, be agreed to.

Hon. A. THOMSON: The amendment agreed to by the previous Committee proposes to amend the proviso to Subsection (1) of Section 10. That proviso refers to subsubparagraph (h) whereas in the amendment reference is made to subparagraph (b). It will be necessary to alter the word "subparagraph" to "subsubparagraph." I move an amendment—

That to the word "subparagraph" in the amendment agreed to by the previous Committee the prefix "sub" be added.

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

Bill again reported with a further amendment.

**BILLS (3)—FIRST READING.**

- 1, Medical Act Amendment.
- 2, Town Planning and Development Act Amendment.
- 3, Supreme Court Act Amendment (No. 1) (Hon. H. S. W. Parker in charge).  
Received from the Assembly.

**BILL—NATIONAL FITNESS.***Second Reading.*

Debate resumed from the 24th October.

**HON J. A. DIMMITT** (Metropolitan-Suburban) [4.50]: I desire to say a few words in regard to the Bill, largely because for many years I was personally very much interested in the physical as well as the mental development of a number of lads in the metropolitan area, due to my association with the Air Training Corps. I was greatly concerned with the low standard of physical development of a large number of the lads who applied for entrance to the corps. In a very high percentage of cases, their development was much below the standard required. It was surprising, however, to see how quickly they developed into a state of physical fitness that met the requirements of the Service, as a result of organised sport and training along sound lines.

Because of the need for such training I am glad to know that this Bill has been introduced. However, I am rather gravely concerned at the method of appointment of the council. With other members who have spoken, I feel that those people who have for years been associated with movements that have sought to develop the physical side of youth should have some representation on the council, and I do not approve of the method of leaving the whole selection and appointment to the Minister concerned. For that reason, I intend to support some of the amendments appearing on the notice paper. I propose to vote for the second reading, but hope that when in Committee members will see fit to ensure that the appointment of the council is taken out of the hands of the Minister, and that it will be appointed by people who have been so vitally concerned in the matter over the years and will be concerned with it in the future.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West—in reply) [4.53]: It is quite apparent, I think, that the House agrees with the importance of this subject; and there can be no doubt that it is necessary we should have some orderly method of dealing with the physical fitness of the youth of this State. Those who have criticised the form of the Bill have admitted that it is essential that national fitness should have the wholehearted support of every section of the community. Even Mr. Baxter, who has been so very critical of the Bill, stated that the co-operation of all sections of the community is required if success is to be achieved. To that extent, I think we can all be in agreement. But I am a little afraid that Mr. Baxter—and perhaps one or two other members who have spoken against the Bill as it stands—has been advised by a group of people who undoubtedly are very keenly interested in this subject and have shown their interest in a practical way, but who have been very dissatisfied with the change that has taken place during the last two years.

Running right through the speech of Mr. Baxter was the suggestion that this Bill was brought forward with the object of taking the control of national fitness away from organisations which have been interested and making it the duty or the responsibility of a Government department.

Statements of that kind are only half true. So far as the Education Department is concerned—and that is the department to which Mr. Baxter was referring—it was only brought into this matter by virtue of the decision of the Commonwealth Government, and that department has the responsibility of working in co-operation with all other voluntary organisations which are interested in national fitness. There is, of course, a little history attached to this particular point. First of all, I would point out that when the National Fitness Council was first appointed in this State it comprised in the main a number of voluntary organisations. They carried on their work for a few years, until the stage was reached when it appeared that a certain section of those voluntary workers was very anxious to prevail in regard to the system or method to be employed.

Eventually, the Commonwealth Government, by means of the National Fitness Act, 1941, laid down that any moneys which were to be provided by the Commonwealth Government could be provided only for a State council of the national fitness movement appointed by the State Government. It was indicated to the State Government that in all the other States National Fitness Councils were appointed by the respective State Governments, and that this was the only State in which the National Fitness Council was elected by voluntary bodies. But that Act of 1941 went a little further. It provided that the expenditure of this money should be certified by the State Auditor General. We therefore had this position: That as the National Fitness Council was then constituted in this State, there was no State council, no council appointed by the State which could deal with the moneys granted by the Commonwealth Government, and there was no authority for that particular council to deal with grants made from time to time. Consequently, the Auditor General could not certify, as he was required to do, under the Commonwealth Act of 1941.

Just prior to the change taking place, there was considerable discussion in national fitness circles. I think I am being quite fair when I say there was considerable dissension and discord. Since the National Fitness Council has been appointed by the Minister for Education, there has been no discord at all. There has been nothing but harmony and

co-operation between all the bodies concerned, and there is quite a large number interested in or associated, or affiliated, with the present National Fitness Council. I understand that the people—that small group to which I have referred—who represent the Amateur Sports Federation have taken the point of view that sport should play a far bigger part in the national fitness methods of the council. They have claimed, not only through Mr. Baxter but by other means, that they constitute the body that ought to be consulted in matters of this kind. I took rather a serious view of some of the statements made by Mr. Baxter. I thought quite a number of them were unwarranted, unjustified and, in the circumstances as I knew them, unfair. At no time has there been any attempt on the part of the Education Department to dominate this movement.

There is nothing in the Bill that would give to the Education Department the power or authority to dominate the national fitness movement, as suggested by Mr. Baxter, and to an extent by Dr. Hislop. The Amateur Sports Federation, which these people represent, is an organisation which was established just about the time when the National Fitness Council came into being in this State in 1939. There is no doubt that it had a large number of organisations affiliated with it. I am not being unfair to the federation when I say that at present it is very questionable whether it does really represent the amateur sporting bodies of this State. So much did I think of the remarks of Mr. Baxter that I caused them to be referred to some of the organisations vitally concerned in the question of national fitness. I propose to give to the Chamber the replies we have received.

I do not question the interest which the Amateur Sports Federation has in national fitness because I know that it has worked in conjunction with the National Fitness Council over the years. Unfortunately, the National Fitness Council has not seen fit to agree with the viewpoint of that federation on every occasion. First, I will take the National Football League, which I think is a very important sporting body in this State. The secretary, Mr. Orr, says—

I cannot personally see that the Amateur Sports Federation is of any assistance or that it has been of any advantage to amateur sport. We are not interested in it. The Football League has had nothing whatever to do with

the present attack on the National Fitness Bill. We have always co-operated with the national fitness organisation and I personally consider that the present set-up with national fitness is the best possible.

The W.A. Amateur Swimming Association, which is particularly interested in this matter says, through its president, Mr. E. A. Middleton—

The Amateur Sports Federation has been of no use and no service. We have really had nothing to do with it. We paid £1 ls. with the hopes that something might come of it, but as yet this has not eventuated. The present remarks in the House on behalf of amateur sport are of no concern to this association, and this association has no dissatisfaction whatever with the present set-up of national fitness.

The Hockey Association, through its president, Mr. J. Cruickshank, says—

On all occasions, particularly with the present set-up, have the relationships of the Hockey Association been on a co-operative basis with the National Fitness Council. The Hockey Association is not behind the present statements of the Amateur Sports Federation used in the Upper House. I would be pleased to give any statements concerning the present satisfaction with the National Fitness Council.

The secretary of the Cricket Association, Mr. Guy, says—

The Amateur Sporting Federation: We have nothing to do with it. It has not benefited cricket at all, and we as an association had nothing whatever to do with the present attack on the Bill in the Upper House.

Mr. Child, the secretary of the Rowing Association, says—

We had nothing whatever to do with the expressions of opinion of the Upper House concerning the national fitness, and little to do with the Amateur Sports Federation. We are definitely not behind the criticisms.

There we have five of the most important amateur sporting bodies in the State unanimously disclaiming any responsibility for the criticism of the Bill. Yet the Amateur Sports Federation, according to Mr. Baxter, is not only representative of all the sporting bodies in the metropolitan area but he also said—

These voluntary bodies have in effect been the national fitness movement for many years. That applies particularly to the amateur sporting bodies represented in the Amateur Sports Federation which covers all the sports conducted in the city, controls most of the grounds, and is in a position to lend great assistance to the movement.

If I have read the opinions of these sporting bodies correctly, how can the statement of Mr. Baxter be correct in regard to con-

trol of grounds, for one thing, and how can it be correct in regard to the amateur sporting bodies whom he claims constitute this federation? I could go further and quote other organisations in a similar strain, but I have only selected the more important ones. So far as the Amateur Sports Federation is concerned, some of its representatives were not only active in the national fitness movement but, at one stage, its representatives were actually on the council. It is because they are not now on the council that we get these complaints. I suggest to Mr. Baxter that it would have been far better, before he made the statements he did, if he had carried his inquiries a little further, and had approached the controlling authority of the National Fitness Council in regard to the matter. Had he done this, I think he would have refrained from making some of those statements. It is true that the representatives of the Amateur Sports Federation who were on the council held official positions, and they showed their interest in the work of that body. But when the present Minister for Education was faced with the necessity of appointing a State council, it was necessary for him to confine his nominations to the number of 25, and in doing that he certainly could not appoint on to the new council all those who had previously been on the council.

This is what I find on an examination of the qualifications of those persons who represented the Amateur Sports Federation, who were on the controlling board originally. One of them was Mrs. Drake, representing archery. Another was Mr. Clarke, representing bowls. Mr. McMillan represented boxing and wrestling, which at that time was in recess. Mr. Mitchell represented the W.A. Weight-lifters' Association, which was also in recess, and Mr. Grosvenor represented the Boys' Clubs Sports Association. These are the organisations that these particular persons were representing. They are the people who gave the nominations which enabled them to stand for election by various other sporting bodies in connection with the council as then constituted.

When the present council was constituted, these people, being very disappointed that they were not appointed to the council, sought an interview with the Minister for Education and that was granted. Their main complaint was that their secretary had not been appointed to the coun-

cil, and they wanted to know why. The Minister gave his reasons and pointed out that he could only appoint 25 persons, and that the assumption of the deputation was not correct that he had been advised by certain other interested parties not to appoint these people, but that he had gone about the business in his own way. According to the minutes of the deputation on the file, I find that when the deputation left, those who comprised it said, in effect—We are sorry you do not agree with our point of view but we hope that everything will turn out successfully.

Instead of that we find that these people have carried the position so much further that they have tried to interest members of this Legislative Council to the extent of up-setting the Bill as presented here, and reverting to a state of affairs which at that time was most unsatisfactory. May I say in that regard that this is not the only country where the method adopted at that particular time turned out to be unsatisfactory. Great Britain proceeded under the same method for several years, but eventually had to discard it because interested factions were so intent upon getting their own points of view adopted that the movement could not get anywhere. Today it is true that the Imperial Government is subsidising the national fitness movement throughout the length and breadth of the land, and is doing so mainly through the Education Department.

Hon. C. F. Baxter: But not under control such as this Bill implies.

The CHIEF SECRETARY: This Bill has been based on the method in vogue in the Old Country at present. There is nothing in the Bill that would allow the Education Department to dictate to voluntary organisations, or, in the words used by Mr. Baxter, to control those bodies. The voluntary organisations are free agents. If they do not like the methods adopted and feel dissatisfied with the manner in which the National Fitness Council is being conducted, they are at liberty to leave it—but there has been no suggestion of anything of the kind. On the other hand, there has been nothing but praise for the work that has been done, particularly during the last 12 months. I am not surprised at that particularly when we come to consider the personnel of the council which has been ap-

pointed at the request of the Commonwealth Government. May I let the House know who actually constitute the council? The personnel is as follows:—

Dr. Aileen Murphy, a lady doctor who, I understand, is particularly interested in this subject.

Dr. G. A. Murray, who is the Commonwealth Quarantine Medical Officer and who is also particularly interested in the movement.

Dr. W. J. Pannell who, I think, had quite a big reputation in rowing circles for many years, having been a King's Cup man, and so forth. I am led to believe that he is most enthusiastic in connection with this work.

Dr. Kingsbury, the Government Pathologist who was acting Commissioner of Public Health for some time.

Dr. K. G. Aberdeen who is medical officer in charge of the Fremantle Public Hospital.

Those are the medical representatives on the council, and I do not think for one moment that anyone would find fault with one of those individuals. Other members of the council are as follows:—

Rev. Dr. R. H. Trenaman, who is well known for his interest more particularly in movements associated with the youth of this State.

Mrs. F. Hummerston. I do not know what her title is but she is associated with the W.A.N.S.

Mrs. Leslie Craig, a lady who is well known for her association with movements of this description, particularly on the women's side.

Mrs. I. M. Kent, who is at present a member of the Australian Broadcasting Commission and has for years been actively associated with youth movements.

Mrs. F. Cardell-Oliver, whom everyone here knows and who, I think, has shown over the years that she is particularly interested in this subject.

Mr. R. E. Gatherer who has for many years been associated with life-saving organisations and surf clubs.

Mr. W. Stooke, the president of the W.A. Football Association.

Mr. D. L. Davidson, the Town Planning Commissioner.

Mr. Murray Little, the Director of Education.

Mr. D. W. Moore who, I believe, is associated with the Presbyterian Church and has for years been particularly interested in all matters associated with youth. In fact I have some words from him, which I will quote a little later.

Commander Garsia, representing the Navy. Captain T. F. Hantke, representing the Army.

Flight-Lieutenant E. A. Cane, representing the Air Force.

The last three officers I have mentioned are the physical training experts associated with the three Services.

Professor R. G. Cameron, of the University of Western Australia.

Mr. S. W. Perry, who has been associated with the youth movement in this State for many years.

Mr. J. J. Simons, the founder of the Young Australia League movement.

Mr. J. Black, the Mayor of Cottesloe, and the chairman of the Local Government Association.

Mr. H. B. Grosvenor, whose name I mentioned previously as being associated with the boys' clubs movements.

Ex-officio members of the council are Mr. R. E. Halliday, the present Director of National Fitness; the Minister for Education, Hon. J. T. Tonkin; the secretary, Mr. Kirkby; and the organiser, Mr. English. If we analyse the personnel of this council and desire to be at all fair, we must admit that it is indeed very representative. I do not know that any member could even suggest for one moment that such a council would lend itself to anything of the kind that has been suggested in this House, either in the form mentioned by Mr. Baxter or in the way inferred by Dr. Hislop. I wonder how many members of that council could be regarded as suspect of a desire to indulge in Facism, Nazism, or any other "ism."

On close analysis of the personnel of the council, I think it must be admitted that the body is most representative and that this council can be relied on not only to attend to the business it has to deal with, but to be fair and impartial in every way. I think that is borne out by the experience gained during the last 12 months in particular, during which period there has been no complaint whatever, so I am advised, but on the contrary, all organisations are working in harmony and in close co-operation. Mr. Baxter made some references to people who had been most active in the movement but had not been given due credit for their activities. In that regard I have been informed that no effort has been made by anybody associated with the movement to take away from any individual or organisation the credit to which any such individual or organisation was entitled for work in connection with the movement.

As I mentioned earlier, it is a co-operative movement, and the whole object of the Bill is to provide that there shall be established a council that will work in co-operation with voluntary organisations and will comply with the provisions of the Commonwealth legislation whereby it will be possible for the

Commonwealth Government to hand over its grants to that body knowing full well that the money so provided will be spent in the manner desired by the Commonwealth Government, and that the State Auditor General will be in a position to report that the money has been expended accordingly. As a matter of fact, that is really all that is contained in the Bill. Mr. Baxter, who was followed by Dr. Hislop, stated that the Bill has followed the lines adopted by Germany and Italy where under the systems that prevailed voluntary bodies ceased to function.

May I ask those hon. members if there is any indication of anything of the kind suggesting that voluntary bodies, particularly sporting organisations, are likely to be suppressed by the Commonwealth Government or the State Government, because there can be no doubt that that is what happened in Italy and in Germany? In those countries all religious organisations and all voluntary bodies were absolutely suppressed. They were not allowed to exist. It was under such conditions that the State took control in each of those countries and was able to accomplish all that was suggested by Mr. Baxter and Dr. Hislop.

Hon. C. F. Baxter: Where did you get your information as to what happened in Italy and Germany?

The CHIEF SECRETARY: What I stated is a fact.

Hon. C. F. Baxter: Those bodies were frozen out by the adoption of methods similar to those embodied in the Bill.

The CHIEF SECRETARY: Mr. Baxter takes a lot of satisfying! He says that the conditions there and under the Bill are the same. If there were any suggestion in this State or in the Commonwealth sphere whereby voluntary organisations were to be dictated to and religious organisations were to be suppressed, I for one, like every other member of this Chamber, I assume, would be alive to the position and would do everything possible to prevent anything of the kind happening. There never has been anything of that description, and there cannot be under our system. That is the difference between what we propose and what applied under the continental system.

It is interesting to note that Dr. Hislop quoted from a handbook which, he stated, was an official publication issued by the

authorities controlling the national fitness movement in Italy, and he mentioned a number of headings dealing with the various activities of the movement in that country. He pointed out that we are adopting something similar in this State. That is perfectly true. The same ideals have been adopted in Great Britain and they have been adopted here. We hope to make a success of them—but under conditions entirely different from those that applied in Italy. As ideals they are excellent, and under this Bill will prove of extreme value to the youth of this State; but if we have the same conditions here as existed in Germany and in Italy, then of course we would be leaving the way open for somebody to take control, assume a dictatorship, and perhaps bring about the same state of affairs as existed in pre-war Germany and pre-war Italy. Mr. Baxter was not content with criticising the set-up of the council as provided for in this Bill. He said that this move was brought to fruition very cleverly just at the time when the present Minister, Hon. J. T. Tonkin, had taken over the control of the Education Department and that it was sprung on this young Minister. I would like Mr. Baxter to hear Mr. Tonkin's comments on that statement. Of course, there is no justification for a statement of that kind.

The council as it exists at the present time, and as it is provided for in this Bill, was formed as the result of a recommendation of Commonwealth and State Ministers who dealt with this question even before Mr. Tonkin had been appointed Minister for Education. It was they who recommended to the Commonwealth Government that these activities should be brought under the Education Department, and, of course, they had good reasons for making the recommendation. I propose to read, for the information of members, a letter, dated the 28th October, 1943, received from the late Prime Minister dealing with that particular point. The letter is as follows:—

May I invite your attention to the question of the constitution of State national fitness councils? It will be recalled that in a letter addressed to you on the 27th January, 1939, the suggestion was made that such a council should be formed, if it did not already exist, in your State. Following upon that letter a council was formed in each State, but the constitution of these councils differed as amongst the States.

In 1941 the Commonwealth Government passed the National Fitness Act, which provided that the Minister for Health of the Commonwealth should apply moneys standing to the credit of the National Fitness Fund "to encourage the development of national fitness in each State, under the direction of a national fitness council appointed by the Government of the State."

This clause contemplated a dual responsibility upon the State National Fitness Council and upon the Government in each State to ensure the efficient distribution of such funds as were provided by the Commonwealth, and the control and efficient development of the national fitness campaign in each State.

The composition of the State National Fitness Councils has developed in the various States along different lines, and at a meeting of the Commonwealth Council for National Fitness, held on the 29th September, certain recommendations were made on this subject. Those recommendations are attached and are commended to your consideration.

May I suggest that it would be in the interests of efficient administration and of the proper supervision of the disposal of Commonwealth funds if the responsibility of the State National Fitness Council to the appropriate Minister and the responsibility of the State council to the Minister for the disposal of all Commonwealth funds, be clearly defined?

It is suggested that the control of expenditure by State national fitness councils should be subject to the Government audit system and, so far as Commonwealth funds are concerned, it is desired that all expenditure be certified to by the State Auditor General in terms which would specify that the money has been expended for the purposes stated by the Commonwealth.

The following resolution was passed at the Conference of Commonwealth and State Ministers of Health held in June last:—

"It is desirable to define in each State the direct Ministerial responsibility for the control of national fitness activities, and that, for the duration of the war, the control be vested in the Department of Education. The Health Department and the Local Government Department should be closely associated with this work."

At the recent meeting of the Commonwealth Council for National Fitness a review of activities from the commencement of this campaign provided evidence of very satisfactory progress, and it is clear that a continuation of this progress would be greatly in the interests of the people of the Commonwealth.

Yours faithfully,

John Curtin, Prime Minister.

So all this assumption on the part of Mr. Baxter and his advisers as to this young Minister having had the thing forced on him, etc., is so much humbug. There is nothing in it. After steps had been taken to

comply with the Commonwealth direction, it was necessary that the State Government should secure proper advice how to deal with the position that had arisen. The whole matter was therefore submitted to the State Solicitor General, Mr. Walker, and I propose to read to the House two or three paragraphs from his advice; I do not consider it necessary to read all of it. Mr. Walker said, *inter alia*—

So far as the National Fitness Council at present existing in this State is concerned, because it is a non-statutory body and not appointed by the Government of the State, but is a private association with objects and rules incorporated under the State Associations Incorporation Act, 1895, it seems to me to be clear that the provisions of the said Commonwealth Act do not authorise the payment to the said association of moneys out of the said Commonwealth National Fitness Fund, and therefore if any such moneys are being paid to such association I think such payment should be stopped immediately.

If the said State association can continue to function without the aid of the said Commonwealth moneys, then because it has been incorporated as aforesaid and has thus acquired a definite legal existence exercising functions which are not unlawful, there is no law at present, either State or Commonwealth, under which the said State association can be abolished or the exercise by it of its functions prohibited.

So far as the appointment of a State national fitness council by the Government of the State is concerned, which will be a body to which moneys can lawfully be paid out of the said National Fitness Fund by the Commonwealth, the Commonwealth National Fitness Act, 1941, does not, because it cannot constitutionally, authorise or provide for the appointment by the State of such a State council.

All that the Commonwealth Act provides for is the recognition of such a State council when appointed by the Government of the State as a body to which moneys can lawfully be paid out of the Commonwealth National Fitness Fund by the Commonwealth.

There is not at present any State law which provides for or authorises the appointment by the Government of the State of a State council as necessary if moneys out of the said Commonwealth National Fitness Fund are to be made available to this State under the said Commonwealth Act.

In my view a special Act in this State will be necessary to make provision for the appointment by the Governor of the requisite State council, prescribing the number of members to constitute the council, making provision for the representation in such council of various sections of the community, setting out the powers and functions to be exercised by such State council, and authorising it to receive the said moneys from the Commonwealth, and, subject to the directions of the Commonwealth Minister, to direct the application and expenditure of such moneys in the State when received.

So, Mr. President, that is the constitutional position, and that is really the answer to the inference of Mr. Baxter that the present Minister for Education, who is the chairman of the National Fitness Council, had been doing something he was not entitled to do, and that the present National Fitness Council had been exceeding its authority by spending moneys which did not belong to it.

Hon. C. F. Baxter: I did not say that.

The CHIEF SECRETARY: By over-riding—

Hon. C. F. Baxter: I did not say spending money, but funds that you took from the incorporated body.

The CHIEF SECRETARY: All right! I will give the hon. member another legal decision on that point in a moment. I felt rather concerned as I listened to Mr. Baxter's remarks on this subject, because running through them was the inference that something was being done by the Government, through the Minister for Education, which was not in accordance with the real fitness of things, something which perhaps would not stand the light of day, that the Minister was acting the part of a dictator when he was trying to tell an incorporated body that it could not function, and that, in addition, he was dealing with the funds of that organisation when, as a matter of fact, there was no truth in a statement of that kind. It is just as well for members to realise the import of Mr. Baxter's remarks; they are as follows:—

The Minister has gone further than that. He has over-ridden that body and established a new council and has also appropriated funds from the old council. I want to know under what legal authority those funds were appropriated—I think misappropriated would be the better word!

What is the difference between my interpretation of Mr. Baxter's words and what he actually said? His actual words are a long way worse than those which I used. To be very brief in regard to this particular point, I advise the House that the following is the legal position:—

The Commonwealth National Fitness Act of 1941 provides that for the purposes of the Act there shall be a trust account which shall be known as the National Fitness Fund. Clause 5 of the Act provides that the Minister may apply moneys standing to the credit of the fund for the purpose of providing assistance (a) to encourage the development of national



fitness in each State under the direction of a national fitness council appointed by the Government of the State.

The first National Fitness Council of Western Australia was not appointed by the Government although the Government initiated its formation. The council could not, therefore, legally receive money from the National Fitness Fund and, insofar as it did receive such moneys, they must be regarded as trust moneys held on behalf of the Commonwealth Government and quite definitely could not belong to the council.

If I talked for an hour I could not make the position any clearer than I have done in these few words. Before I conclude I want to deal with a statement made by Dr. Hislop. He suggested that there was some discontent among the leaders' organisation which played such an active part in all the activities of the national fitness movement in this State. They have an association that met on the 27th of this month, and this resolution was carried—

This meeting of the Leaders' Association wishes to protest against an entirely incorrect statement made by Dr. Hislop in the Upper House concerning the retardation and interference of the individuality of this association, and affirms its complete confidence in the present set-up of national fitness. The rapid and harmonious development of our association during the past two years is a clear indication of the effective working of the present administration.

That, I think, is a very effective reply to the remarks of the hon. member. I have just one other statement to give to this House because I think—I am not sure which one—that one member who spoke against the Bill referred to the Associated Youth Committee. That is an important section of the national fitness movement. Those remarks were brought to the notice of Mr. D. W. Moore. I think I have already said that he is associated with the Presbyterian Church and has been active in youth movements for many years. He has for some time been the chairman of the Associated Youth Committee which is one of the most important committees under this Bill. Mr. Moore said this—

The present attack upon the National Fitness Council appears to me to be inspired more by political necessity, than by a sincere desire to see improvement based upon a thorough knowledge of the position.

The voluntary youth organisations associated with the National Fitness Council are only co-operating with national fitness, and are not merely a small department thereof.

As their name signifies they are an Associated Youth Committee, not merely a sub-committee of national fitness.

National fitness can no more dominate these major youth organisations, some of which have been in existence for 50 to 100 years, than fly to the moon. National fitness cannot dictate policy to such widely different spiritual divisions as typified by Jewish youth, Catholic youth or Presbyterian youth, nor such organisations as the Eureka Youth League.

There has not been at any time, any dissatisfaction expressed by any member organisation, with the leadership, directive or opportunities of co-operation offered by national fitness.

We realise that national fitness gives a truly national outlook and place to each of our movements both small and large.

If at any time any member body objects to national fitness or anything about it, the remedy lies in its own hands, immediate resignation. That this has never happened is surely proof that organisations have no real complaints, but are working in perfect harmony, naturally keen on the success of their own group, yet at the same time aware of the existence and needs and importance of each of the 28 youth organisations in the whole mosaic of youth welfare.

So we have disclaimers from the more prominent amateur sporting bodies; from the association of the leaders of this movement; from the chairman of the Associated Youth Committee and, in addition, I have had disclaimers from a number of individuals associated in different ways with this movement. So I suggest that, far from wanting to revert to the old state of affairs when there was, as I have said, dissension, we should prefer that the organisations that have done such good work during the past 18 months or so should continue not only because they are doing good work but because they comply with the Commonwealth legislation in this regard. That legislation lays down that the council must be appointed by the State, and the Solicitor General has pointed out that unless we have a council appointed by the State the Commonwealth grant cannot be received. No other organisation can get it. The Commonwealth legislation lays down that the Auditor General must certify to the expenditure of the money. He himself has stated that unless this money is handled by an organisation appointed by the State Government he will not be in a position to furnish a certificate as required.

In view of the statements I have given to the House in reply to those made by Mr. Baxter and Dr. Hislop, I think that members will agree that, in carrying out the same

method in the State as has been followed in all other States of the Commonwealth—I do not know whether I mentioned that this is the only State where the council was elected rather than appointed—we shall be doing the right thing. This movement has developed out of all knowledge in the last 12 or 18 months and it will go ahead by leaps and bounds. No-one can predict just what progress will be made in the post-war years. But those of us who have been associated in any shape or form with this movement know full well that the plans it has in hand, which will eventually be given effect to, will place the national fitness movement of this State well ahead of the movement in the other States.

We have a wonderful opportunity to give the movement splendid assistance. If we endeavour to revert to the old state of affairs very little progress will be made. In any event, if we did determine in that way I am afraid that the council would have to carry on out of its own resources because, as I have demonstrated clearly, unless we adopt this method there is no means by which the Commonwealth grants can be utilised by the organisation envisaged by Mr. Baxter. When this Bill goes into Committee and we have to deal with the many amendments that Mr. Baxter proposes to move, it will be perfectly clear that his desire is that the people who have been advising him shall be the ones to control the movement through that method—

Hon. C. F. Baxter: Not necessarily.

The CHIEF SECRETARY:—instead of adopting the constitutional method provided for in this Bill. If we agreed to his amendments we would place ourselves in an unconstitutional position as advised by the Solicitor General.

Hon. C. F. Baxter: That is quite wrong.

The CHIEF SECRETARY: That would prohibit the utilisation of Commonwealth grants for the purpose of national fitness in this State.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

Clause 1—agreed to.

Progress reported.

## **BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the 24th October.

HON. C. F. BAXTER (East) [5.57]: This Bill is the outcome of the activities of a number of local governing bodies. The record shows that 21 road boards were actively engaged in the matter.

Hon. C. B. Williams: Are they in your electorate, or out of it?

Hon. C. F. BAXTER: They are all in my province.

Hon. C. B. Williams: Then you must support the Bill.

Hon. C. F. BAXTER: Naturally I am not going to pit my judgment against 21 local governing bodies consisting of men who live in the district and collectively must know what they want better than I do individually. But what these local governing bodies of the Eastern Ward desire and what this Bill provides are two different things. I received a letter from Mr. F. A. Law, the secretary of the Merredin Road Board, who is also the secretary of this movement. He states—

In proceeding with the case it is urged that boards insist with the Minister that we must have a road board pool in every sense of the word; entirely operated and controlled by the boards themselves; except, of course, to come under the scrutiny from time to time of Government auditors or inspectors when the Government acts as the representative of the ratepayers of the State as a whole.

It is definitely a pool that they are seeking. They are not asking for the present Bill which will permit individual boards to carry out insurance. An individual board will gain no advantage at all. What the Bill does is to extend State trading in a way that will be very harmful in this respect, that all the business transferred from insurance companies to the State Insurance Office will mean a loss of taxation revenue on that particular business.

Who among us can say that we will not need every penny we can collect in revenue from every source, and more particularly from taxation, in the near future? Here there is a gradual movement towards Government control of everything, and when these things are controlled by the Government they produce no taxation. In the report of the proceedings of the executive

committee of the Road Board Association, on the 5th October, 1944, we find that the executive committee persuaded the Under Secretary for Works to send to all road boards a scheme on this insurance matter. In it nine different headings were set out, but the response was very poor, and was on the basis of the pool. Finally, at the road boards conference, about which we have heard so much, a motion was carried at the instance of the Merredin Road Board as follows:—

That an amendment to the State Insurance Act be sought to enable the State Insurance Office to do the whole of the business for any group of road boards on the basis of an insurance pool.

That was the motion that was carried, and not what appears in the Bill before us. I will vote for the second reading of this Bill, but am going to press hard for some amendments to give effect to what I have suggested, and to confine the operation of the measure to those boards that have formed themselves into a pool, so as not to open the door for individual road boards to transact business through the State Insurance Office.

Hon. H. Seddon: Would not that require an amendment of the Road Districts Act?

Hon. C. F. BAXTER: I think the Road Districts Act would have to be amended, as I do not think there is provision in it for that. Having gone into all the figures. I am afraid that there is not a great deal of profit made out of road board insurance generally. I think it is easy to give the losses direct where claims have been paid, but in employers' liability or anything of that nature it is difficult for the road boards to have a record of it. I therefore do not place much confidence in the figures on the savings to be made. If the Bill cannot be amended to meet the desire of the road boards to provide for pools only to insure with the State Insurance Office, I shall vote against the third reading.

I do not wish to open the door to State trading. I know too much about the results of State trading concerns, as I have handled them as a Minister of the Crown, and know what they mean. Experience has shown me that it is not possible for a State trading concern to be conducted on the same basis as a business run in a private capacity, because there are so many different ways in which it is handicapped. Nationali-

sation is bad in any country, and nationalisation of this kind means loss of revenue. Insurance companies pay very heavy taxation, and if we put this business through the State Insurance Office we will lose that amount of revenue. If the second reading is carried, I hope the Honorary Minister will hold over the Committee stage to allow me to put certain amendments on the notice paper for tomorrow, so that members will better appreciate them. Otherwise, I am prepared to go on tonight. My action on the third reading will be based on the fate of those amendments.

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

*House adjourned at 6.10 p.m.*

## Legislative Assembly.

*Tuesday, 30th October, 1945.*

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

### BILL—SUPREME COURT ACT AMENDMENT (No. 1).

Read a third time and transmitted to the Council.

### BILL—CHILD WELFARE ACT AMENDMENT.

Report of Committee adopted.

### BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 25th October.

HON. N. KEENAN (Nedlands) [4.37]: This is a Bill to amend Section 10 of the Land and Income Tax Assessment Act to extend to two new classes the exemption