are trying to make up the lag of the six years of war and at the same time to reduce the hours of labour. As a result, we have been looking for what we are now facing—no houses and no goods, and naturally we are in difficulties.

It is my earnest hope that every one of us, irrespective of what our politics may be or what we are doing, will work harder and produce more during such time as we do work. It is my earnest hope that we can do that and induce our people to work a little harder. The question of pay does not really matter. So long as we work and produce more within the period devoted to labour, the sooner will we have houses, the sooner will we be able to add to the comfort and happiness of the people, and the sooner our standard of living will be raised still higher. I have pleasure in supporting the motion.

Question put and passed; the Address adopted.

On motion by the Minister for Mines, resolved: That the Address be presented to His Excellency the Lieut.-Governor by the President and such members as may desire to accompany him.

BILLS (6)—FIRST READING.

1, Lotteries (Control) Act Amendment (Continuance).

2, Supreme Court Act Amendment.

3, Fremantle Gas and Coke Company's Act Amendment.

4, Unclaimed Moneys Act Amendment.

5, Dentists Act Amendment.
Introduced by the Minister for Mines.

6, Dried Fruits Act, 1926, Re-enactment.
Introduced by the Honorary Minister.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR MINES. (Hon. H. S. W. Parker—Metropolitan-Suburban) I move—

That the House at its rising adjourn till Tuesday, the 9th September.

Question put and passed.

House adjourned at 7.57 p.m.

Legislative Assembly.

Thursday, 28th August, 1947.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

SERVICEMEN'S LAND SETTLEMENT.

(a) As to Planning—Officers, Trainees and Acquisition of Properties.

Mr. REYNOLDS (on notice) asked the Minister for Lands:

(1) How many farm-planning officers are there on the staff of the War Service Land Settlement Scheme?

(2) How many on the valuation staff?

(3) Is the number of farm-planning officers and valuation staff sufficient to implement the scheme?

(4) If not, what steps are being taken to increase the staff?

(5) What likelihood is there that returned servicemen classified as suitable will be given farms, say, within three years?

(6) How long after leaving Harvey training school can trainees expect to obtain farms?

(7) What action, if any, has been taken to speed up the purchase of large properties so as to expedite the provision of farms for these would-be settlers?

(8) Is the Government preparing legislation to amend the Closer Settlement Act, if necessary, so that these large properties may be resumed?

(9) How many of the first fifty farms were allotted to men who had been of commissioned rank?

The MINISTER replied:

(1) Nine (9).

(2) Commonwealth Taxation Department is responsible for valuations.

(3) Two more farm planners required.

(4) The Director has recommended the appointment of two farm planners and the positions are expected to be advertised at an early date.

(5) The likelihood of an ex-serviceman classified as suitable obtaining a farm will depend on his classification. All qualified men have been graded in six groups and it would appear that about 1,360 farms will be required to meet the known demand from qualified men.

(6) Thirty-six of the trainees who have completed the first course of training have been allotted farms. The time which might elapse before trainees who have not been allotted farms, and who attend the various courses can obtain farms, will depend on their classification.

(7) Publicity has been given to the desirability of obtaining large properties for the scheme, and the Director, Mr. Fyfe, has written to about 200 owners of those properties explaining his difficulties in obtaining farms and enquiring as to whether they are prepared to sell their holdings to the Government for ex-servicemen. Negotiations with the owners of large properties have so far been very successful, and a number of large properties are at present under consideration.

(8) The Government is considering this matter.

(9) Commissioned rank of itself is of no importance to the Allotment Board.

(b) As to Loans for Farming Properties.

Mr. MANN (on notice) asked the Minister for Lands:

In connection with re-establishment loans, will he advise—

(1) Number of ex-servicemen assisted in the purchase of farming properties?

(2) Number of loans made to ex-servicemen already owners of farming properties?

(3) Number of loans made to ex-servicemen for the leasing of farms for conducting share-farming operations?

(4) Total amount represented by the above approvals?

The MINISTER replied:

(1) 596.
(2) 454,
(3) 187.
(4) £1,026,900.

COAL.

(a) As to Safety of Collie Mines.

Mr. MAY (on notice) asked the Minister representing the Minister for Mines:

Having in mind the necessity for safety in the Collie coal mines, and in view of the fact that on the 18th and the 19th August, 1947, the State Mining Engineer visited the Cardiff Mine at Collie for the purpose of inspecting and reporting upon it, will he table the report of the State Mining Engineer in that connection?

The CHIEF SECRETARY replied:

Yes.

(b) As to Testing and Quality of Eradu Deposits.

Mr. BRAND (on notice) asked the Minister representing the Minister for Mines:

(1) To what depth has the shaft at Eradu coalfield been sunk into the actual coal seam?

(2) A Press report states that samples of coal have reached Perth, has any test or analysis been made?

(3) If so, with what results?

(4) Will he give assurance that every avenue of testing the samples of coal will be exhausted to prove their commercial value?

The CHIEF SECRETARY replied:

(1) The contractor reports having now sunk through the coal seam. Coal was struck at 150 feet.

(2) Preliminary samples were taken at the top of the seam and are now being analysed.

(3) Results are not yet to hand.

(4) Yes.

TRAM CARBARN.

As to Investigation for Decentralisation.

Mr. GRAHAM (on notice) asked the Minister for Railways:

In reply to my questions of the 21st August regarding the decentralisation of tramcar

barns in which he did not answer questions (1) and (2) thereof, will he state—

(1) Whether the Commissioner of Railways or the Manager of the Tramways were consulted regarding the appointment of the Town Planning Commissioner to investigate the decentralisation of tramcar barns?

(2) If so, what were their views?

The MINISTER replied:

(1) No.

(2) Answered by No. 1.

CEMENT WORKS.

As to Dust Nuisance at Rivervale.

Mr. GRAYDEN (on notice) asked the Minister for Lands:

(1) Is he aware that cement dust from the cement works at Rivervale has caused the residents of Rivervale considerable inconvenience for many years?

(2) Is he aware that cement works in other parts of the world have been able to obviate this nuisance?

(3) Will he advise what action is being taken in regard to the recent petition from residents in the area protesting against the nuisance?

The MINISTER replied:

(1) Some complaints have been received spread over a period of years.

(2) No.

(3) The Chief Inspector of Factories, together with Officers of the Health Department, is making investigations to ascertain if the company can take steps, other than those already taken, to minimise or control the distribution of cement dust.

RE-ESTABLISHMENT ALLOWANCES.

As to Applications, Approvals, etc.

Mr. MANN (on notice) asked the Minister for Lands:

In connection with re-establishment allowances, will he advise—

(1) Number of applications approved?

(2) Total number represented by such approvals?

(3) Average fortnightly payment?

The MINISTER replied:

(1) 1,492.

(2) £226,000.

(3) £6,360.

HOUSING.

As to Over-issue of Permits for Brick Homes.

Mr. GRAYDEN (on notice) asked the Minister for Housing:

(1) Will he advise the House the number of permits for brick homes which were over-issued in excess of material available as on the 1st April last?

(2) Is he aware that this over-issue of permits during the term of the previous Government has caused inconvenience and hardship to a large number of families awaiting homes?

(3) Have satisfactory steps been taken to ensure that such a state of affairs will not occur again?

The MINISTER replied:

(1) On the 1st April, 1947, approximately 170 permits for brick homes were held in the office of the State Housing Commission awaiting brick supplies. In the meantime the permit issue rate was maintained by the issue of permits for timber framed residences.

(2) Yes.

(3) The permit issue rate is now closely related to material supplies.

MUNDARING RESERVOIR.

As to Minimising Damage from Overflow.

Mr. GRAYDEN (on notice) asked the Minister for Works:

(1) Is he aware that damage is caused to settlers' property in the valley below Mundaring Weir when the weir overflows?

(2) If so, in view of this damage, will he investigate before next winter the possibility of releasing water from the weir before the weir overflows?

The MINISTER replied:

(1) It is not considered that the overflow from Mundaring Reservoir in itself is responsible for damage. There are many contributing factors to flooding.

(2) The matter has been investigated but it is not considered advisable to risk not filling Mundaring Reservoir to full capacity by scouring before imminent overflow occurs.

BILLS (2)—FIRST READING.

1, Traffic Act Amendment.
Introduced by the Minister for Local Government.

2, Street Photographers.
Introduced by Mr. Leslie.

BILL—RURAL RELIEF FUND ACT AMENDMENT.

Second Reading.

THE MINISTER FOR EDUCATION (Hon. A. F. Watts—Katanning) [2.35] in moving the second reading said: It will be remembered that in 1935 the Commonwealth Government, at the time when able a sum of money to the various States of the Commonwealth for the purpose of relieving farmers, who were over-burdened with debts, of the excess responsibility in respect of those debts. At least, that was the aim and intention as I understood it and as I think everyone interested understood it at the time the measure was introduced. The amount of money which was involved on a Commonwealth basis was a direct and immediate appropriation of £10,000,000, with an arrangement that an extra £2,000,000 might be forthcoming if the need arose. The £10,000,000 was, as required by the several States, distributed among the States, Western Australia's allocation up to the present time being £1,283,000.

The Commonwealth proposals made no provision for repayment of the money by the States; nor did the Commonwealth Act make any provision in itself for the repayment by the farmers of the amounts advanced to them for relief of their indebtedness. It was necessary, however, to implement the Commonwealth proposals in each year by State legislation; and I well remember that on the 10th September, 1935, which was the first day on which I entered this House, I found it engaged in the Committee stage of the Bill which was to deal with the funds so far as this State was concerned. While, as I say, there was no direct need for the State to repay the money to the Commonwealth, the Western Australian Act, as passed at that time—although not with my approval—contained a provision that the money advanced to the farmer for the purpose of composition of his debts should be a charge upon all his property, whether then held or subsequently acquired, and should be repayable, free of interest, over a period of 20 years, with an exemption that no payment, I think, was to be made for the first five years.

In the Commonwealth measure there is a section which provides that if any moneys are repaid wholly or in part to the State, the money so repaid shall be applied by the State for the purposes of the State scheme; and, for the purposes of the section, should be deemed to be moneys granted to the State under the Act. So that while there is no provision whatever or actual necessity for the State to believe itself to be under any obligation to repay these advances, nevertheless, as certain moneys have been repaid under the provisions of the Act as they have existed since 1935, it is impracticable—in view of that section in the Commonwealth statute—to consider making any repayment to those who have met their obligations in whole or in part. These at the present time represent a total of £60,643 out of a total advance of £1,283,000, plus advances ex repayment account of £2,543, making a grand total of £1,285,543, to 3,742 cases.

Much as it may be a matter for regret in contemplating the balance of what I have to say on this Bill, it is quite clear that we cannot, without the consent of the Commonwealth, repay that amount of £60,000 odd which has been repaid to the fund. There are also certain other aspects of the matter which have not rendered it easy to arrive at a decision as to what should be done in this particular case. It did exercise the mind of the present Leader of the Opposition. I am fully aware of that because, at the time, I was permitted to discuss the matter with him. I think I may honestly say that those discussions took place as a result of very strong representations I had made to him from time to time to take some action such as I now contemplate asking this House to take in respect of this matter. At that time the hon. gentleman had obtained information from the Crown Law officers, and that information expressed the view that Commonwealth legislation would be necessary to cancel the statutory mortgage which, in my view, had been most improperly imposed on the farming community by the 1935 legislation. I say "most improperly imposed on the farming community" for this reason:

The greater part of the money used in the relief of farmers' obligations was used in the relief of obligations either of an entirely

unsecured nature in respect of which there was no charge or security on the land or property of the farmer; or, alternatively, in respect of second mortgages only over land, because there was no provision in the measure which, as a general rule, enabled any relief to be given in respect of the debts owing to first mortgagees. Therefore, it was quite clear that in a substantial proportion of the cases, probably the whole of the money advanced, and in practically all the cases a proportion of the money advanced, was changed from an unsecured liability to one which was not only secured upon all the assets of the farmer at the time the advance was made but became a charge on the assets he subsequently acquired, and therefore did nothing but replace an unsecured liability, somewhat larger, of course, by a smaller liability, which was a first charge upon the assets he held at the time of the advance or which he subsequently obtained.

Hon. F. J. S. Wise: Have you any figures to show the relative amount of the original debt and the amount attached as a first mortgage?

The MINISTER FOR EDUCATION: Those figures can be obtained. I have not got them. I understand that to secure them would require some research. In consequence, from this aspect and from the aspect of the money being recognised at least publicly as a grant to the State, there has been a considerable amount of dissatisfaction among members of the farming community. There is a history associated with this measure to which perhaps I can find time to make some reference concerning the continued efforts on the part of myself and, if I remember rightly, the former member for Greenough, Mr. William Patrick, to secure an amendment to the Rural Relief Fund Act which would enable, where that was desirable, a compulsory adjustment to be made of the debts on first mortgage, while there was still a considerable amount of money available in this fund. Unfortunately, the Legislature did not see fit either to accept the measures —and there were two or three of them—in the form in which they were introduced, or to modify them to any degree which would have made them acceptable.

The measures in question were twice rejected in this Chamber; and subsequently, having passed this Chamber by what I regard as an accident, a similar Bill was rejected in the Legislative Council. In that case I cannot violently disagree with the Legislative Council because this House, which is so frequently referred to as the one where all wisdom lies—and I am sure that reflects the thoughts of my friends opposite —had rejected a very similar measure on two former occasions and did subsequently —which is much more important—reject a similar measure introduced by the member for Pingelly. So that induces me to observe that on the occasion to which I refer when the measure was allowed to reach the Legislative Council at a very late hour of the session, its passage was probably an accident.

Hon. F. J. S. Wise: What attitude do you think they will adopt in regard to this one?

The MINISTER FOR EDUCATION: I venture to suggest that it will pass without the slightest difficulty. That, I think, deals sufficiently with the history of the desire to amend the legislation, which was not successful; but there was, in 1942, an amendment which was successful. Here again I think I can honestly say that my representations in the matter at least made some contribution to the determination of the then Minister for Lands, if I remember aright, who is now the Leader of the Opposition, to introduce this measure, which gave trustees power to write off the moneys owing in certain cases. Those cases were broadly where the debtor had, since the making of the advance, seen active service with the Armed Forces; where the debtor had abandoned his farm; where the debtor, since the date of the advance, had received from his first mortgage a writing-down of his indebtedness; and in other circumstances which the trustees thought proper.

That amendment was discussed in this House in my absence at the Constitutional Convention in 1942. Of course, that was very right. I am not complaining about it. The business of the House could not be held up because I was not here; I frankly admit that. I mentioned the matter merely to indicate that at that time I did not have an opportunity to express my views. If I had had an opportunity, I am certain I would have suggested that some additional action be taken. However, under those extra provisions of the 1935 Act a considerable amount has been written off. But it will be readily realised that there was nothing very

magnanimous in writing off an amount owing on an abandoned farm, and such amounts represent the major writing-off that has taken place or is contemplated because these provisos also make reference to properties in the marginal areas.

It is anticipated that a substantial sum, although not yet written off, will have to be written off under the 1942 Act, in respect of the marginal areas. The existing position is that out of 3,742 cases, 355 have had a total writing-off, at an average of £364 per case, of £129,005. Of these cases, 76 have had a 50 per cent. writing-off at an average of £235, or a total of £19,261. Some 43 cases have had a partial writing-off of less than 50 per cent., amounting to a total £14,042, thus making a total written off of £162,308 out of the total sum of £1,285,543 that has been advanced.

Hon. F. J. S. Wise: All of these figures apply to the 1942 legislation.

The MINISTER FOR EDUCATION: That is so. It is estimated—and I am given to understand that it is the marginal areas that have not been actually dealt with—that there will have to be an extra writing-off of £264,184, which could take place under the 1942 Act. Therefore, after allowing for all these sums, that is to say the repayments, the writings-off and the probable writings-off under the 1942 Act, there will remain a balance of the fund due by the farmers of £800,151. After making allowances for all the writings-off and anticipated writings-off it leaves a total of 2,532 cases of an average advance of £316.

There is no question in my mind that the provision that the advance should be a charge upon all the assets the farmer held at the time the advance was made, or subsequently acquired, has in many cases proved a detriment to the trading which has been done by responsible farmers in their everyday business affairs. It has been particularly noticeable in their livestock transactions because, in order legally to ensure that the purchases they may make, or indeed any sales they make, are not likely to come at some future time within the provisions of this Act, and therefore claimable by the trustees, it has been necessary to make provision for an exemption by the rural relief trustees, either generally—in certain cases of stock firms—or individually where the farmer is involved more personally.

On the other hand, when properties have been sold, if there has been any equity in the sale price above the registered charges on the land and other obligations recognised as forming part of it, it has been necessary to consult the trustees to see what arrangements could be made in respect of the outstanding liability to them. It has been necessary in a number of instances for men who have grown old and desired to get away from their properties and who have not much equity in them—especially in view of the control of prices so rigdly enforced by the Sub-Treasury—to be asked, but not necessarily to have to do it finally, to hand over the greater part of the equity so as to relieve their obligation to the rural relief trustees.

It is true, as I have said, that the trustees had the fifth power to write off any circumstances that they considered proper, and to some extent that power has been exercised. I can sympathise with the attitude of the trustees, and I do not criticise them, because they probably felt that although the legislature had included these words at the end of the paragraph, they were entitled to use the discretionary power only in cases which bore some resemblance to those mentioned in the measure. Therefore, they had not at any time declared an intention to effect a general writing-down. But the very inclusion of those words in the measure of 1942 indicates to me that no doubt was raised at that time as to the ability of the State to write down, or to write off. It has, therefore, been a matter of wonderment to me why, in 1946, the conception arose that Commonwealth legislation would be necessary to cancel the mortgage.

Hon. F. J. S. Wise: What did the Crown Law officers say to it?

The MINISTER FOR EDUCATION: The view expressed at the present time is that this measure is a practicable one.

Hon. F. J. S. Wise: They do not agree with the former decision that Commonwealth sanction is required?

The MINISTER FOR EDUCATION: I will deal with the question of Commonwealth sanction in a moment or two. Other opinions held by them were that State and Commonwealth legislation would be required to terminate the appointment of the trustees, and that Commonwealth legislation would be necessary to authorise the repayment of

amounts collected from farmers. There is, under the Commonwealth measure, no shadow of doubt about Commonwealth legislation being necessary to authorise repayments. We are not in a position to repay them without Commonwealth consent. We are under an obligation to retain them in a fund, which we will call a revolving fund, for future use because the words in the Commonwealth measure are—

> If any moneys are repaid wholly or in part to the State the moneys so repaid shall be applied by the State for the purposes of the said scheme.

Hon. F. J. S. Wise: The word "if" is definite.

The MINISTER FOR EDUCATION: Yes. It implies no obligations to collect but, if we do, we must hold, and therefore I am completely satisfied—I think all Parties are in agreement—that there is a distinct trusteeship, and perhaps something stronger, in relation to the moneys that have been repaid. Towards the end of 1946 the matter was referred to the Prime Minister, who replied stating that the Commonwealth had no objection to the writing off of all debts that the farmers were unable to pay, but in other circumstances would object, because of the number of cases in the past in which Commonwealth assistance had had to be given to farmers.

To agree to the State's suggestion to introduce legislation to overcome not only the point I have just stressed but the other point mentioned in the communication, would not only cause embarrassment to the Commonwealth but to the States. The Commonwealth asked for further information, and this was supplied, and in a further letter the Commonwealth finally declined to agree to the proposal because of the reasons stated and because, should refunds be made in this State—of course we intend, as I have said, to make no refunds—there would possibly be demands from farmers in other States, which would no doubt end in the Commonwealth having to find additional funds, which argument I regard as entirely fallacious, because the fact that we make refunds in this State—if we had legislative or other authority to do so—would not in my opinion end in the Commonwealth having to find additional funds. That would be a matter for its discretion.

Hon. F. J. S. Wise: It would be different if the States had uniform legislation.

The MINISTER FOR EDUCATION: It is estimated that approximately £800,000 will be outstanding after provision has been made for the writing off of the debts, which writing off has been authorised by the 1942 Act, either under the specific headings of that Act or at the discretion of the trustees. The Bill provides that farmers can have the balance of their accounts written off if they repay 20 per cent. of the amount advanced. That 20 per cent., with the funds already in hand, should provide a revolving fund of approximately £250,000, and therefore that amount will be available to deal with any circumstances that may arise, such as the fear that apparently exists in the communication from the Commonwealth and, while there is no intention in the Bill to abolish the position of trustees, it will necessitate the retention by them of their existing powers and the right to deal with, and recommend in respect of, the moneys that will be in the fund.

Hon. F. J. S. Wise: You are anticipating that this Bill will induce them all to pay the 20 per cent. of their indebtedness?

The MINISTER FOR EDUCATION: I anticipate that strongly, and if the anticipation is not realised the amount will be still outstanding 100 per cent.

Hon. F. J. S. Wise: Then you would not have the £250,000 revolving fund?

The MINISTER FOR EDUCATION: No, but it should be easier to recover 20 per cent. than 100 per cent. I think we will be less reluctant to recover the 20 per cent., when there has been evident reluctance on the part of all of us to recover 100 per cent. I think that is an honest statement of the position.

Hon. F. J. S. Wise: They were often pleaded with.

The MINISTER FOR EDUCATION: Their pleas apparently did not fall on deaf ears. Throughout my discourse on the subject I have refrained from saying anything in the least critical of the actions of the Minister who was in charge of this Act for a number of years, and who sits opposite me now.

Hon. A. H. Panton: I was too soft.

The MINISTER FOR EDUCATION: Such applications as I made to him were treated in the way in which I would have liked to treat them had they been made to

me, and therefore, while I am prepared to be caustic at times, I will not be so in this case, because I have no cause for complaint and Parliament will settle the matter that I am now debating. I will reiterate that the State cannot overcome the difficulty in regard to the amounts already repaid, because of the necessity for obtaining Commonwealth approval which, as already stated, has been declined.

It is considered that although the Commonwealth provided the funds for this Act it left the control of the terms of the disbursement at the discretion of the individual States, and it is obvious from the varying conditions in each State that the States fully exercised that right. It is considered that the State is free to decide the question of what farmers will repay, and the terms and conditions of repayment. It is beyond doubt that once any money has been repaid it must remain in the revolving fund. That I think, makes perfectly clear the difficulties that surround this matter, the reasons for this proposal so far as I have explained it and the fact that it should be and I believe will be a very considerable relief to a great number of farmers in this State, which we are reasonably under obligation to give them, and of which at this lapse of time—a matter of twelve years since some of them received their advances—we should not hesitate to take advantage.

The next amendment in the measure is that the provision in regard to making the statutory charge apply to after-acquired assets is to be removed in any event. That is to say, whether the farmer pays the 20 per cent. or not, the assets upon which the advance will be charged while it remains an advance will be those that he held at the time of the making of the advance, which, of course, will be principally his land and property, and there shall be substituted a proposal that no mortgage or charge whensoever executed subsisting pursuant to this section shall affect such after-acquired assets, any provision to the contrary notwithstanding.

That, I think, gives fairly full details of what this measure proposes to do. It proposes to relieve farmers who are prepared to pay 20 per cent. of their indebtedness, either in a lump sum or by instalments over a period—as soon as they have paid it—of the balance of 80 per cent., which is justified on the grounds that I have given. It proposed, moreover, to provide that the charge on the after-acquired assets shall no longer exist, and it does not propose to prevent in any way the trustees exercising the right which they previously had under the Act of 1942 in respect of those cases that were governed by that Act.

Hon. F. J. S. Wise: Would you make available to me copies of the correspondence between the Prime Minister and myself on the Crown Law ruling?

The MINISTER FOR EDUCATION: I think I can do that. In all the circumstances I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [3.0] in moving the second reading said: It may be a coincidence that I am sitting in the seat of the member for Kanowna who, when he occupied a Ministerial position, frequently informed the House that he was about to introduce a very small and simple Bill. One such measure was to amend the Electoral Act and another very small and simple measure was the Bill to amend and consolidate the Companies Act. Today I feel pleased that I am able to say that this, the first Bill I have had to introduce, is a very small and simple one.

Hon. E. Nulsen: It is really a little Bill.

The MINISTER FOR LANDS: Yes. It is one to continue the operations of the Industries Assistance Act which is a measure to provide for assistance being given to drought-affected farmers or farmers who were subject to adverse circumstances. During the past years this Act has been much availed of and has been used to give seasonal assistance, not only to wheat and wool growers but to other farmers who have, through adversity, been compelled to seek the help of the Government to enable them to carry on their farming operations. Out of the many advances that have been made from time to time there still remains outstanding and owing to the State Government £48,049 principal and £3,128 interest,

and the only security for these unpaid advances is governed by the Industries Assistance Act.

It is necessary, therefore, that this Act be re-enacted so as to continue the authority necessary for the protection of advances previously made and now outstanding, and to provide the necessary machinery whereby further assistance may be granted to settlers who, in the future, may require governmental assistance as a result of bad seasons caused by drought, floods, etc. During the past year the Commissioners approved of £40,870, being made available to various farmers, and the payment of these moneys by the bank will extend over the balance of the growing crop period and also the harvesting period. It is, therefore, necessary, in view of the Commissioners' commitments in this regard, for the Act to be continued so that payments can be made as contracted and that repayments of the moneys so advanced, shall be secured under its provisions.

The Commissioners have, as security against such advances as provided for in the Act, a statutory lien against the settler's proceeds, etc., and also a caveat against the land. This is the only form of security that the Commissioners have for this particular class of advance and, in the absence of the Act, the security previously held would be lost. This is an important feature, but equally as important is that a measure such as the Industries Assistance Act is necessary to provide for seasons of adversity that occur from time to time. While such a measure is in existence, the present securities are maintained and the Treasurer has ways and means of delegating to the Commissioners his direction to make moneys available to those farmers who will become eligible under the Act. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [3.5] in moving the second reading said: While consideration was being given to certain amendments to the Constitution Act, which it is proposed to bring down later in the session, it was found that, by an inadvertence, an anomaly had arisen under the Constitution Act, 1899, in relation to the number of ministerial officers or, in the wording of the Act, of the "number of principal executive offices of the Crown." Prior to 1927, there were six of those ministerial offices or principal executive offices of the Crown, but in the amending Act passed that year the number of principal executive offices was increased from six to eight, and the appropriation, by way of salary, was increased from £6,200 to £8,200. By some inadvertence in drafting a consequential amendment was not made to Section 37 of the Constitution Act 1899.

The 1927 Act, to which I have referred, deals first of all with Section 43, which provided that there shall be six principal executive offices of the Crown liable to be vacated on political grounds, and no more, and provides that there shall be eight such offices. The 1927 amending measure goes on to provide for an amendment to increase the appropriation, as I have already indicated, from £6,200 to £8,200, which amount is set out in the schedule to the Constitution Act, which provides for those salaries.

Hon. F. J. S. Wise: You are not amending Section 43 as it appears in the Standing Orders on page 174?

The ATTORNEY GENERAL: Section 43 was amended in 1927. That is a section prescribing the number of executive offices and the 1927 Act increased that number to eight, as I have already indicated. However, when that was done it was apparently overlooked that Section 37 of the 1899 Act made reference to six principal executive offices, and that section was left unaltered, whereas there should have been a consequential amendment to Section 37 to prescribe that there should be eight such offices.

Hon. F. J. S. Wise: I cannot follow Section 37 as re-printed.

The ATTORNEY GENERAL: It is included in the book containing our Standing Orders at page 172. The proviso to Section 37 refers to the six principal executive offices of the Government and, when in 1927 that number was increased to eight, a consequential alteration should have been made to Section 37 by deleting the word "six" and substituting "eight."

Hon. F. J. S. Wise: My point is that the word "six" appears in the second line, not the first line, as stated in the Bill.

The ATTORNEY GENERAL: It appears in the first line of the printed statutes, but the re-print in the handbook containing our Standing Orders is set in narrower measure and the word appears there in the second line. Section 37, in respect of which a consequential amendment was not made, prescribes—

> If any person while holding an office of profit under the Crown, other than that of an officer of Her Majesty's sea or land forces . . . be elected a member of the Legislative Council or of the Legislative Assembly, he shall, if he takes the oath . . . be held by so doing to vacate his said office.

The proviso stipulates that the section shall not apply to the six principal executive officers of the Government. This means that if a Minister takes the oath, he does not vacate his office because he is holding an office of profit under the Crown.

Hon. A. H. Panton: You are not amending that provision now?

The ATTORNEY GENERAL: No. The position of a member who accepts an office of profit as a Minister and thereby vacates his seat is dealt with in another part of the Act. I do not think there is likely to be any question as to the interpretation of the Constitution Act. The proper view, in my opinion, would be that the omission to make the alteration to Section 37 was by inadvertence and the intention of the Act was clear enough.

Hon. F. J. S. Wise: That alteration could almost have been made by the Clerk of Parliaments.

The ATTORNEY GENERAL: It might have been so made, but it has been in the section since 1927, and as we intend to bring down legislation later to deal with the Constitution, we consider that the anomaly should be removed and that any possible question should not be permitted to remain. It is therefore a technical Bill in the sense that it is designed to make an amendment that was overlooked in 1927. It does not affect anyone adversely, but makes the position perfectly clear with regard to past holders of the principal offices of the Crown and future holders. I move—

> That the Bill be now read a second time.

HON. A. H. PANTON (Leederville) [3.14]: It seems that the object of this Bill is merely to correct an anomaly, and so I think it might be allowed to go to the second reading without an adjournment of the debate. It is a straight-ahead measure and, if the Minister so desires, we have no objection to its passing into Committee now.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILLS, PRINTING.

As to Procedure.

The MINISTER FOR EDUCATION: There has been some little difficulty with regard to the printing of a couple of Bills that I wish to introduce. I understand that copies will be here in about a quarter-of-an-hour. Shall I be in order in asking that the sitting be suspended for that time?

Mr. SPEAKER: Yes.

Sitting suspended from 3.18 to 3.41 p.m.

BILL—CHILD WELFARE.

Second Reading.

THE MINISTER FOR EDUCATION (Hon. A. F. Watts—Katanning) [3.41] in moving the second reading said: Hon. members may imagine from the appearance of this Bill that it is an entirely new measure with a vast number of new clauses; but, while it contains some important amendments of the existing law in relation to child welfare, it is easy to explain the reason why the whole measure has been reset. It is that the Child Welfare Act is virtually out of print, and these amendments, being considerable, would have amended a measure practically out of existence, and persons requiring to refer to the original Act would be at a great disadvantage. In consequence, it was deemed advisable to consolidate and reprint the whole measure. That is the reason for taking such action.

The Bill also contains a few minor amendments, some of which I will deal with later,

although I think they will be perfectly clear to those who read the Bill. The care of children and their correction—if and when they need correction; the less often perhaps the better—is one of the greatest things that we of this generation can attempt, because children are the coming citizens of our country and upon them will fall, when they reach adult years, the responsibility which we now are shouldering. It is undesirable that because a child is born under what we might call low-privilege or under-privilege conditions, it should have any stigma cast upon it when it reaches maturity. It should, as far as possible, be given every opportunity to develop, notwithstanding its perhaps unfortunate antecedents, in the same way as is every other child in this community in more favoured circumstances. So I make no apology for some of the suggestions which are of a new character in this Bill, and which are aimed at making a start in improvements in the way we control children who are unfortunate either at birth or shortly afterwards, or in their adolescence.

I have felt for a long time as I think all of us have, that the Children's Court is absolutely essential. Some of us have, however, doubted whether its jurisdiction should not be somewhat altered. In the past it has dealt not only with offences by children but also with affiliation cases, cases where the maintenance of a child born out of wedlock is concerned and also in a great number of instances with offences by adults against children. In regard to the latter two items particularly it is considered that some changes are necessary. In regard to the former, there may be cases where affiliation matters should be dealt with in the Children's Court. It may be, for example, that the child concerned is a ward of the State; it may be thought in those circumstances that the Children's Court should deal with the case. This Bill therefore proposes that the jurisdiction of the Children's Court in respect of affiliation cases should no longer exist; that is, except in one instance which I will mention in a moment, but that those cases should be heard and determined by a resident magistrate sitting in a court of petty sessions, or by a court of petty sessions where no resident magistrate is available, except where the Minister in charge of child welfare directs that any particular case shall be heard in the Children's Court.

The Bill also proposes to do away entirely with the jurisdiction of the Children's Court over offences by adults against children, because it is believed that such cases—many of which are of an extremely unsavoury character—should be dealt with by some other court. A great deal of discussion and inquiry has taken place on this aspect of the matter, and it is thought that the best and most considered opinion is that such cases should be removed from the jurisdiction of the Children's Court. Consequently there will be left in the jurisdiction of the Children's Court—other than the cases which directly involve the care of neglected or deserted children or State wards and cases which deal with offences by children—only those which hitherto, and in the future also so far as this Bill is concerned, will come under the control of the Children's Court in respect of the Guardianship of Infants Act.

The original Act governing child welfare provided that officers of the Children's Court—the magistrates of the court and others—should come under the Public Service Act if the Governor so declared. That provision, which was a sub-section of the Act, has been deleted, the intention being that all the persons employed in and about the Children's Court, including of course the magistrate or magistrates who might be employed in the future, should come under the provisions of the Public Service Act and be entitled to such privileges and benefits as other magistrates and public servants are entitled to under that Act, and as I believe all such persons will be entitled to in the future. It is the intention of the Government, as is already well known, to appoint for and appoint a magistrate who is either a legal practitioner or a person who has passed the magistrate's examination and is deemed to be suitable for the conduct of the business of the Children's Court. Unquestionably care will have to be taken in the appointment of such a person; but I have no doubt whatever that among the applicants will be found one that will measure up to those requirements, as it is intended to offer a salary commensurate to that which is paid to the more senior of the resident magistrates, in lieu of the amount of £500, plus the basic wage adjustment, which was the salary of the present magistrate.

I might say in passing that it is not intended—and here I make reference to

the observations last evening of the member for Northam—to establish a psychological clinic at this juncture; nor is it intended to establish within the Children's Court a person who may be classed as the Government psychologist or who would carry out the duties expected of such a person. It is intended, however, that in connection with children who may be regarded as mentally weak or deficient, some special provision shall be made for them in premises to be acquired for that purpose where, with the aid of the necessary skilled staff, they may receive such treatment at the hands of medical practitioners, including a psychiatrist where necessary, as may be likely to be conducive to their mental betterment or recovery, because it is felt that separate premises in suitable and congenial surroundings should be made available for such youngsters who seem at present to have no specific place, although they are not in very large numbers, where they can be successfully dealt with from the time when they come within the purview of the Children's Court.

When a child or anybody else is suffering from some physical disease, having ascertained that that is so, we do not punish him or her for having that disease. But unless we are very careful and take proper steps to ensure that the mental condition of a child is good enough for it to understand just what it was doing, there is a risk that we may punish it when it is more deserving of treatment than of punishment. Therefore, we propose to do what we can, at present in a somewhat limited way, with hopes of an extension in future, to provide facilities where this treatment can be given.

Turning back for a moment to the constitution of the court itself, it will be remembered that the original Act authorised the appointment of members of the Children's Court. I do not think that, with the exception of the special magistrate, there have been many members of the Perth Children's Court appointed. A great number of honorary members have been appointed to undertake duties under the Child Welfare Act in the Children's Courts in country districts, and it is not proposed at present that there should be any interference with that practice. But it is felt that it may be desirable—in fact, that it is desirable—to appoint to the Perth Children's Court three members; and after very careful consideration, it has been decided to appoint three female members who may sit with the magistrate one at a time. The reason of that is, of course, that it would be improper—as it has been improper in other cases—for two of them to sit with the magistrate at one time and by a combined decsion over-ride the finding of a qualified man. At the same time, it may be very desirable that the point of view of a female member should be taken into consideration when a decision is being made.

This involves the appointment of persons who are specially qualified by knowledge, experience and environment to appreciate the child mind and to assist in the adjudication of some of the difficult cases that come before the court. But above all, transcending that argument in my opinion, is the one that says that the advice and assistance of such a person in close contact with the procedure of the court, within—as it were—the family circle of the court, able to notice all that is going on and able to tender advice to the responsible authorities as to what changes or improvements might be made, would indeed be invaluable. It is for that reason primarily that I contend the appointment of these members I have mentioned will, without question and particularly ultimately, bring about a very great improvement in Children's Court methods and facilities and handling of the various cases that are dealt with. But, as I said, it will not be desirable for two members of the court to sit at once with the magistrate and over-rule his decision. Therefore, the Bill makes specific provision that they shall sit with him one at a time. If they are in agreement, well and good. If not—as applies in cases where J.P's. sit with magistrates in petty sessions—the opinion of the senior member shall prevail.

Hon. J. T. Tonkin: In other words, they can sit with him but not on him.

The MINISTER FOR EDUCATION: That is it. We know what has happened in other matters. We know what has taken place elsewhere. It has been discussed in this House; and I do not wish to be placed in that position in the case of the Children's Court magistrate.

Hon. E. Nulsen: Will the members of the court be honorary?

The MINISTER FOR EDUCATION: That is the intention. The next thing I believe to be of very great importance in this measure is provision for some alteration in

connection with the publication of reports of cases that come before the Children's Court.

Hon. A. H. Panton: Hear, hear!

The MINISTER FOR EDUCATION: Hitherto the situation has been that publicity could be given to those reports unless the magistrate otherwise directed. That means to say that unless the magistrate specifically orders that no publicity or only a restricted amount of publicity shall be given, publicity can be given to the fullest extent. The Bill, therefore, proposes that no publicity shall be given unless, in any particular case, the magistrate directs that it shall. As a result there will have to be a special direction from the magistrate before publicity can be given.

Hon. E. Nulsen: That is an excellent idea.

The MINISTER FOR EDUCATION: It has been felt that there may be cases where some kind of publicity would be warranted, and in those circumstances the magistrate will be equipped with authority to direct it; otherwise it will not exist. There are peculiar considerations attaching to the publicity of the proceedings of a children's court constituted according to our modern conceptions. We desire to throw a sort of protecting mantle over the child. We all have hopes of his regeneration and that, delinquent though he may be, he will become a respected and honoured citizen. We know that such cases have occurred. We do not want to minimise them by giving anyone an opportunity to blacken a child's reputation so as to hang to him in later years. I do not for a moment suggest that any publicity in the past has been given with the slightest intention of having that effect, but I think it is up to us, as a Parliament, to declare our views on this subject. If they are, as I believe they will be, in consonance with the provisions of the Bill, there will be no doubt about the position, and the discretion, where there may be a good case for the use of publicity, will be left in the hands of the magistrate.

Another provision in the Bill that I regard as being of great importance is that concerning the alteration of the procedure for dealing with a neglected child. Hitherto, when a child has been deemed to be neglected—and members will find the definition of a neglected child in the measure—he or she has been charged with being a neglected child. When A steals £10 he is charged with stealing. Under our present procedure a child three days old can be charged with being a neglected child. In my opinion it is not desirable that that procedure should be continued. A child of that age and indeed many older children have committed no offence. The offence, if any, and there usually is one, lies at the hands of those who have neglected him or her. In consequence, if there is any charging to be done within the common meaning of that term, it should be against those who have caused him or her to be neglected. Therefore, it is proposed, as there has to be a means of bringing such cases before the magistrate so that they may be committed to the care of the State or other action taken, to apply to the court for a declaration that the child is neglected. There will be no summons or other process served upon the child, unless it fails to appear and the magistrate thinks it ought to be there. That is a move in the right direction, namely, that of overcoming something which has been due for consideration for a very long time.

The Bill also proposes to enable the court to make recommendations concerning children appearing before it when it is alleged that they are delinquent, neglected, destitute or uncontrollable, and it provides that the court's recommendation shall not be departed from without the consent of the Minister. Section 28 of the Act provides that children can be remanded for only eight days at a time, but many are in need of psychiatric treatment and eight days is by no means a sufficient time for the purpose. The existing law demands that children shall be brought before the court each week. I understand that no definite information, in regard to such treatment, can be given to the court under one month. It is, therefore, proposed that such a child can be remanded for one month. This, incidentally, is similar to the provision in Section 10 of the Mental Treatment Act. Section 50 of the Child Welfare Act provides—

> The secretary or the governing authority of any institution, as the case may be, may, by indenture of apprenticeship, bind any ward apprentice to any suitable person.

It is desired by this Bill to delete the words "or governing authority of any institution" because it is considered that the Child Welfare Department should be the only authority to deal with its wards; and the clause

has application to wards of the State. If a ward is placed in a subsidised institution and is ready to go into employment, the department, it is thought, should help to find that employment, attend to the ward's indentures, safeguard his or her savings bank matters, and, in fact, carry out all the obligations thrown upon it by Section 10. It is felt that the Child Welfare Department alone should act in regard to the placement of its wards.

It is not considered proper that the governing authority of an institution should be able to place a ward of the department with relatives, or board him or her out in any other way. It may be, of course, that the suggestion made by the governing authority of an institution would, in many cases, be readily accepted by the department. I have no reason to doubt that in the great majority of cases that would be so. But it is considered that the final say in the matter should be with the Child Welfare Department which has the proper machinery for inspecting homes. It should be responsible for all decisions of a major character regarding the placement of its charges. As a result of that amendment there are a considerable number of other amendments of a consequential nature. The Child Welfare Act, it was found, still makes reference to the State Savings Bank as the place where, for example, moneys, the property of a State ward, may be placed for safe custody by the department. There is not a State savings bank, so the Bill now proposes to substitute for that the Commonwealth Savings Bank.

Hon. J. B. Sleeman: What happened to the State Savings Bank?

Mr. Leslie: Ask Mr. Scullin.

Hon. J. B. Sleeman: Ask Sir James Mitchell and Mr. Latham.

The MINISTER FOR EDUCATION: I know of no greater inconsistency than the member for Fremantle, who objects to there being no State Savings Bank, apparently, but now wants to have only one bank.

Mr. Fox: We have not enough money for both.

The MINISTER FOR EDUCATION: There is an amendment in the Bill that relates to the old Section 80 of the Act, which is the section used when a near relative liable under a maintenance order desires to have the order varied. As the section stands in the Act he is obliged to summon other near relatives of the child concerned so that the onus of contributing to its support may be shifted on to some one or more of those other near relatives. In practice, however, it seems that the near relative liable upon the maintenance order summons, the person who obtained the order in the first instance against him and in many cases the person who obtained the order, is not a near relative of the child concerned. The bulk of the orders made in the Children's Court are in favour of the Child Welfare Department, and if the person against whom the order is made desires to have it reduced, suspended or cancelled, he should summon the Child Welfare Department to court so that it has an opportunity of cross-examining him as to his means. This amendment is therefore considered essential and, it is thought, will certainly simplify the position existing under the parent Act.

Another major amendment proposed in the Bill which may, in the light of past discussions in this House, be considered to be of a controversial nature, is an alteration to the provisions of the old Section 104 of the Act, which enabled a child over the age of 12 years to obtain a licence to engage in street trading. It is considered that 12 years is too young for a child to engage in that type of work and the Bill proposes to raise that age from 12 to 14 years.

Hon. A. H. Panton: You want to tighten up the definition of street trading.

The MINISTER FOR EDUCATION: If the member for Leederville can suggest a suitable amendment I will give it consideration. I am prepared to consider any reasonable amendment. The old Section 118 of the Act required a person who took a child for adoption from any place such as a hospital to notify the Child Welfare Department within seven days of his so doing. The addition to this section is designed as a check on such actions, inasmuch as it requires the hospital or person, from whom the child is removed, also to notify the department within seven days. As most children taken for adoption are illegitimate, this will enable the department to follow their movements more readily. The old Section 136 of the Act was used where adults

were charged with contributing to the neglect of children and it provided a penalty of £30 or imprisonment for three months. Those were the maximum penalties. That penalty is considered inadequate for some of the worst cases brought before the Court, and it is recommended that it be increased to £50 or imprisonment for six months, and that an irreducible minimum of £5 should be set down. Dealing with the definition of "neglected child," it is desired to include the word "welfare" in the old Section 137. At present a child is deemed to be neglected if his life, health or safety is endangered through employment in a circus or acrobatic entertainment, but no thought has been given to his welfare, and it is therefore proposed to incorporate that word in the new section.

The Bill also contains certain additions to and deletions from the list of subsidised institutions in order to bring the Second Schedule of the Act up-to-date in the light of present day conditions. Summed up, the measure is intended as a contribution to the better management and welfare of those children who, through no fault of their own, in the great majority of cases, not having the advantages available to those more fortunately placed, become wards of the State, or are adopted and looked after by foster mothers, or who are placed at institutions as wards of the State, and others who may come under the aegis of the Child Welfare Department. It is thought that much more can be done for such children, and many other aspects of the attention that should be directed towards them will be discussed by me when the House deals with the Estimates related to this department. For the moment it is desired to make a start on the alterations, the principal ones of which I have mentioned, in order that there may be a commencement in the improvement of the machinery that deals with these children, and some contribution towards better opportunities for them in their adult life. I move—

That the Bill be now read a second time.

On motion by Hon. J. T. Tonkin, debate adjourned.

House adjourned at 4.18 p.m.

Legislative Assembly.

Tuesday, 2nd September, 1947.

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

QUESTIONS.

NATIVE CHILDREN.

As to Education Policy and Segregation.

Hon. J. T. TONKIN (on notice) asked the Minister for Education:

(1) Has the policy for the education of native children been altered since the present Government has assumed office?

(2) If so, in what way has a change been made?

(3) Is it intended to segregate native school children from white children at all schools where native children are in attendance?

The MINISTER replied:

(1), (2), (3) Generally co-education of white and native children must continue, but in any particular case where this gives rise to difficulties the position will be dealt with in the light of the conditions prevailing in the school and the district concerned.

DEPARTMENT OF AGRICULTURE.

As to Loss of Professional Officers, Etc.

Mr. ACKLAND (on notice) asked the Minister for Agriculture:

(1) Is he aware of the loss of highly experienced officers of the W.A. Department of Agriculture to other States because of the better salaries offering?

(2) Is he aware of the tendency of young graduates in agriculture to seek positions outside the State because of the better career ranges and facilities available?