

(2) Without limiting the general powers conferred by subsection (1) of this section, any regulations made under this Act may . . .

(c) prescribe that fees shall be payable in relation to any application, licence, or other matter under this Act;

Paragraph (c) of clause 40(1) gives the Governor limitless powers to make regulations for or with respect to any matter or thing which is required to give effect to the provisions of the legislation. I am concerned it may empower the Governor to fix the charges security agents may make to their customers. I do not know whether that is the intention. If so, it has not been amplified. If it is the intention it may be a perfectly good one. I would like to have the position clarified.

If that is the intention I think it is desirable the world at large should know. It does not seem to me to be in keeping with the Government's policy. My concern is whether the provision will enable regulations to be made in respect of fees right across the board, including charges security agents may make for their services. If so, security agents may be in for something of a shock.

The word "fee" is also used elsewhere in the Bill. Fees may be construed as meaning a limited thing such as a charge for filing a document, but here "fee" really has another meaning, as is to be seen in clause 25(2), which says—

No fee or other moneys shall be chargeable by any person, and if charged shall not be sued for, recovered, or retained—

That was debated a few moments ago. In the language of the industry, one charges fees for services as a security industry operator, and that is exactly the same word as is used in clause 40(2)(c), which opens up the whole gamut.

This legislation has to do with the provision and control of security agents' services to the public right across the board. It seems to be a reasonable interpretation of clause 40 that regulations may be made by the Government to fix the fees chargeable by security agents to their customers. I would like to know whether that is the intention.

Mr O'CONNOR: I give the honourable member the assurance that it is not the intention of the Government to fix the fees a security agent charges his clients. The clause refers to fees under the Bill and is intended to apply to the fees charged for licensing security agents. Any fees set under the Bill would have to come before the Parliament by way of regulation for approval.

Clause put and passed.

Clause 41 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

As to Third Reading

MR O'CONNOR (Mt. Lawley—Minister for Police) [5.50 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Police), and transmitted to the Council.

House adjourned at 5.51 p.m.

Legislative Council

Tuesday, the 21st September, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

BILLS (7): ASSENT

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

1. Veterinary Preparations and Animal Feeding Stuffs Bill.
2. Offenders Probation and Parole Act Amendment Bill.
3. Dog Bill.
4. Companies (Co-operative) Act Amendment Bill.
5. Forests Act Amendment Bill.
6. Firearms Act Amendment Bill.
7. Criminal Code Amendment Bill (No. 2).

QUESTIONS (11): ON NOTICE.

1. FOOTBALL GRAND FINAL

Television Coverage

The Hon. R. H. C. STUBBS, to the Minister for Recreation:

As there are many residents in Western Australia who do so much to promote support and finance Australian Rules Football in their districts, and to enable them to see the Grand Final on the 25th September, 1976, on television during the game—

- (1) Will the Government make up the financial shortfall, if any, in the attendance receipts and so dispel the fear of the Western Australian National Football League of any loss of revenue, by so giving a very much wanted service to country supporters?

- (2) If so, will the Government take positive action to seek the co-operation of the WANFL and a television station with this aim in view?

The Hon. G. C. MacKINNON replied:

No. This decision is taken in the light of the direct radio coverage and the extensive replay on the programme "Today's Football" on ABC T.V. on the evening of 25th September.

2. INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

Funds

The Hon. J. C. TOZER, to the Minister for Education, representing the Minister for Housing:

Further to the answer to part (2) of my question No. 1 on Thursday, the 9th September, 1976, what sum of money is available to the Industrial and Commercial Employees' Housing Authority in 1976-1977?

The Hon. G. C. MacKINNON replied:

There is a cash balance of \$591 000 carried forward, and further funding for 1976-77 will not be known until the Revenue and Loan Budgets are introduced.

3. ABORIGINES

Royal Commission: Fee

The Hon. LYLA ELLIOTT, to the Minister for Justice, representing the Premier:

Will the Minister advise what fee was paid to Judge Lyn Cuthbert Furnell, Q.C., for the Royal Commission into Aboriginal Affairs in 1974?

The Hon. N. McNEILL replied:

\$27 143.78 for the period 25th July, 1973, to 10th September, 1974.

4. MINING

State Batteries

The Hon. R. H. C. STUBBS, to the Minister for Education, representing the Minister for Mines:

- (1) How many State Batteries are there in Western Australia?
- (2) Where are they situated?
- (3) How many "stamps" or other crushing equipment does each of them have?
- (4) Are they all working full time?
- (5) Are there any privately owned crushing facilities that crush ore for the public?
- (6) If so, where are they situated?

The Hon. G. C. MacKINNON replied:

- (1) 15.
- (2) and (3)—

	Head of stamps.
Boogardie (Mt. Magnet)	10
Coolgardie	10
Kalgoorlie	20
Lake Darlot	5
Laverton	10
Leonora	10
Marble Bar	10
Marvel Loch	5
Meekatharra	5
Menzies	5
Norseman	5
Ora Banda	10
Paynes Find	5
Yarri	5
	Crushing units.
Northampton	3

- (4) No. There is insufficient ore available.
- (5) No.
- (6) Not applicable.

5. INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

Mix of Funds: Criterion

The Hon. J. C. TOZER, to the Minister for Education, representing the Minister for Housing:

- (1) Further to the answer to parts (2) and (3) of my question No. 2 on Thursday, the 9th September, 1976, what criterion is used to determine the "mix of funds" used by the Industrial and Commercial Employees' Housing Authority to erect a house for any particular smaller country employer?
- (2) Can the Minister provide typical examples of how and why "the mix" is applied to arrive at rentals ranged between the wide limits of \$50.20 and \$70.00 per week?

The Hon. G. C. MacKINNON replied:

- (1) Mixing of funds would be aimed at maximising the number of units, which could be provided at rent levels within the financial capacity of applicant firms.
- (2) \$50.20 is based on 100 per cent General Loan Fund and \$70.00 is using 100 per cent semi-Governmental borrowing.

6. STATUTORY BOARDS AND AUTHORITIES

Consumer Representative

The Hon. LYLA ELLIOTT, to the Minister for Justice:

Which Statutory Boards or Authorities in this State have a consumer's representative on them?

The Hon. N. McNEILL replied:

The following have specific statutory provision for Consumer representation:—

Stonefruit Sales Advisory Committee;

Citrus Sales Advisory Committee;

W.A. Potato Marketing Board; 8.

Metropolitan Market Trust;

Apple Sales Advisory Committee;

W.A. Egg Marketing Board;

Midland Junction Abattoir Board;

W.A. Cost of Egg Production Committee;

Dairy Industry Authority;

Consumer Affairs Council;

Retail Trade Advisory and Control Committee;

Holiday Resorts Advisory Committee;

Motor Vehicle Dealers Licensing Board.

Additionally, several other statutory bodies have provision for consumer-type representation, but the function of the body concerned and the interpretation of the role of the representative makes compilation of a precise list of such bodies virtually impossible.

7. MINING

Nickel: Price

The Hon. R. H. C. STUBBS, to the Minister for Education, representing the Minister for Mines:

With reference to the world nickel prices, and taking 1966 as a base year, what has been the nickel prices for each type marketed each year until 1976?

The Hon. G. C. MacKINNON replied:

	Average for year	*Price U.S. Cents per lb.	Price Australia. Cents per lb.
	1966	78.9	71
As from:			
August, 1967		94	84
27 December, 1968		103	94
24 November, 1969		128	121
14 October, 1970		133	120
4 September, 1972		153	133
4 January, 1974		162	109
28 June, 1974		185	124
20 December, 1974		201	151
20 August, 1975		220	175

* Price per ton for electrolytic nickel cathodes fob Fort Colborne, Canada and US major producers.

There are, and have been, during the period under review at least another ten types of nickel products published in various price lists of reputable metal journals and bulletins but statistics are available only for the electrolytic cathodes.

LAND

Karratha Townsite

The Hon. J. C. TOZER, to the Minister for Health, representing the Minister for Lands:

- (1) What is the services premium and upset price raised on land in the Service Trades area of Karratha townsite?
- (2) Is such land available for purchase "across the counter" from the Lands Department?
- (3) Are there any inhibiting factors to prevent any entrepreneur from purchasing an allotment and developing a business in this subdivision—other than the provisions of the Agreement between the State and Farmers Stores Pty. Ltd.?

The Hon. N. E. BAXTER replied:

- (1) Premiums have been set at the rate of \$6 per square metre and the leasing of land in this area is being considered.
- (2) No.
- (3) Yes. Minimum standards of development and Town Planning considerations are currently being discussed with Townsites Development Committee and the Shire Council.

9. ABORIGINES

Lisa: Cause of Death

The Hon. LYLA ELLIOTT, to the Minister for Community Welfare:

Will the Minister—

- (a) advise the officially stated cause of the death of a six week old Aboriginal girl called Lisa, at a camp in Lockridge on the 22nd August, 1976; and
- (b) obtain a categorical statement from the doctor involved in certifying the cause of death, that it was not due either directly or indirectly to the child's sub-standard living conditions for three weeks in the camp prior to her death?

The Hon. N. E. BAXTER replied:

- (a) The Hon. Member presumably refers to a six-week old Aboriginal girl called Leesa who died in a children's centre on the 22nd of August, 1976. The

cause of death was sudden death in infancy syndrome (commonly called cot death).

- (b) No, the death has already been investigated by the Coroner.

10. BUILDING BLOCKS

Wickham

The Hon. J. C. TOZER, to the Minister for Health, representing the Minister for Lands:

- (1) How many residential allotments are currently being serviced in the non-Cliffs area of Wickham?
- (2) What is the estimate of cost to provide services for each single detached residential allotment in the new subdivision?
- (3) On estimated costs, what service premium and upset price will be raised on each allotment?
- (4) When is it anticipated that the land will be offered for auction or made available for the public?
- (5) Is it anticipated that Cliffs Robe River Iron Associates will require allotments for housing its own employees in this area?

The Hon. N. E. BAXTER replied:

- (1) 35 (includes 6 duplex).
- (2) \$6 000.
- (3) Service Premiums:
Single, \$6 000;
Duplex, \$9 000.
- Upset Prices:
Single, \$200;
Duplex, \$300.
- (4) Depending on completion of services, not before end of November, 1976.
- (5) If required, Cliffs Robe River Iron Associates may purchase lots.

11. WATER SUPPLIES

Country Abattoirs and Mallee Towns

The Hon. D. J. WORDSWORTH, to the Minister for Justice, representing the Minister for Works:

Further to the reply to my question No. 6 on the 15th September, 1976—

- (1) What is the expected cost of piping water to the site of the proposed abattoir at Esperance—
 - (a) if it is not proposed to extend the pipeline beyond the abattoir;
 - (b) if it is proposed to extend the pipeline to the towns to the north?

- (2) What is the diameter of the pipeline in each case?
- (3) What would be the total cost of a pipeline from Esperance to Salmon Gums to serve the Mallee towns and Gibson, and to supply standpipe emergency and drought supplies to farmers in the district through which the pipeline would pass?
- (4) What is the cost of supplying these towns with separate town dams and catchments?

The Hon. N. McNEILL replied:

- (1) (a) \$380 000;
(b) \$450 000.
- (2) (a) 200 millimetres;
(b) 375 millimetres.
- (3) \$3 million.
- (4) \$1 200 000 — includes Salmon Gums, Grass Patch and Gibson.

All estimates are based on August, 1976, costs.

QUESTION WITHOUT NOTICE

FREMANTLE PRISON

Nursing Staff

The Hon. CLIVE GRIFFITHS, to the Chief Secretary:

I refer to a report in *The West Australian* of the 20th September, in which it is reported that there were 10 fully qualified nurses available to treat inmates at Fremantle Gaol, but that none of them stayed on duty in the gaol later than 4.30 p.m. each day. I ask the Chief Secretary—

- (a) Is the report correct;
- (b) if it is correct will he take some steps to have the hours of duty extended; and
- (c) if it is not correct, what is the true position?

The Hon. N. McNEILL replied:

- (a) to (c) I am grateful to the honourable member for giving me some notice of his intention to ask the question. I advise that the report is not correct. Trained nursing staff is now rostered for duty inside Fremantle Gaol for 24 hours a day, seven days a week. This system has been in operation for some weeks now. However, even before that, trained nursing staff remained on duty inside the prison until 11.00 p.m. each day—not 4.30 p.m. each day—and on call throughout the

night. The prison superintendent informs me that the longest time it has ever taken to get either the prison doctor or the nurse on call into the prison at night is half an hour.

CHILD WELFARE ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Community Welfare), read a first time.

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Community Welfare) [4.48 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks extensive amendments to the Child Welfare Act, 1947-1976, involving major modifications to existing legislation; the introduction of several new proposals; a series of less significant but nonetheless important amendments; and variations in procedural matters, as well as the up-dating of some of the terminology.

It represents the culmination of several years' work, involving not only its detailed preparation, but also a study of practices in other States of Australia and overseas. Comment on the proposals was invited from other departments and organisations, particularly in respect of those areas where they would be involved.

Following comment from departments such as Police, Education, Health and Crown Law, and observations by the Law Society, further consultation took place and in many cases either modification to some of the original proposals was made or, in other instances, new suggestions were taken up and incorporated in the Bill now before the House.

As a consequence of well-informed contributions, wide inquiry, consultation and critical scrutiny, it is considered the Bill incorporates an up-to-date and informed approach to child welfare. It quite properly is concerned first and foremost with the welfare and interests of children but, at the same time, it seeks to give appropriate regard to the responsibility of parents and the interests of the community as a whole.

I will now outline several of the major proposals in the Bill. Significant proposed amendments to existing legislation allow for juvenile offenders to be placed by the courts as one option under the control of the Department for Community Welfare, in lieu of the present arrangement whereby they may be made wards of the department, with the consequential shifting of guardianship rights from the parents to the director.

While the director will still have virtually the same control over an offending child under the new proposal, it will have the very important effect of demonstrating that parents still are basically responsible for their children, and allow for greater co-operation between parents and the department, involving them more and more in the destiny of their child. It will decrease the likelihood that some parents may opt out completely and view the responsibility for the child as completely that of the department.

Concern has been expressed by both departmental officers, and parents alike, that the expectation of continued acceptance of responsibility by the parents in relation to an offending child, and their continuing interest, is negated by the fact that their rights as parents under existing legislation is taken away from them completely, and guardianship vested in the Director of the Department for Community Welfare.

Wardship under the new proposals would be mostly applicable to destitute and neglected children, as is the case at present. This category of "innocent children" will, in terms of the suggested amendments, be referred to as children in need of care and protection.

The uncontrolled child is envisaged as a "grey area" bridging offenders and innocent children, in as much as the older child who is out of control leans towards the provisions for offenders, while the younger child is seen more appropriately as being in need of care and protection. Accordingly, it is intended that in relation to an uncontrolled application the court can either make the child a ward of the department, or place the child under the control of the department, depending on the circumstances of each particular case.

Another major proposal relates to the children's—suspended action—panel. This involves a new provision which seeks to give legislative backing to an existing function and broaden its scope. Currently, children who are first offenders under 16 years of age, and who meet certain other criteria, are dealt with for minor offences by a juvenile panel, and do not appear in a Children's Court unless they commit a further offence within six months of their panel appearance.

This arrangement has been in operation since 1964 and has proved to be extremely successful in that a very high percentage of the children appearing before the panel do not offend again, and maintain an unblemished record, as a successful panel appearance is not regarded as a conviction against the child.

It is pointed out that the practice of dealing with offending children by some type of panel arrangement, rather than by the formal court structure, is used in many socially advanced countries with considerable success. A trend is that court

appearance is seen as a subsequent course of action for the most serious and persistent offenders, and not the first port of call.

In this State we have had a great deal of experience, and the present successful operation of the juvenile panel has been the result of a gradual build-up over a substantial period of time.

It is now appropriate to give legislative backing to the juvenile panel, and while the amendments seek to broaden the scope of the range of offences that may be dealt with by the panel, it is not proposed at this stage to increase the age limit beyond 15-year-old children. Adequate safeguards are proposed, in that those offences which cannot be dealt with by the panel are scheduled and flexibility in the provisions allows the panel to refer a child to the Children's Court where it is considered necessary.

A further important and new provision concerns the apprehension of children in danger, misbehaving, or truanting, and is both a protective and controlling measure in the interests and welfare of children.

It seeks to allow a police officer or an officer of the Department for Community Welfare, authorised by the Minister, to apprehend any child in physical or moral danger, who may be misbehaving, or playing truant from school, and return the child to school, or to his parents, or place the child in a suitable situation until the parents can be contacted.

While some of these functions are carried out at present, the scope and regularity is not all it should be. In addition, of course, some apprehension is no doubt felt both by police officers and officers of the Department for Community Welfare as to whether they can act without laying a charge or making an application for neglect to a Children's Court. In many cases, of course, such an action could be extreme and quite unnecessary.

In terms of this proposal, an approach could still be made to a court, where appropriate, but the matter could also rest on the child being returned home. Parents could be required to pay any cost of upkeep involved where the child has to be held until the parents can be contacted.

This provision arose largely from an expression of community concern, and would have application to a wide range of situations, including children left in cars on hot days, or in unlit areas, or where they were unattended for long periods. It would also have application to children in danger at sporting events, and those misbehaving in public.

A significant extension in the legislation is proposed in relation to drug offences. Current legislation allows for a child involved with drugs to be dealt with

as a neglected child, or in terms of the Police Act. In practice, a child is generally charged under the Police Act.

Amendments propose that the old neglect situation—or care and protection as it is now intended to be known—will have application more to the situation where a child in arms, or a child of tender years, is found in a situation where those caring for the child are involved with drugs.

Older children who are charged could be dealt with either by the panel—as a first offender, but not in relation to trafficking—or by the court in a variety of ways, but with particular emphasis on treatment.

A major change is sought regarding the imprisonment of children. Existing legislation provides that no child under 14 years of age may be imprisoned, with a limit in a Children's Court of three months for a child under 16 years of age, and a limit of six months for a young person over 16 years. However, there is provision for a child over 14 years to be referred by a Children's Court to the Supreme or District Courts, where the child may be sentenced without such restrictions.

Imprisonment of children is an extreme measure and should only be resorted to, if it should be resorted to at all, after a full appreciation of all the facts and implications, and only then by those most competent to do so.

It is likely that the younger the child, the more damaging the prison experience will be. Ideally, prison is no place for children. However, the realities require that some young people need to be detained in such a manner.

Accordingly, the proposal in this Bill seeks to increase the age from 14 to 16 years of age before a Children's Court can sentence a child to imprisonment, and that the sentence be limited to three months for those young people over 16 years.

I might add that other options are available, in that any child may be detained in a departmental institution, and the provision will remain enabling the Supreme or District Courts to deal with children over 14 years of age committed for trial or sentence by Children's Courts, and apply any penalties in their wisdom in relation to such children applicable to persons over 18 years of age.

An important intention inherent in the Bill is that more responsibility be placed on parents for the management of their children. I have referred to two such implications previously when dealing with the question of wardship and the apprehension of children in danger, misbehaving, or those playing truant.

I would like to mention, however, that there is another provision which deals with the attendance of parents at a Children's Court when their child is the subject of a complaint. It gives the court wider powers in relation to the attendance of parents at the hearing.

Having outlined the major proposals in the Bill, I will now turn to other amendments and briefly outline them.

Some extension in the range of alternatives available to the Children's Court in dealing with juvenile offenders is proposed. I have already referred to young people convicted of drug offences. Another proposal provides for increased acceptance of responsibility, and more stringent supervision in relation to those children who plead guilty, but receive the benefit of section 26 of the Act, which allows the court to dismiss the charge without proceeding to a conviction. A new provision allows the court to take into account that the child may have already been punished by parents before appearing in court.

There is clarification of some maintenance issues. These include the transfer of a maintenance order to the person having legal custody of the child; persons leaving the State and leaving their children behind to give security for their maintenance; past and future maintenance in relation to children, who are a charge on the department but not committed to its care, or placed under departmental control; and, finally, the requirement that a Children's Court will make an order on the question of maintenance at the time the child is dealt with.

Modification to the legislation dealing with children engaged in street trading is sought. The major variation between existing legislation and the proposed amendments is that a licence is not required for each particular child, but rather the conditions under which a child can engage in street trading have been set down.

It is proposed to extend the circumstances where Ministerial committal of a child is allowable, for example, where a child has been offered for adoption by one parent, and the view of the other parent is not available.

Another proposal seeks to allow for a child to be detained in a hospital for a limited period of 48 hours, where abuse is suspected, but where further assessment and inquiry is necessary. This will serve both to protect the child and to avoid unnecessary court action where the suspicions are unfounded.

Legislation against the tattooing of children on a commercial scale is proposed. Too often children—particularly girls—regret having been tattooed, and approach the department to help them arrange for the very difficult task of having the tattoos removed.

In neglect applications to the court, there has been doubt as to the admissibility of some evidence. It is vital that in such applications the court has all relevant information, and an amendment seeks to achieve this end.

A concept of a rehabilitated person is introduced which provides that where a child has completed a successful period of probation, or where that child has cleared his commitment and not offended for two years, such child will be deemed not to have been convicted. This will give the child concerned some incentive, and an opportunity to prevent juvenile convictions disrupting his adult life.

Many variations in procedural matters are included in the Bill. These include the jurisdiction of magisterial districts, custody of juveniles following arrest, payments of fines, and the issuing and serving of warrants.

In relation to magisterial districts, proposals seek to allow for cases to be dealt with in magisterial districts other than where the action originated. This will often avoid the costly and time-consuming necessity of returning a child to the place of the original hearing.

Another procedural matter endeavours to avoid the situation of a child arrested for an offence being held in custody unless it is necessary. Wherever possible, or reasonable, the child should be taken home and released on a recognisance requiring that the child appear in court.

An existing problem is that school children are sometimes fined several hundred dollars when they just do not have the capacity to pay. Of course, they are then required to serve default if the parents do not pay and, in either eventuality, the intention of a fine is distorted. Attempts have been made to overcome this problem in the Bill by requiring that a Children's Court must give regard to a child's means before imposing a fine, and preventing children attending school from serving default.

An allied problem is related to a warrant of execution or a warrant of commitment. In connection with the former, children have been fined and sometimes the fine is payable forthwith. In that situation, the courts expect that the child be given no time at all to pay, with the result that he is taken from the court to serve default. With warrants of commitment, the situation has arisen many times where a child has been released from an institution or prison only to be apprehended the same day to serve default. Amendments seek to rectify these practices.

Amendments relating to terminology seek to dispense with outdated and undesirable references which frequently carry some stigma. Words such as "industrial school", "inmate", and "illegitimate", are typical examples. Other variations in

terminology attempt to clarify areas where some confusion has been experienced. A notable example is the reference to both "foster mother" and "foster parents".

Further proposals are made regarding the deletion of obsolete sections, and an increase in the various penalties for offences against the Act.

A right of appeal has been included in more situations than previously existed on the general basis that appeal from a departmental decision lies with the Minister, and appeal from a ministerial decision lies with the courts.

I commend the Bill to the House.

THE HON. R. THOMPSON (South Metropolitan) [5.05 p.m.]: As the Minister has outlined—

President's Ruling

The PRESIDENT: Order! I do not think the second reading of this Bill can be debated now. I have commented before that I was absent when this particular recommendation of the Standing Orders Committee was put forward. However, I think the intention of the Standing Orders Committee was that upon receipt of a message from the Legislative Assembly, the second reading speech could be made; following that the debate should be adjourned.

It is fairly clear that even if the Hon. Ron Thompson makes a speech to the second reading of the Bill and there are no other speakers, the second reading of the Bill cannot be passed at this stage; the debate would have to be adjourned to a later stage of the sitting.

Debate adjourned, on motion by the Hon. R. Thompson.

SECURITY AGENTS BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [5.08 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide legislation which will regulate and control the function of firms or individuals who engage in the business of protecting or guarding property.

In considering the introduction of such measures, due regard has been taken of the experience in other Australian States which have operated under similar legislation, and which broadly provides for—

The orderly management of such businesses;

The elimination of acts of harassment which have occurred in other parts of the world which tend to intimidate, embarrass, ridicule or shame property owners, and prevent any suggestion that pressure can be applied to force persons to pay protection money; and

The vetting of guard agents or watchmen to prevent undesirables having access to buildings or premises in the course of their duties.

These principles have been embodied in the Bill now before the House, with the licensing aspect providing most of the content of the proposed legislation.

It is pointed out that the protection of property is part of the charter of the Police Department, and therefore, under the terms of the Bill, it is the responsibility of the Commissioner of Police to satisfy himself as to the bona fides and character of all applicants before a licence is granted. The provisions of the Bill will apply to all persons employed as security agents or guards.

A security agent is defined as a person who undertakes to supply guards, including himself, for protecting or watching any property on behalf of another person, for remuneration. A guard is a person in the direct employ of, or who is acting for, a security guard, to patrol, protect, or guard property for remuneration.

The Bill excludes from its provisions Commonwealth and State Police Officers, members of the Commonwealth defence forces, and Commonwealth and State public servants where they are engaged in their official duties.

The general administration of the legislation is to be vested in the Commissioner of Police, who will designate a police officer to function as the licensing officer.

Three types of licences are provided for; a general licence, a restricted licence, and a temporary licence. In addition, there is power to prescribe by regulation a separate category of licence for a particular purpose.

A licence may be subject to any conditions relating to the class of business and its functions, its locality, its supervision and control, and such other conditions as the licensing officer believes should be imposed.

The issue of a licence is restricted to an individual. A licence may not be held by a firm or corporation, but may be held by an individual on behalf of a firm or corporation.

Before granting or renewing a licence, the licensing officer is required to satisfy himself that adequate management and supervision will be provided to safeguard the public interest, and that the education of the applicant, his intelligence, and

his knowledge of the English language are sufficient to enable him to carry out the duties of the licence holder.

Licences, other than temporary licences, will remain in force for 12 months. A temporary licence is valid for three months. Applications for licences are to be made to the licensing officer, and are to include a fee, to be prescribed by regulation, and to be accompanied by two character testimonials.

Prior to submitting an application, applicants will be required to publicise their intention in a newspaper circulating in the area in which the business is to be located.

Where an application for a licence is made by an individual on behalf of a firm or corporation, the licensing officer shall satisfy himself not only as to the bona fides of the individual, but also as to the fitness and repute of the firm on behalf of which the licence is to be held. Where a licence is held on behalf of a firm, the firm itself will be primarily responsible for observing the requirements of the legislation, but the holder of the licence is not absolved from this responsibility.

Objection to the granting or removal of a licence may be made by any person by notice in the prescribed form to the licensing officer. Where the licensing officer does not propose to issue a licence, or where an objection to its issue has been received, the application is to be referred to a Court of Petty Sessions for hearing, and determination. Any party may be represented by a solicitor or agent at these hearings.

Where a licensee has been guilty of improper conduct, dishonesty, or has offended against the provisions of the legislation, he may be summonsed to appear before a Court of Petty Sessions which may suspend or cancel his licence.

A register of all persons holding licences and of firms or corporations on behalf of which a licence has been issued, is to be kept by the licensing officer. The register will be available for scrutiny on payment of a fee.

The legislation requires the licence holder to produce his licence where appropriate. It forbids the sale of licences or the delegation of functions, and the licence holder may not engage a person who has been refused a licence, or whose licence is under suspension.

The Bill provides for regulations to be made to prescribe a means of identification. Regulations may also be prescribed to require a licensee to maintain a record of particulars of his business, which is to be available for inspection by the licensing officer, or any police officer, or duly authorised person.

On the authority of the Commissioner of Police, a licensee is required to produce for inspection all records, accounts,

documents, etc., and to supply information in respect of them and furnish authorities and orders to banks and other financial institutions for the production of documents in relation to this legislation.

Similarly, the managers of prescribed financial institutions shall disclose particulars of accounts when demanded to do so in writing by the Commissioner of Police. The Bill also provides powers of search where offences are suspected.

The need for control measures in the operations of security agents is considered most desirable, and I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Thompson.

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Sitting Times: Ministerial Statement

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.15 p.m.]: I seek the permission of the House to make a Ministerial statement.

The PRESIDENT: Leave is granted.

The Hon. N. McNEILL: I wish to inform the House that the answer given to the Hon. Don Cooley, in reply to his question 3, of Wednesday the 11th August, 1976, contained some incorrect information which I would now like to rectify.

Parts (1) (a) (ii) and (1) (b) (ii) of that question asked—

How many hours did the Legislative Council and the Legislative Assembly sit for the year 1975—Second Session?

The answer given was 155 hours, 15 minutes for the Legislative Council, and 206 hours, 16 minutes for the Legislative Assembly.

I have since been advised that the information provided excluded a significant number of hours both Houses sat which apparently represented the first period of the second session in 1975.

The correct answer should have been as follows—

Legislative Council—248 hours 34 minutes.

Legislative Assembly—363 hours 34 minutes.

I apologise to the House for the error and to the Hon. Don Cooley, in particular, and I regret any inconvenience that may have been caused by the answer given on that occasion.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Community Welfare), and transmitted to the Assembly.

**ROAD MAINTENANCE
(CONTRIBUTION) ACT
AMENDMENT BILL (No. 2)**

Report

Report of Committee adopted.

RACECOURSE DEVELOPMENT BILL

Report

Report of Committee adopted.

**PARLIAMENTARY COMMISSIONER
ACT AMENDMENT BILL**

Second Reading

Debate resumed from the 15th September.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.20 p.m.]: The Opposition has no wish to oppose this Bill. When the ombudsman is mentioned, however, we have always to consider how we can achieve the objective of jurisdiction over the Police Force.

However, this is perhaps a matter for the Opposition to decide when it is sitting on the opposite side of the House. Possibly then it will be able to achieve its objective. I repeat we have no objection to the Bill as it stands.

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.21 p.m.]: I wish to acknowledge the support the Opposition has given to the second reading of this Bill.

In commenting on the remark made by the Hon. Grace Vaughan in relation to the Police Force, I would remind her and the House that on the occasion when this matter was previously debated it was the Minister for Police of the day in this House (Mr Dolan) who, in fact, crossed the floor to vote against the decision.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 5.24 p.m.

Legislative Assembly

Tuesday, the 21st September, 1976

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

QUESTIONS (13): ON NOTICE

TRAFFIC

*Lake Grace-Lake King Road:
Widening*

Mr GREWAR, to the Minister for Traffic:

- (1) Have there been recent vehicle counts made on Lake Grace-Lake King road?
- (2) Could he provide these figures?
- (3) What traffic densities are necessary for the bitumen strip to be widened from 12 feet to 20 feet?
- (4) If the traffic densities do not warrant widening the entire length of this road immediately, could consideration be given in the current financial year to widening at least the crest sections where visibility is limited?

Mr O'CONNOR replied:

- (1) The latest counts were taken in February, 1971.
- (2) Traffic density varied from 158 near Lake King to 220 near Lake Grace. There is a permanent count station located between Dumblyung and Lake Grace and from data obtained from this station it is estimated that there has been no increase in traffic on the Lake Grace-Lake King section since 1971.
- (3) The present traffic using the road meets the warrants for widening of the seal to a 2-lane pavement. However, other factors such as the condition of the seal and shoulders, the topography and alignment of the road and, most importantly, the availability of funds also influence a decision regarding priority for the work.
- (4) In view of other very pressing demands for scarce road funds it is not possible to make funds available to widen crests during this financial year. A detailed investigation to assess the need for widening will be undertaken and consideration given to funding the work next year.

2. INDUSTRIAL DEVELOPMENT

Steel Mills: Nuclear Power

Mr A. R. TONKIN, to the Minister for Industrial Development:

- (1) Is he aware of a report in the *Australian* of 25th June which alleged that CRA and Hamersley Holdings Ltd. are in favour of using nuclear power in mini steel mills?
- (2) Is the technology available for such an operation?
- (3) Is it the Government's policy that such an operation would be acceptable in Western Australia?