No. 36.

Schedule—Delete the words "Profiteering and Unfair Trading Prevention" and substitute the words "Unfair Trading and Profit Control."

The MINISTER FOR LABOUR: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 37.

Title—Delete all words in the title after the word "to" in line one and substitute the words "Control and Regulate Unfair Trading and Unfair Profit."

The MINISTER FOR LABOUR: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported and the report adopted.

A committee consisting of Hon. A. F. Watts, Mr. Court, Mr. Heal and the Minister for Labour drew up reasons for not agreeing to certain of the Council's amendments and agreeing to certain of the Council's amendments subject to further amendments.

Reasons adopted and a message accordingly returned to the Council.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. A. R. G. Hawke—Northam): I move—

That the House as its rising adjourn till 5.15 p.m. today.

Question put and passed.

House adjourned at 12.57 a.m. (Wednesday).

Legislative Council

Wednesday, 21st November, 1956.

CONTENTS.

The PRESIDENT took the Chair at 5.15 p.m., and read prayers.

QUESTIONS.

EDUCATION.

(a) Wanneroo School, Repairs and Renovations.

Hon. N. E. BAXTER asked the Chief Secretary:

In view of advice received from the Minister for Works that provision of finance had been approved for repairs and renovations (internal and external) at the Wanneroo school—

(1) What is the amount of finance approved for the work?

(2) What repairs and renovations are to be carried out?

(3) Does the carrying out of these repairs and renovations indicate that it is not intended that new schoolrooms will be built for some years to come?

The CHIEF SECRETARY replied:

(1) £825.

(2) Internal and external painting and repairs, and installation of washhand basins.

(3) No.

(b) Canning Vale School.

The CHIEF SECRETARY: I was unable to give Mr. Baxter an answer to the question he asked without notice the other day. I now have the answer, however, and it is as follows:—

The implication in the hon. member's statement that the department is building elaborate high schools and neglecting the needs of primary education, particularly in country areas, is very wide of the mark.

The modern high school buildings are not over-elaborate. In fact plans for the new high schools embody only those features considered essential for the efficient performance of their function. The department is endeavouring to provide the children of the State with their education under the best possible conditions, but by no stretch of the imagination could the standard of school buildings be considered extravagant.

Having regard to the greater complexity of the type of education provided at the secondary level, our high schools are not more elaborate than primary schools. Since the war practically the whole of the department's building programme has been for primary education, and very few high schools have been erected. It is only in the past year or two that it has been possible to make a start with the job of overtaking the serious lag in high school building. The peak year for the construction of high schools was 1955-1956, but even in that year only 57 out of 234 classrooms erected were for high school use and this could not be regarded as excessive.

The loan funds available for school buildings are allocated on an equitable basis to meet the anticipated requirements at both primary and secondary level.

The needs of Canning Vale have not been overlooked. The Education Department is well aware of the position and approval was given some time ago for the erection of a new three-roomed school. It is anticipated that tenders will be called shortly and the work of construction put in hand in the very near future.

RAILWAYS.

Concession Fares.

Hon. C. H. SIMPSON (for Hon. J. M. A. Cunningham) asked the Minister for Railways:

Will he advise the House—

(1) Is there any cancellation of concession fares for children at the Christmas vacation period?

(2) Is there any truth in the story current on the Goldfields that the Government intends to cancel concessions?

(3) What is the current concessional fare for a group of scouts travelling from Kalgoorlie to Esperance for a training vacation camp at Christmas?

The MINISTER replied:

(1) No. The usual concession applies for school children travelling between school and home of the student and vice versa.

(2) No.

(3) No concession fares are granted but if advantage is taken of the special fares which apply to the trains leaving Kalgoorlie for Esperance on the 15th December, 1956, the 5th and 9th January, 1957, or the 2nd February, 1957, children under 14 years may travel at half the adult concession return fare of 48s. 5d.

BILL—CITY OF PERTH ACT AMENDMENT.

Introduced by the Chief Secretary and read a first time.

WAR SERVICE LAND SETTLEMENT SCHEME SELECT COMMITTEE.

Extension of Time.

On motion by Hon. L. A. Logan, the time for bringing up the report of the select committee was extended to Wednesday, the 12th December.

BILL—BELMONT BRANCH RAILWAY DISCONTINUANCE AND LAND REVESTMENT.

Read a third time and transmitted to the Assembly.

BILL—BETTING CONTROL ACT AMENDMENT.

Reports of Committee adopted.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Report of Committee adopted.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.25] in moving the second reading said: The main provisions of this Bill are designed to grant concessions to those who are purchasing homes under the State Housing Act; and for the purpose of clarifying a section that has been the cause of some dispute and litigation in the Supreme Court.

Members are aware that the State Housing Commission sells homes on modest deposits and the balance of payments is

spread over a period of 40 years. It is felt that it is time there was some change in that period—firstly, in the interests of making the instalments lighter by extending the period; and, secondly, in order to make the period conform with the repayment periods laid down in statutes governing other purchase schemes.

Under the War Service Homes Act a 45-year period of repayment is provided and the new Commonwealth-State Housing Agreement under which homes may be sold on terms provides for a period of repayment of 45 years. Accordingly, our State Housing Act is somewhat astray in the fact that in one section it lays it down specifically that the period shall be 40 years.

In what is known as the leasehold section of the State Housing Act, there is some discretion. It states that the period of repayment shall be 40 years, or such other period as the Minister may direct. But under the other section of the State Housing Act, under which homes are bought under mortgage, the Act is definite that it shall be for a period of 40 years, or not exceeding 40 years.

Accordingly there is an amendment in the Bill which does not stipulate any period; it simply says that it shall be a period determined by the State Housing Commission. In other words, it will be left to the discretion of the commission and the Minister so far as this section relating to mortgage purchase is concerned, in the way already set out in the Act relative to leasehold purchase.

Under the leasehold section the house itself is being paid off in instalments, but a rental only is being paid in respect of the land. After the house has been paid off, a contribution is made on an assessed price for the purchase of the land. Probably 80 per cent. of the homes erected by the State Housing Commission are sold under that scheme rather than under the scheme of mortgage purchase.

The parent Act provides that when a house is erected on land for the purpose of being sold under these leasehold conditions, the land is appraised, and on the appraised figure the annual rental is charged. But the section goes on to set out that there shall be a reappraisement every 20 years. This can have some extraordinary results where a suburb becomes particularly popular, and also during a period when money is depreciating in value. In one case a person had been paying off his house for 20 years. The land was then revalued; and on account of the enhanced value of the piece of land at the end of 20 years, he actually owed more than he did at the initial stage.

It is felt by the Government that when a value is determined in respect of a block of land that price should remain and at the expiration of the 40 years—or, as the Bill proposes, 45 years—or some earlier period, if the applicant wants to complete the transaction, he shall be entitled to do so, at the reappraised figure.

In other words, it is intended that whatever be the valuation placed upon the block of land as from the coming into operation of the new provisions—whether it be the initial assessment or the reappraisement—that shall be the selling price. There are, and no doubt will be, other cases where persons have been caught up in deals—say a couple of weeks ago—and have been called upon to pay £500 in respect of land which originally was valued at £50 or £75 when money had a totally different value from what it has now. But, of course, we cannot make this provision retrospective, though it will provide some advantage in the future.

Hon H. K. Watson: Which they were buying under contract on time payment? Or is it leasehold?

The CHIEF SECRETARY: This is leasehold. There is one exception to what I have submitted. So far as future dealings are concerned, it is proposed that the initial value shall operate only in respect of the initial purchaser. That is to say, if somebody entered into an agreement with the State Housing Commission to buy a house, and subsequently the land; and after the expiration of, say, 15 years, decided to sell his equity to somebody else, then the land would be reappraised as at the date of sale.

Hon C. H. Simpson: You mean, where they have sold that house.

The CHIEF SECRETARY: No, where they have had the house and been in it for 15 years.

Hon. C. H. Simpson: They are buying it.

The CHIEF SECRETARY: Yes; and when it is sold there will be a re-appraisement of the land.

Hon. A. F. Griffith: The second purchaser could easily be caught.

The CHIEF SECRETARY: I do not think so; he would know what the reappraisement value of the land would be. The reason for that should be obvious; whoever is a client of the State Housing Commission or purchases a home from the State Housing Commission shall have land made available to him at its value as at the date of his purchase from the State Housing Commission.

It is also provided in the Bill that where a person is purchasing under the leasehold system and desires to convert to purchase under the mortgage system, he may do so provided he has paid 10 per cent. off the cost of the property, and that there is no more than £2,500 owing. The reason for that is that the maximum loan that can be made available to any applicant is £2,500 as set out in the Act and under the mortgage system of sale a 10 per cent. deposit

is insisted upon. Where it is impossible to find that 10 per cent. then the purchase is arranged under the leasehold scheme.

But it has been found—and I think members will appreciate this—that so many people like to feel that they own their own property. In fact, there is no physical difference between purchasing under leasehold, or under the mortgage system; but people like to feel that the land is in their name, and that there is a title deed somewhere even if they have no possession of it—they like to feel it is locked in the safe of the State Housing Commission or in a bank or in some other such place. This pride of ownership makes them desire to come under the mortgage system which, as I said before, is the usual method of land and property sales transactions.

Accordingly, this amendment is designed to enable people buying under the leasehold scheme to convert the purchase under mortgage subject to their having paid at least 10 per cent. of the cost of the property; and with the second proviso that there shall not be more than £2,500 debt owing on the property. During the time this Government has been in office, there have been 2,000 houses built under the State Housing Act, every one of which has been for sale. That would be more than the sum total of the previous 30 years.

The other matter is one which has been of some considerable interest to local authorities. Under the State Housing Act as it was first passed in 1946, there was no mandatory provision for the payment of rates in respect of vacant land held by the State Housing Commission; but the Minister could make an annual payment to a local authority, provided that annual payment did not exceed the rates that would be payable.

Hon. C. H. Simpson: Is that the practice now?

The CHIEF SECRETARY: Yes. So it can be seen that at that time the Minister could agree to pay the full rates to a local authority, a proportion of the rates, or no rates at all. Subsequently, in 1950, the Act was amended requiring the State Housing Commission to make an annual payment on the land acquired at the current rate to the local authority. There has been some dispute in regard to the words, "current rate."

Where the State Housing Commission acquires land and it is not subdivided, there is a period of two years' grace during which the State Housing Commission was originally completely exempted from the payment of rates, unless the Minister of the day felt generous. But in respect of vacant subdivided land, there was a period of 12 months during which time there was no obligation on the State Housing Commission to pay rates.

When the amendment was made in 1950, the Crown Law Department, upon the Department of Local Government seeking an interpretation, ruled that the current rate was that pertaining at the time of acquisition, and it was submitted by the Crown Solicitor that if it were intended that the State Housing Commission should pay rates, then the Act would have said so. But at all times it was talking, not of the payment of rates, but of making payment equal to the current rate.

Certain local authorities protested, and a few months ago the matter was contested by a local authority. A judge of the Supreme Court ruled that the State Housing Commission was required to pay the full rates as determined or varied from year to year by the local authority.

The State Housing Commission and the Government have accepted that interpretation. Indeed, there was no legal battle when the case was heard, although the parties wanted something final and definite. This involved the State Housing Commission in a payment of about £20,000 to certain local authorities in order to meet arrears and obligations with respect to the future.

Hon. A. F. Griffith: They would get that out of the profit they made on land.

The CHIEF SECRETARY: If the decision of the court was not questioned, the Housing Commission should have paid that money several years ago instead of this year. It is laid down now in the Bill so there can be no argument about it, that, subject to the periods of grace which I mentioned earlier, the State Housing Commission shall pay rates.

In the Act there is no definition as to what is subdivided and what is not subdivided land, and it could well be that there could be arguments in the future in connection with that matter. The interpretation adopted by the State Housing Commission up to the present time—and it has not been contested—is that subdivided land is land cut up into lots of no more than a quarter of an acre each. Accordingly, in the Bill it is set out that subdivided land is that which contains an area not exceeding a quarter of an acre. I move—

> That the Bill be now read a second time.

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

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 20th November.

HON. G. C. MacKINNON (South-West) [5.36]: In speaking to this Bill, there are several points I would like to make quite clear. The first is that in dealing with the Bill we are discussing the savings bank and not the Rural & Industries

Bank as a whole. It becomes obvious, from reading certain debates, that there has been some confusion on this matter. It is plain, from the debates that have taken place, that the desire of all parties in regard to the Bill is the same—namely, that the Rural & Industries Bank shall be able to operate in this State as a savings bank in fair competition with the other savings banks already established. The Government has made it quite clear that it is not its wish that the Rural and Industries Savings Bank should have any unfair advantage. In the main, if we study the Bill, we can see that this contention is borne out. We can also see this from the Government's readiness in another place to accept certain amendments.

However, there is some divergence of opinion on how best this aim—that is, fair and equitable competition—can be assured. It is in the spirit of co-operation that several amendments have been placed on the notice paper. Whilst we must all admit that Western Australia, as a sovereign State, has certain rights as regards banking which are not subject to the Federal Parliament or the Acts of the Federal Parliament, it is still reasonable to suppose that any legislation should take notice of the charter granted under the Banking Act, 1945-53. The contents of this authority to carry on banking business have been read in another place and can be studied in Hansard. Therefore it is not my intention to read them again.

It must also be borne in mind that this Parliament has a right to exercise some control and restraint if it is considered necessary in regard to the activities of the Rural & Industries Savings Bank. I referred to this authority to carry on banking business purely to point out that the Commonwealth Savings Bank and the private savings banks all work under it and base their various activities upon it. This being so, the Government can best ensure that its desire for fair and equitable competition for the Rural & Industries Savings Bank is achieved by staying within the limitations of that authority.

It is as to whether that has actually been done in one or two minor clauses of the Bill that there is room for some divergence of opinion. In another place the Minister promised an amendment—

The PRESIDENT: Order! The hon. member must not keep referring to debates in another place.

Hon. G. C. MacKINNON: I am sorry. The Government has promised that an amendment to the Trustees Act will be made, and this has a distinct bearing on this particular Bill. However, the Minister for Railways made no mention of that amendment, and it is to be regretted that he did not do so. The particular clause can perhaps be better discussed in the Committee stage, and the particular part of the Bill which covers the abilities of the Rural & Industries Bank to deal with funds lodged with them by a trustee or trustees.

If Section 5 of the Trustees Act were amended in accordance with the request that has been made, it is doubtful whether Subsections (2) and (3) of Section 65 (E) would really be necessary. However, there is no objection to the subsections remaining, as they give the machinery for the Rural & Industries Savings Bank to operate—provided always, of course, that we stay on our original agreement of fair and equitable competition. Therefore we should accede to the request of other banks in this State that Section 5 of the Trustees Act be amended to allow these other private banks the same rights that are being extended to the Rural & Industries Savings Bank.

There is some opinion that it might be better and afford a better chance of that fair and equitable competition if that amendment were introduced at an early date, and before this particular Bill reached the statute book. They could then all operate on the same basis. As I said before, it is unfortunate that no particular mention of that amendment was made when the Minister introduced the legislation.

It would also appear that some further consideration could be given to the matter of the issue of cheques to persons carrying on business under the Rural and Industries Savings Bank. The basis of issuing cheques to certain holders of savings banks accounts is practised by all the other savings banks, and it is reasonable that the Rural and Industries Savings Bank should also have this facility.

Hon. A. R. Jones: Is that for any individual or a corporate body?

Hon. G. C. MacKINNON: The list of those who can utilise cheques under the Commonwealth or private savings banks is severely limited and clearly set out. However, the clause which defines this in the Bill is somewhat loosely framed and tends to give the impression that it is much wider than that allowed to the other banks. It is not a point which is of paramount importance, because the matter is subject to regulation, and the regulation must be passed by Parliament.

Another provision in the Bill sets out the types of accounts that the commissioners can open for special purposes; and it includes a list of people, and further defines them as bodies not engaged in or formed for the purpose of trading or acquiring pecuniary profit. When the Bill is in the Committee stage, it might be worth while to refer to those persons so defined in the proposed new Section 65J. This would clarify the position and make

it quite definite that there is a specific list of persons and bodies which can so operate.

There is another aspect which comes into the matter, and that is the fact that the non-trading and non-profit organisations, which do operate by cheque on a savings bank account, can apply for a remission of stamp duty on their cheques. This, of course, affects the State revenue to some small extent. So it would not be advantageous from a State point of view, or indeed from a banking point of view, that that practice should be in any way loose.

With the exception of those points there appears to be nothing in the Bill with which we could not agree wholeheartedly. I have previously mentioned that the attitude of the Government in this matter—one of ensuring free and fair trade between the Commonwealth Savings Bank, private savings banks and the Rural and Industries Saving Bank—is well carried out in the Bill. I have mentioned the few points which I feel could bear closer examination and which will be subject to some discussion during the Committee stage.

There is one other matter that I would like to mention; and this, I admit, is both small and parochial. On several occasions in this Chamber mention has been made of the assistance to the dairy farmers' scheme in the South-West. When speaking to the Bill, the Minister for Railways mentioned this scheme; but I sincerely trust that the Government is not being carried away by the undoubted opportunities that are available at Esperance, because the Minister placed the Esperance Downs scheme in priority to the scheme for assistance to dairy farmers in the South-West. I remind the Minister that the dairy farmers' scheme has some claim to priority both in the matter of time and proximity to Perth and its markets. I trust that the order in which these two questions were dealt with by the Minister in his speech does not mean that the assistance to the dairy farmers' scheme in the South-West is to be further delayed in order to make way for subsequent schemes.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—LAND ACT AMENDMENT (No. 1).

In Committee.

Resumed from the 15th November. Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clause 2—Section 3 amended (partly considered):

The MINISTER FOR RAILWAYS: I promised to endeavour to find out the position that arises where land is resumed behind some of the older blocks in this country and the titles run to the high-water mark. The Act does not actually define the position, but the Titles Office, after consultation with Crown Law, has this to say—

> Where the position of high-water mark is changed by nature, the actual high water mark, whether it results in increase or decrease in the area of land in the title, represents the boundary of the block.

So, if the ocean erodes the block away the owner losses that much, but if it builds up some land on to the block, then what is built up belongs to him. The advice I have received continues—

> Where, however, land is reclaimed on the water side of the high water mark, either by the title holder or any other authority, such reclaimed land becomes Crown land. The block boundary then remains in the same position as was the high water mark at the time of the issue of the title.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Section 143 amended:

The MINISTER FOR RAILWAYS: The proposed new Subsection (5) gives the Minister power, in special cases, to approve of a transfer of land even though the improvement conditions may not have been carried out. After this provision was inserted in the Bill, Crown Law became of the opinion that although this now specifically applies to pastoral land it could be argued that it might exempt conditional purchase land.

To make the position clear, and beyond argument, I desire to move the amendments appearing in my name on the notice paper. These amendments seek to bring land that comes under Part V of the Act, under this provision also. At present conditional purchase land cannot be transferred unless certain improvements have been carried out, or unless the Minister uses the special power to grant exemptions. I move an amendment—

> That after the word "to" in line 2, page 4, the words "respectively in Subsection (3) and" be inserted.

Amendment put and passed.

On motions by the Minister for Railways, clause further amended by—

> Inserting after the word "out" in line 5, page 4, the words "respectively in Subsection (3) and"; striking out the word "have" in line 6, page 4, and inserting in lieu the word "has."

Clause, as amended, agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 1).

Second Reading—Defeated.

Debate resumed from the previous day.

HON. N. E. BAXTER (Central) [5.58]: It appears that the Bill contains some small amendments which possibly would bring the Act into conformity with industrial arbitration awards, but it contains other features that I am far from agreeing with.

One aspect, which Mr. Thomson mentioned last night, is the proposed amendment to Section 60. This amendment provides for an increase in factory space from 350 cubic ft. to 400 cubic ft. per person employed. To get the actual impact of what this means one has only to work out in simple figures the area of the factory in which 20 persons are employed. If they are employed in a room, it must contain 7,000 cubic feet of space; and the amendment would mean an increase of another 1,000 cubic ft., or else the employer would have to dispense with the services of three employees. I can imagine that in these days with the costs—as they are now—of providing extensions, a considerable amount of money would be involved in providing for what is required by the amendment.

It would possibly pay the employer, instead of increasing the area to conform with the requirements of the Act, to dispense with the services of three employees. Members should take that fact into consideration. This amendment, if insisted on, could mean the dismissal of certain employees. After all, it is not a really necessary amendment because, as the Act now stands, the Chief Inspector of Factories has the power to make factories increase the cubic foot space per employee to what he considers complies with the health requirements.

I believe that this amendment would not be in the best interests of the factory owners or of the workers. Indeed, it is strange that the Government of the day should put forward such an amendment when one considers some of our public utilities; and I refer particularly to schools. I was told, in answer to a question asked of the Chief Secretary recently, that, at the Canning Vale school, the space per child was three square feet, without allowing any room at all for the teacher. The ceiling height would not be more than 10 ft.; so members can imagine the cubic feet of space per child in that school.

Hon. G. C. MacKinnon: Do the children suffer any sickness because of it?

Hon. N. E. BAXTER: I cannot say offhand. But to confine a child all day in that much space seems wrong, particularly when we realise that the Government has introduced an amendment of this character which will have the effect of making factory owners increase the size of their factories or dismiss certain employees. In considering those two cases, the whole position does not seem to ring true.

Hon. J. McI. Thomson: That is where the inconsistency comes in.

Hon. N. E. BAXTER: As the hon. member says, it is entirely inconsistent. I cannot find out what are the Government's aims.

Hon. Sir Charles Latham: It is only an irritating Bill.

Hon. N. E. BAXTER: I will tell the Chief Secretary this: If something is not done about the school—

The Chief Secretary: Is this to be a threat or a promise?

Hon. N. E. BAXTER: It is a threat.

The Chief Secretary: Thanks.

Hon. N. E. BAXTER: —I will take the matter up with the health authorities to see if they will take any action in regard to it. I think it is only right that I should do that if the Government will not do anything about it.

I have dealt with one clause in the Bill, but the main portion deals with making it mandatory to close all shops, except those listed in the Fourth Schedule, on Saturday afternoons. In the parent Act, there are a number of sections dealing with the right of certain shopkeepers to keep their shops open on Saturday afternoons and to close them on certain other days of the week, in the afternoon, according to what the shopkeepers believe is most convenient to the people of the district, and according to the wishes of the people of the district. Also, there is a provision in the Act as it stands for a local option poll to be taken in regard to the matter. But the Government in its wisdom—or in its "unwisdom" if there is such a word—has taken the matter into his own hands; and, if this amendment is passed, it will be mandatory for all shops, except those listed in the Fourth Schedule, to close on Saturday afternoons.

Hon. G. Bennetts: That is to make it uniform.

Hon. N. E. BAXTER: There are five towns in my province in which the shops are open on Saturday afternoons. Since this Bill has been mooted, I have had one letter from one of those towns—

Hon. J. J. Garrigan: Was it from a storekeeper?

Hon. N. E. BAXTER: It was from a man who is in business in a big way. I should say that he has one of the best country businesses in Western Australia and he can afford to be independent. If he is so independent, in spite of the Act as it now stands, he could close his shop on a Saturday afternoon if he so desired because it is not mandatory at present for him to open his shop on a Saturday afternoon—

he has a right to close it if he wishes. On the other hand, at present the people of the district can say whether they prefer the shops to remain open on Saturday afternoons.

So I do not think there can be any grizzle about the present state of affairs. If this shopkeeper wants to indulge in sport, or go away for the week-end, he can close his shop on Saturday afternoon and do what he likes. Also, if he wants his employees to have Saturday afternoons off, instead of Wednesday or Thursday, there is nothing to stop him as the Act now stands because he can close on a Saturday afternoon and open on other days of the week.

I cannot see why it should be made mandatory for shopkeepers to close their premises on Saturday afternoons. I have not heard a murmur from one of the other four towns in my province about wanting the shops to close on Saturday afternoons. This matter was mentioned to me several months ago, not by a shopkeeper but by an employee. His opinion was that the shopkeeper was not running his shop merely for his own convenience; he was there for the convenience of his customers as well.

Hon. G. C. MacKinnon: He has an obligation to give a service.

Hon. N. E. BAXTER: That is so. A number of these country shops have a regular clientele who stand by them. Cunderdin, Beverley, Dowerin and Kellerberrin are all in my province; and if Saturday afternoon closing becomes mandatory, I know that a lot of people from those districts will get into their cars on Saturday morning and come to Perth. They will do their shopping in the morning and spend the afternoon at the races, the beach, football matches, or attending some other form of sport. As a result, the shopkeepers in those country towns will lose a good deal of their business. That is not a desirable feature because, if possible, local money should be retained in the district concerned.

When one looks around the State, one sees that the districts in which there is Saturday afternoon closing are no more progressive than, if as progressive as, those which have Saturday shopping. Shopping on Saturdays seems to create a spirit of friendship in these country towns because the people come in regularly, do their business, and then take part in some sport or other, or have a few drinks at the local hotel. Friends generally meet on that day; but once Saturday afternoon shopping is stopped people will come in at various times during the week, and they will lose that feeling of comradeship and friendliness which exists at present. There will not be that co-operation among the people.

A good example of where co-operation exists is at Cunderdin where the people of the town, and the farming community, have got together and have done a really good job. That is where the objection to Saturday afternoon shopping has come from; but as Mr. Lavery mentioned previously, there is no nicer set-up in this State than that which exists at Cunderdin where they have a sports centre, and many other amenities. I have known the people in that district for many years and the feeling between them is one of comradeship—they all pull together in the interests of the district. Saturday afternoon closing could have a very serious effect on a town such as that, even though they have practically everything they want. They have bowling greens, tennis courts, a trotting ground, a greater sports ground, a swimming pool, and all the amenities that they need.

The Chief Secretary: On what day did they open the swimming pool?

Hon. N. E. BAXTER: Perhaps there are one or two shopkeepers there who feel, "Why should we worry any more?"

The Chief Secretary: When did they open their swimming pool?

Hon. N. E. BAXTER: They used it last summer.

The Chief Secretary: When was the official opening?

Hon. N. E. BAXTER: On the 20th October, if I remember rightly.

The Chief Secretary: What day was that?

Hon. N. E. BAXTER: It was a Saturday afternoon.

The Chief Secretary: Thank you.

Hon. N. E. BAXTER: That is quite all right. Naturally they made it a Saturday afternoon.

The Chief Secretary: They could not possibly do it on their half-day off!

Hon. N. E. BAXTER: Perhaps it was out of consideration for the Premier whom they had asked to open the pool. It may have been more convenient for the Premier to open it on a Saturday afternoon. Several Ministers, including the Chief Secretary, were also invited; and perhaps the people of Cunderdin, who are very considerate, decided that a Saturday afternoon might suit the Chief Secretary better.

Hon. E. M. Heenan: He might have had a swim.

Hon. N. E. BAXTER: They showed consideration for the Premier and the Chief Secretary. I believe that if they had invited the Premier to open the swimming pool at Cunderdin on some other afternoon of the week, and there was a Cabinet meeting on that day, he would not have been able to do the opening ceremony and the people of Cunderdin would have been very disappointed for three reasons—firstly, because he is the Premier; secondly, because he is the member for the district; and, thirdly, because the Government made a

substantial grant to the Cunderdin people to enable them to build the swimming pool. I think that answers the Chief Secretary's query very well.

Hon. Sir Charles Latham: It may not suit him, but it is a good reply.

Hon. N. E. BAXTER: The amendment does not affect a great number of employees in shops; and at no time have I heard any of those employees say they are dissatisfied with the system that exists at present. Candidly, I feel sure that the request for this amendment did not come from the country shopkeepers as a whole, or even from a majority of them, nor from the employees of those country shops. I am sure it came from one place—Trades Hall. I am only guessing but I do not think I am far wrong.

Other than those provisions, there is little else in the Bill, although there are a few amendments which I would be prepared to agree to during the Committee stage. However, I still believe that those small amendments are all covered by Industrial Arbitration Court awards; and, even if they are included in the Act, they may not dovetail with those awards—and we must remember that all industrial Arbitration Court awards override the Act.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. N. E. BAXTER: There is only one other aspect I wish to touch on, and that is the provision to add another five public holidays, which, if agreed to, will increase the mandatory holidays from five to 10 days, except for shops listed in the Fourth Schedule. Most of these additional holidays which are sought are already covered by industrial arbitration awards—by the granting of a holiday on those days or by the payment of overtime in lieu. This provision is not of advantage to industry; in fact, it could be a great disadvantage to declare these days as public holidays.

As I see it, the Bill seeks to restrict the activities of shopkeepers, particularly those engaged in small businesses who, after the ordinary trading hours of the day, prefer to keep their premises open by working themselves, and thereby make something to supplement their meagre income obtained from trade during the ordinary hours. Under present-day conditions, businesses should not be restricted; rather should they be encouraged. If we are to encourage the business people, particularly the shopkeepers, we will have to foster fuller employment. This is an important factor under prevailing economic conditions.

I consider that the Bill was put up as a scratch measure. Someone appears to have gone through the Act to see what could be amended, without any particular regard to the meaning of the amendments themselves. Apparently the amendments were put into legal phraseology. I do not think the Bill contains any merit, and for that reason I oppose the second reading.

HON. C. H. SIMPSON (Midland) [7.34]: I have listened with very great interest to the addresses of the various speakers on this measure. The last speaker has summarised to a great degree the faults contained in the Bill, and he gave excellent reasons why the second reading should be opposed. I understand that this is supposed to be a tidying-up Bill. It attempts to correct a collection of apparent anomalies and convert them into actual practice. Seemingly these had become obvious over the years.

It must be borne in mind that the amendments contained in the Bill have been taken into account, partly by the Arbitration Court and partly by the necessity for consideration being extended to certain businesses in districts which are differently circumstanced to others. In the main, the objects are to reduce the working hours, to increase wages and to impose an arbitrary change in the selection of the weekly half-holiday, without any regard to the district. For very many years it has been recognised that the small shops meet the needs of the average worker who knocks off at 5 p.m. or shortly thereafter. He is able to go to the small shops which remain open until 6 p.m. to obtain his requirements before going home.

Very often such shops are run as family concerns, and the employees are engaged either part-time or full-time; they are frequently looked upon as members of the family. In addition, they are given many advantages which are not specified under the award. I know of cases where employees in such shops are supplied with meals. All those concessions would be discontinued if the arbitrary rule, which says that an employee must work a certain number of hours, knock off at a specified time and receive overtime payment between set hours, is applied. Over the years the existing conditions have worked very well, and these small shops have met an undobuted need in the various suburbs.

In regard to the closing of shops on Saturday afternoons, the existing conditions allow a local option poll to be taken. The weekly half-holiday is fixed according to the wishes of a majority in a district. In many cases, and for good reason, it suits the majority to choose a day other than Saturday. This may be due to the running of trains which bring the perishables and mail. The local postmaster in most cases distributes the mail on those days, and they take their half-holiday in the week to suit the convenience of the local residents. Such people would prefer to have their half-holidays at their own

convenience rather than be compelled to take them on Saturday afternoon, which, in many cases, is not suitable, and no Act of Parliament should decree that they should be compelled to take the half-holiday on Saturday afternoons.

This provision in the Bill seems to ignore centres like Manjimup, Bunbury and Dongara which cater for the week-end holiday-makers. They are popular resorts, particularly during the summertime when business people arrive for a rest over the week-end. These people look forward to being able to make purchases at the small shops over the week-end. If this Bill is passed, they will not be able to do so.

I remember spending a holiday recently in Hobart, Tasmania. I arrived on Thursday and left the following Tuesday. I was warned by the people there not to leave it until Saturday to do my shopping because the shops closed over the week-end. I do not know whether that is so, because I did not have any reason to test the statement. Obviously, restrictions are imposed; otherwise I would not have received such friendy warning. The tendency in centres catering for visitors and tourists is to extend rather than restrict trading hours. I cannot understand why Tasmania, predominantly a tourist resort, does not give special concessions to tourists so that they can be accommodated outside the ordinary shopping hours.

Take a town like Albany. I went down there in the course of my duties as a member of a Royal Commission. We were given a lot of information about the petrol stations. The people there told us, "For goodness' sake leave things as they are so that the trade which comes to us during the week-end is untouched." Albany is a dead-end; whatever road one takes, one goes through a bottleneck; one would go into the town and then go out. It is at the point where the roads meet that the shops are found to be giving a useful service.

The Chief Secretary: Do not tell the Albany people that their town is a dead-end; otherwise you will be in trouble.

Hon. C. H. SIMPSON: I am quoting the words used by the Albany people themselves. Probably those words do not convey the same meaning as the Chief Secretary suggests. At one point in that town three or four garages serve the needs of the public, and one opens for 24 hours of the day. Attached to it is a snack bar, which does not open for business before 11 a.m. or 12 noon, but remains open until 2 a.m. or 3 a.m. This gives the people of the district all the service in that line that is needed. That service is appreciated not only by the residents but also by the tourists.

Certain conditions are imposed by the provisions of the Bill relating to amenities in factories or business premises. One refers to the necessary lavatory accommodation; another refers to the cubic capacity that is considered to be ample for an operator. The present conditions under which the workers have been engaged, have obtained for a very long time. Alterations would cost a tremendous amount of money, particularly alterations to plumbing fittings and lavatory accommodation, to bring them up to the standard required by the Bill. Up to date these have proved to be satisfactory; furthermore they have been under the constant supervison of the health inspectors. Why should we arbitrarily impose this obligation to effect improvements, particularly at a time when the businesses and factories are contemplating further development in one to five years' time? Under the Act, they would be compelled to install these facilities straightaway.

In many cases it would be quite difficult. We have been told on more than one occasion that conditions here are difficult; that at present money is not too plentiful. Yet here we have a Bill which restricts hours, creates a necessity for overtime to be paid, and obligates certain businesses to effect expensive improvements to their premises. Bearing in mind all those considerations, and that hardly one of the provisions of this Bill is called for, in view of the fact that the Act has been operating quite satisfactorily for years, I oppose the second reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [7.46]: Before I make my own comments, let me first of all give the official reply to several points that have been raised in the debate. In doing so I must very emphatically reiterate that the Bill merely seeks to bring the conditions of workers not covered by an award or an agreement into line with the standard conditions established by the Arbitration Court.

Hon. J. Murray: What is the difference between the official reply and yours?

The CHIEF SECRETARY: They are quite different.

Hon. Sir Charles Latham: In one case, you would be a bit with us!

The CHIEF SECRETARY: It has been a common mistake throughout this debate to assume that this Bill interferes with awards. Mr. Simpson made a remark to that effect. The Bill does nothing of the kind, and quite a lot of members know that. If they do not, they ought to, because of the length of time they have been in this place. We find in this Chamber men who deny to those who are not covered by awards the benefits enjoyed by those who are so covered. They tell these people that, because they are not organised and because they cannot go to the Arbitration Court, they cannot enjoy conditions that have been granted to similar workers who are organised and

are in a position to approach the court. That is the position. This Bill covers only those who are not covered by an award or an agreement.

Hon. N. E. Baxter: Can you quote some cases?

The CHIEF SECRETARY: Another mistake that has been made has relation to the closing of shops. Some members have said that the shops at seaside resorts, and small shops in the metropolitan area, will be closed. Why will members harp on that? Mr. Mattiske was one who said it. Let me tell him that whoever gave him the information that he submitted to the House did not know what they were talking about half the time, because what he said was foreign to this Bill together.

This Bill does not apply to Fourth Schedule shops. What are those shops? I have here a copy of the Act which gives a list of them. It is as follows:—

Part I.

Bakers' Shops.
News Agents' Shops.
Stationers and Booksellers.
Railway Book Stalls.
Florists.
Confectioners.
Fruit Shops.
Vegetable Shops.
Milk Shops.
Tobacconists.

Hon. Sir Charles Latham: Bakers are controlled by the Bakers' Act. They are not allowed to sell after midday on Saturday.

The CHIEF SECRETARY: A baker shop can do so.

Hon. Sir Charles Latham: There are no baker shops. Tell me where there is one?

The CHIEF SECRETARY: I do not know.

Hon. Sir Charles Latham: There aren't any.

The CHIEF SECRETARY: Part II of the Fourth Schedule includes chemists or druggists, restaurants and coffee palaces. All this talk about not being able to get a meal! That is what has been said here, and it is untrue.

Hon. A. R. Jones: Who said it?

The CHIEF SECRETARY: It was said not 10 minutes ago. Reference was made to people not being able to get a meal. The other places mentioned in this Fourth Schedule are—

Chemists or Druggists.
Restaurants, Coffee Palaces.
Boarding Houses and Refreshment Shops.
Cooked Meat Shops.
Fish and Oyster Shops.
Hairdressers.
Premises in respect of which a Publican's General Licence, Wayside House Licence, Australian Wine and Beer Licence, or Hotel Licence has been or may hereafter be granted.
Undertakers.
Newspaper Offices.

Those places come under the Fourth Schedule and this Bill does not touch them. So why do members make reference to small shops not being able to open? I do not think they understand the Bill at all. They say it will interfere with awards. It will do nothing of the kind. It merely covers people not already covered by awards or agreements.

Hon. G. C. MacKinnon: How do you square that with the statement that you want to close all shops at noon on Saturday?

The CHIEF SECRETARY: Any place referred to in the Fourth Schedule does not come under this Bill at all.

Hon. G. C. MacKinnon: Skip the Fourth Schedule! You want to close every shop at noon.

The CHIEF SECRETARY: How can that be done if a number are exempt?

Hon. G. C. MacKinnon: Leave them out.

The CHIEF SECRETARY: Leave them out! We would be leaving 75 per cent. of them out.

Hon. G. C. MacKinnon: For the purpose of this discussion.

The CHIEF SECRETARY: I do not care whether it is for the purpose of discussion or anything else. There is the Act and they can remain open. The Bill does not seek to close Fourth Schedule shops or shops granted extended hours of trading to 5.30 on week-days and 12.30 on Saturdays as maintained. There is no alteration to existing hours for these shops. All the Bill seeks to do is to make non-employers of labour close their shops at the same time as the same class of shops employing labour.

Hon. H. L. Roche: Why should they?

The CHIEF SECRETARY: If members do not agree, they know what to do. In essence there is nothing being given by the Act of Parliament in respect of positions of shop assistants and other workers which has not been established for years by the Arbitration Court.

In regard to hairdressers, all matters effecting structural alterations and hygienic conditions are governed by the Health Act and the by-laws of the local authority; and, in the first instance, are a matter for the building surveyor and local authorities generally. All the Bill is endeavouring to do is to make definite in the Act the

original intention of the Act to make a hairdressing establishment, whether goods are sold there or not, a shop.

In regard to overtime, the standard provision in industry for overtime is time and a half for the first four hours and double time thereafter. Is it not fair that those who are not covered by awards and agreements should have the same rights as those who are covered? We are not in any way attempting to interfere with the Arbitration Court, but we want to bring the conditions of these people up to Arbitration Court standards.

Hon. G. C. MacKinnon: Those people comply with awards, do they not?

The CHIEF SECRETARY: As the hon. member knows, there are a lot of unorganised workers throughout the country. I am satisfied that the unorganised workers cannot expect much of a deal from this Council. If I am to take any notice of the debate on this Bill, they will get very short shrift indeed.

Hon. A. R. Jones: You have the wrong slant.

The CHIEF SECRETARY: I know who has the wrong slant. I am prepared to give to these unorganised workers at least the conditions provided for others by the Arbitration Court, after hearing the evidence and examining all phases in applications made to it. But when we set ourselves up as arbitrators—and that is what we are doing, because this is the only arbitration court that these unorganised workers can come to—

Hon. G. C. MacKinnon: Whose fault is it if they have not applied for an award?

Hon. N. E. Baxter: Can't they join the shop assistants' union?

The CHIEF SECRETARY: Many of them cannot. I can tell members how they could obtain their rights. But members would not support me.

Hon. L. A. Logan: Compulsory unionism.

The CHIEF SECRETARY: Yes. Members would not support me in that, but it looks as though we will have to come to that if this is the response to the requests of the unorganised workers.

Hon. Sir Charles Latham: Do you think that suggestion would have a better reception?

The CHIEF SECRETARY: Not until the composition of this House is changed.

Hon. H. L. Roche: You can always go on hoping.

The CHIEF SECRETARY: We can see exactly what sort of deal they receive when they come to this House for abritration. Mr. Mattiske referred to compulsory unionism. Where is it? That is the big question. I have not been able to find any reference to it in this Bill.

Hon. C. H. Simpson: Where isn't it?

The CHIEF SECRETARY: It is not in the Bill. There is nothing in it about compulsory unionism, in any shape or form.

Hon. C. H. Simpson: I think you'll find it in practice.

The CHIEF SECRETARY: In practice! If this Bill is carried, how many will it force into unionism? People in unions are covered by awards. The people with whom we are dealing are thrown on the mercy of the Legislative Council. We should see they get a fair deal.

Hon. J. Murray: In the words of the Chief Secretary, let them do it by direct methods. Let them join a union.

The CHIEF SECRETARY: I think Mr. Mattiske mentioned a five-day week in factories. I do not know whether it would be easy to find a factory that is not covered by an award or agreement of the Arbitration court, and harder still to find a factory not covered by an award or agreement working a 5½ day week. However, this Bill covers those that may not be so covered. There are some backyard factories not covered, and we want this provision to apply to them as well.

Another phase dealt with by Mr. Mattiske referred to caretakers and cleaners receiving overtime. I do not know how he arrived at his conclusions. I do not know how those not covered by an award would function. Certainly overtime or penalty rates would not be paid for cleaning after the shop or factory was closed. Mr. Mattiske said that they would incur overtime every night they worked, and on Saturdays. It certainly does not happen in the metropolitan area where the hours of work would be 40 per week, and I could not envisage any increased working hours for this class of worker in the factories not covered by an award. How are they going to claim overtime if they have no award? Tell me that!

Hon. R. C. Mattiske: Under this legislation, you would want to bring them into restricted hours.

The CHIEF SECRETARY: Under this legislation, if they worked outside the proper hours they would receive overtime.

Hon. R. C. Mattiske: That's it!

The CHIEF SECRETARY: That is what I said earlier. This is to bring these people into line with those who are covered by Arbitration Court awards. Is there anything wrong with that? The hon. member is prepared to let some of these people work all sorts of hours, with no additional pay, because they are not under an industrial award. Is that his attitude? Those not covered by awards should be safeguarded by this Act and should have the same conditions as those under which others are working. That appears to me to be very just. I see nothing wrong with it. The proposed amendment would not affect the working hours of the female

cleaners. Where are the female cleaners who cannot work between the spread of 6 a.m. and 7 p.m.? I would like to hear Mr. Mattiske deal with that point on the third reading.

Hon. A. F. Griffith: Are you still on the official reply?

The CHIEF SECRETARY: Yes, interspersed with my own. Another point of contention is the minimum amount of space per worker. The Act specifies 350 cubit feet and all the Bill seeks is to bring that to 400 cubic feet, which I think is a modest request.

Hon. N. E. Baxter: Why not ask for 800 cubic feet?

The CHIEF SECRETARY: The Health Act, which most members present have approved of in the past, provides for 500 cubic feet during daylight hours and 600 cubic feet during night hours, and that has operated since 1930. Yet member after member here has risen and told us that our request for 400 cubic feet is too much!

Hon. Sir Charles Latham: Does that apply in the schools?

The CHIEF SECRETARY: I have no official reply on that. Members have been content to allow the provision of 500 cubic feet in daytime and 600 cubic feet at night to remain in the Health Act.

Hon. N. E. Baxter: Then why don't you ask for 500 cubic feet now?

The CHIEF SECRETARY: It is hard enough to get concessions here.

Hon. R. C. Mattiske: Did you not hear what Mr. MacKinnon had to say?

The CHIEF SECRETARY: I heard from him nothing that impressed me. At present no one has jurisdiction over the amenities to be provided in sawmills and the proposed amendment merely seeks consistency with the standards required in other industries. Would Mr. Mattiske like to eat his lunch in the dust which prevails in sawmills?

Hon. R. C. Mattiske: Have you ever heard complaints from sawmill employees?

The CHIEF SECRETARY: No. I do not go among them, but the departmental officers do. The hon. member was wrong also in regard to the Fourth Schedule shops. There is no intention of closing them at 5 p.m., Monday to Friday, and at noon on Saturday, as he suggests. The Fourth Schedule shops are exempt from the provisions of the Act, and I understand that generally they do not operate much after 8 p.m.

Hon. R. C. Mattiske: Are they covered by awards?

The CHIEF SECRETARY: I do not think the hon. member could point to one covered by an award. The Fourth Schedule shops are exempt.

Hon. L. A. Logan: No, they are not.

The CHIEF SECRETARY: A great deal has been said about chemist shops, but the assistants all go off now at 5.30 under the award. Provision is made for those shops to keep open all night if they wish to, although the assistants go off at 5.30, so why make a song about that? Some members have objected to the holiday provisions, but all the Bill provides for is the standard holidays.

Hon. Sir Charles Latham: Some of them are movable holidays.

The CHIEF SECRETARY: No, the standard holidays to be included here have been in operation for 20 years. If members will not agree to the measure, this will have to continue to be done by proclamation. I think members should agree to the second reading so that the measure may be dealt with in Committee. It is about time members examined the position and agreed that those who are not fortunate enough to be covered by awards or agreements should be given the privileges of standards that have been approved and awarded by the court, after the hearing of evidence. Otherwise, members will simply be driving more people into the unions.

Hon. J. M. A. Cunningham: There is nothing wrong with a good union.

The CHIEF SECRETARY: Would the hon. member penalise these people because they are not in unions?

Hon. J. M. A. Cunningham: No; but it is the compulsion on shops to close when they may not want to, that we object to.

The CHIEF SECRETARY: I am satisfied that the hon. member and some others have not read the Bill or compared it with the Act. It has been said that the measure would interfere with the Arbitration Court and its awards, but nothing is further from the truth. Again I ask members to agree to the second reading so that the measure may be dealt with, clause by clause, during the Committee stage.

Hon. Sir Charles Latham: You are the only one delaying the matter now.

The CHIEF SECRETARY: I am confident that during the Committee stage most of the misapprehensions and misunderstandings in regard to the Bill could be explained.

Question put and a division taken with the following result:—

Ayes	12
Noes	15
Majority against	3

Ayes.

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. G. Fraser	Hon. F. R. H. Lavery
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. E. M. Davies

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. A. F. Griffith
Hon. R. C. Mattiske	*(Teller.)*

Pair.

Aye.	No.
Hon. J. D. Teahan	Hon. L. C. Diver

Question thus negatived.

Bill defeated.

BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 3, 4, 6, 7, 9, 12 to 22 24, 26, 30, 34, 36 and 37 made by the Council, had disagreed to Nos. 2, 5, 10, 11, 23, 27, 28 and 33, and had agreed to Nos. 8, 25, 29, 31, 32 and 35 subject to further amendments.

BILL—MEDICAL ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. A. R. JONES (Midland) [8.17]: I do not wish to say very much on this Bill. It is known as a hardy annual, of course. Although there are one or two clauses which I feel should receive some attention, on the whole the Bill is similar to those which we have had before this Chamber in previous years. I hold the view shared by many members of this House—namely, that what we did a few years ago in tying the rates in the schedule covering the main benefits to the adjustments in the basic wage is sufficient for the period we want to cover for the present.

That is particularly so as we are passing through more unsettled times, when Governments, including our own, are striving their utmost to level their economy out and to prevent costs from going any higher. This Bill, if it is carried in its entirety, will certainly inflict greater costs on producers of goods, and that is something we do not desire at present.

Another objection I have to the Bill, which I have always raised when speaking to similar measures in the past, is that it contains a clause providing for a worker to be insured whilst travelling from his home to his work and from his work back to his home again. I would certainly agree to a worker being covered for this period provided he paid the premium himself. Surely it is not too much to ask an employee, who is insured under the Workers' Compensation Act, to contribute, say, 6d. or perhaps less—per week from his wages so that he would be covered whilst travelling from his home to his work and vice versa!

I will always hold the view that it is not the responsibility of an employer to ensure that workers get safely from their homes to their place of employment and from their place of employment back home again. There are many anomalies that could creep in if this were done which would make it impracticable, because there would be too much scope for an unscrupulous person to take advantage of such a position. For instance, I wonder how it would apply in regard to those men who work for Co-operative Bulk Handling Ltd.

Men employed by that company work in many parts of the State, especially inspectors and members of gangs who travel around erecting the wheat bins. Their place of abode could be at Bunbury, Albany or Perth, and yet they could be working in any country centre 200 miles away, and in the week-end they could return to their homes.

Hon. E. M. Davies: Where would they reside while they were working in the country centres?

Hon. A. R. JONES: Probably in a caravan or tent.

Hon. E. M. Davies: That would be their abode.

Hon. A. R. JONES: It could be, but there is nothing in the Act to define it. There are many employers who would not be aware when a worker started from his home and arrived at his place of work and then left work to travel home again. I instance, for example, some men employed by a small company in which I am interested. Those men live in Perth; but while they are on the job, they live in a caravan, which moves from place to place. However, by the good grace of the company, they are allowed to travel home every fortnight. Once they left their place of work to come home, would they still be covered by insurance or not?

Hon. E. M. Davies: They would have to travel home by a direct route.

Hon. A. R. JONES: They would certainly do that; but on the Monday morning they would be travelling back to their place of work again. I do not know where it would start or where it would finish. In my opinion, the principle is that if a worker wants to be insured whilst he is travelling from his place of employment to his home, and vice versa, he should insure himself. I know that if I were an employee working all hours of the day and night I would certainly take out a policy. Surely it would not be much to ask a worker to insure himself by giving the employer authority to take so much per week out of his wages to cover the insurance premium for this purpose.

There are three points in the Bill to which I think favourable consideration should be given; and until I hear the rest of the debate, I am going to reserve the right to vote as I think fit.

HON. J. G. HISLOP (Metropolitan) [8.25]: There are certain provisions in this Bill which have been before the House on many occasions previously, but I doubt very much whether individual members have changed their minds in relation to them.

Hon. F. R. H. Lavery: We would not expect them to.

Hon. J. G. HISLOP: I would not expect them to, either, because they would need to have a complete change of viewpoint to accept them. There are, however, some new clauses in this measure which I think must be seriously considered. First of all there is the clause which provides that where a dispute arises between a medical practitioner and an insurer on any charge made for medical services, the matter shall be considered by a joint committee. That is standard practice at the moment, but the joint committee is not one that has been constituted by Parliament. It has been set up by the two bodies concerned: the medical practitioners on the one hand, and the insurers on the other.

All difficulties arising from disputed medical charges under the relevant section of the Act have been referred to that body, and there has been no trouble whatsoever in settling these disputes. In fact, there has grown up between the members of these two bodies a sense of understanding in regard to this Act and the charges laid down by its provisions.

There seems, therefore, little reason to constitute a committee now which would virtually have statutory powers. Once we appoint a committee under an Act of Parliament we must bring to it a sense of rigidity and legality which is unnecessary. Because of the amicable way in which the present committee has worked in the years gone by, there does not seem to be any great need to insert in this legislation a provision for the constitution of such a statutory committee.

If there had been continuing differences of opinion between medical practitioners and the insurers, there might have been some reason for the introduction of this provision in the Bill. To date, the members of this committee have met and given voluntary service; but the members of this proposed statutory body are to be remunerated for their services, and such fees will be paid from the Workers' Compensation Fund. So the Bill intends to eliminate an honorary body consisting of members from both sides and appoint a statutory body the members of which will be paid for their services.

Such a step could quite easily grow and move on to the appointment of office staff, together with the filing of reports in a more meticulous way than has been done in the past. The question of whether agreement could be reached might also be raised, because any dispute will have to be determined by a set decision of this committee; and no doubt that feeling of understanding which prevails at present will pass.

Difficulty may be experienced also in the appointment of the chairman of the proposed committee, because of the peculiar character of the committee itself. There are four persons to be appointed from each side. When the chairman is appointed he shall have only a casting vote. The result is that if a full meeting were held, the side that he represented would be at a disadvantage because there would be only three from that side sitting as committee members and four on the other side.

If there was a division of opinion the side that had appointed the chairman would lose every time; and very debatable questions could be put up at such a meeting and create a considerable amount of discord. The whole set-up of this committee seems to me to be most unwise, and, as I have said, most unnecessary. I do not understand what is at the back of an idea of a committee that is so ill-balanced that the side which appoints the chairman must lose its weight of representation.

There is another difficulty that I can see. Suppose an agreement is made between insurers and the medical practitioners as a body as to the fees to be charged for certain treatments—surgical or medical—and then suppose some change of events necessitates an alteration. That would mean that one side or other could completely negative the idea of a future agreement by simply saying "no" because of the following words:—

> An agreement shall continue in force until a variation of, or an agreement made in substitution for, it is brought into operation by the party.

So all that need be done to prevent the forming of an agreement is for one side to say "no" and adhere to its decision. That does not seem to aim at reaching a compromise in situations which have been overcome in the past on the basis of compromise.

There is another provision which brings to the medical world a new relationship altogether between the patient and the doctor. I refer to the provision which insists that an insured worker shall, when required by his employer, obtain treatment from a specialist selected from a panel of doctors whose names appear on the register of specialists. It has become obvious from the Bill that the register of specialists is out of date, because there is no power to take from the register of specialists those who are known to have ceased practising.

If it were not for that, the worker would not know if the person concerned were practising as a specialist. If the Bill went through, that list could be kept clean, and the worker would know the name of the specialist, and the particular specialist he would like to treat him at the demand of his employer. It is quite possible that the individual is unassociated with and unaware of the persons whose names appear in that list. In the past he has been guided by his doctor as to the person most suited for his particular needs.

I know exactly what this Bill seeks; but the method of institution is crude, to say the least. I can see quite well that the insuring companies believe that certain men have been cared for by a doctor when, in the opinion of the insurer, they should have been cared for by a specialist, or a man more skilled in the treatment of that particular condition. We know that the greatest majority of the profession carries on its work by referring people quite freely to specialists in the various branches; and that is the method of conducting practice today in the interests of the public.

But here we will have the situation that the reference of a patient to a specialist will not be in the hands of his own doctor but of the insurer. It is quite obvious that has arisen owing to the fact that a small few in the profession—such as we find in any profession or organisation—will probably not entirely play the game; they may carry on treatment of the patient beyond the time essential. In order to overcome the difficulty of a few, it is proposed to institute a complete practice in patient-doctor relationship for everyone which would not be sound or in the interests of medicine within the State.

I also know that difficulties have arisen in the minds of the insurers, and probably correctly, because in some cases an individual has been treated far too long before being referred to a specialist. But we must realise that the insurer is going to find himself in a difficult position, when he is receiving the particulars, to know whether such person should be referred to a specialist earlier than he has been. I know, too, that there have been cases which have called for considerable comment by specialists on the grounds that they should have been referred to them very much earlier.

I know there have been cases in which specialists treating serious injuries have found that they have only been asked to treat the patient when a considerable portion of the medical fees had already been absorbed. These things will always occur. This world is not perfect, and no profession will be perfect. But in order to get over the imperfections of a few it is proposed to place upon the whole profession something so foreign to medical practice as to be most unwise. There is no need for this provision—none whatever—because every one of us realises that if an application is made by the insurer to this committee, which deals with difficulties that arise between the two, the medical men on that committee will give serious consideration to it and they would, when they felt it wise, suggest that the patient be sent for specialist treatment.

But the wording of the Bill means that once that individual has decided upon a specialist, he must submit to what the specialist says. I do not know how far common law would govern this condition, but I feel certain that an injured worker would not have to submit to a surgical operation if he did not desire it. I feel certain he would be protected in other ways. But knowing what is in mind, I do suggest that the method of handling it as set out in the Bill is very crude; and I can see no way to alter it.

I would suggest again that there is no need to change the position which has obtained under this honorary committee; and I feel sure that if in view of this committee such difficulties were continuing it would take steps to overcome them without resorting to an amendment of the Act. I think it would be to the advantage of all concerned to leave it where it is and let that committee handle the matter.

The great difficulty which I can see—which no Act of Parliament can overcome, is the injured worker being treated, either in the metropolitan area or some remote part of the State, whose serious condition is not known to the insurer until the man is referred to the specialist; and it may be then that the first indication of his serious illness is made known. No Act of Parliament can get over that one, because the condition of that worker will be unknown. But there are very few cases of that nature which arise.

An attempt has already been made in another field to overcome this difficulty altogether, because the Minister appointed a committee to go into the question of the rehabilitation of the injured worker, and considerable thought has been given by a committee the members of which are really skilled in the control of the Workers' Compensation Act.

The suggestion has been made, and is at the present moment under investigation, to have a new first certificate which would give a very much better, and a much more detailed, description of the serious injury of the worker. It has been proposed, for example, that a simple certificate be used in simple cases; but that in the serious type of injury, much more complete details be forwarded with the first certificate. Every company has its medical adviser, and on receipt of that certificate of serious injury, the whole machinery of medical practice could be put into action at once. It would be much better than having something like this crude attempt to bring this about. The preparation of

this first certificate would give all concerned with the worker a much clearer picture of his needs and from there on there should be no difficulty in his obtaining the necessary treatment.

The Minister for Railways: Why isn't that done now?

Hon. J. G. HISLOP: Since this rehabilitation committee was formed, those of us interested in this Act have put that forward to all concerned as the first and wisest step to take. We have not had a meeting for some six or seven weeks, which is regrettable; and I had hoped that by the time this measure came before us, some of the wishes of the rehabilitation committee would have been incorporated in this Bill.

I reiterate very sincerely that a better first certificate giving more detail will eliminate a lot of the problems which this provision in the Bill seeks to overcome. We have made certain other suggestions which I think will have to be implemented very soon. Rehabilitation is essential, but one of the greatest difficulties is getting a man back to work. The purpose of the Workers' Compensation Act is to see that a man is restored as quickly as possible after injury and rehabilitated back to work so that he can earn for his family and produce in the economy of the State. It still is a vacant spot within our Act.

Years ago, I think I was responsible for having inserted into the Act a clause giving the Workers' Compensation Board the right to set aside funds for the work of rehabilitation and pre-employment examination. Certain difficulties have arisen, and the setting aside of funds does not seem possible under the Act; and it seems as if some clauses will be necessary to allow the board or the rehabilitation committee to set aside funds in addition to the premiums which will be charged, making that extra charge available for rehabilitation. That would get over a certain number of difficulties. These things are essential and I am certain they must happen in the very near future. These improvements to the Workers' Compensation Act are much more required than the principles contained in the Bill now before us.

I would also criticise again the stubborn adherence to the Second Schedule as it appears in the original Act and is continued again in this Bill. I think everyone in this House, except the new arrivals in the last year or two, will remember the amount of work put into a new Second Schedule by members of the profession who are very closely associated with it. We attempted to institute this basis of compensation so that the individual should be compensated for his disability, and so that payments of a small character for small injuries could be forgotten in relation to the need there is for a great increase in compensation to the seriously injured people. We still see perpetuated a Second Schedule giving small amounts, now becoming larger, for injuries which do not disable the folk concerned to any great extent at all—they are still able to earn their wages—and we find small amounts for those who are seriously injured.

We estimated two years ago, when the Second Schedule was agreed to, that within a year or two we could have paid sums of £5,000 for items 1, 2, 3 and 4 of the schedule. I believe we should attempt to alter this Second Schedule on a basis of disability, rather than the fact that the individual has suffered some accident. When we put up the proposed new Second Schedule, it was possible it would have been accepted in the higher amounts, provided we changed the small payments, which was not possible. If some realistic attitude could be adopted towards minor injuries, adequate amounts could be paid to the seriously injured worker. That is the true basis of assessment in the Workers' Compensation Act.

I am distressed that even though those in charge have had roughly three months since the Address-in-reply to consider it, not one word appears in this Bill of any fresh viewpoint in regard to silicosis. I am going to accuse those who are in charge of the Workers' Compensation Act of deliberately paying less attention to the seriously-affected silicotic worker than they should do by not accepting or even investigating statements made by me and quoted from Canadian and South African reports during the Address-in-reply debate.

At the time of the Address-in-reply, I realised that the Chief Secretary was not in a position then to reply to the statements made; but I can make it a very definite statement now that I have seen since then two more workers who are due under the old Act for only minor compensation for silicosis and who really deserve major compensation on the basis of pulmonary disability.

It makes me tired to see the Workers' Compensation Act tinkered with, when there is so much of real worth to be done; and it is rather disheartening to find, year after year, this sort of thing coming up, when progress should be made in regard to the seriously injured worker. I do not feel disposed to vote on the second reading, although I do agree there are one or two minor things that could well go also.

When it comes to the question of fees for the profession, there is possibly only one group in the profession that has been badly treated and these are surgeons, particularly the orthopaedic surgeons who look after the seriously injured men. Some are probably not sent to the orthopaedic surgeons or to the general surgeons

until some weeks after receiving an injury, and these seriously injured cases are being treated by the profession on a very reduced basis. But in regard to the rest of the fees in the Workers' Compensation Act I do not think there can be any general complaint.

I have been speaking to a large number of the profession, and I think they would prefer to see the fees left entirely alone and allow the old committee of compromise to continue to adjust the charges between the profession and the insurer. But they would like to see the hospital costs unlimited, because it seems grossly unfair that an injured worker who was admitted to a hospital can be suddenly told he cannot stay there any longer because the amount of money available for his hospital treatment has run out, and is then transferred to, possibly, a public hospital.

Again I say: Rather than produce the small addition to the Workers' Compensation Act, why not get a committee together of these people who are interested from the medical point of view and who know something about workers' disabilities? Then the Minister could put up something worth while. Tonight I have mentioned about four things in regard to workers' compensation in this State, and not one has officially been dealt with in the measure, which is a small one and more of an irritation than a help to anyone.

HON. E. M. HEENAN (North-East) [8.54]: Dr. Hislop has just concluded his speech by saying that the amendments proposed in this Bill are somewhat of an irritation and amount to little more than that. I am afraid I cannot agree with his contention. I contend that, although the Bill in itself does not propose all the benefits that all of us would aspire to, it is not lacking in considerable merit and deserves the most careful attention of the members of this House.

In his speech last night, Mr. Watson also objected to the fact that year after year Bills are brought forward to amend the Workers' Compensation Act. To my mind, he implied that when we amended the Act in 1954 that should have brought it up to date practically for all time. My answer to those arguments is this: The Workers' Compensation Act is one of the most important pieces of legislation which regulate and govern a big section of our community, their well-being and their livelihood; and the well-being and livelihood of their families all too often depend on the provisions contained in this Act.

We are living now in changing times and I would again say we cannot set out a formula in 1954 which is going to be satisfactory in 1955 and 1956 and for all time. So it is necessary that this important Act be amended from year to year and brought up to the requirements of life as we have to live it in these changing times.

Of course, the views of a lot of people are changing and a lot of people feel more disposed to the idea that industry has to take more responsibility in looking after the rehabilitation and succour of those who suffer through no fault of their own while working in industry. Other States of the Commonwealth have larger amounts for total and permanent incapacity than our Act contains at the present time.

For instance, in Victoria the amount paid for total and permanent incapacity is £2,800. If the community in Victoria fixes an amount such as that, I cannot see any valid reason why we in Western Australia should not stand up to our obligations and do something likewise. In Tasmania the amount is £2,340; but in special cases, it can go up to £5,000. In New South Wales there is practically no limit. Before I leave that aspect of the Bill let me point out that it proposes to increase our basic figure for total and permanent incapacity from £2,400—I think that is the figure—to £3,000.

That is a proposal which we should not just brush aside by voting out the Bill at the second reading. It is a proposal which, in itself, warrants the Bill getting a second reading. The cost of living is increasing all the time; and if a person is totally and permanently incapacitated in industry, through no fault of his own, a basic figure of £3,000 is not too high to set for his compensation.

It is well also for members to recall that the amount provided in the Act for medical expenses is £100 and for hospital expenses, £150. As Dr. Hislop has just pointed out, in some unfortunate cases where workers are seriously injured the amount of £100 is totally inadequate to cover the medical expenses. It is not right that the doctors who have to treat an injured worker should go on for months without receiving their fees, simply because only £100 is provided. On the other hand, it is not right that a worker who has been seriously injured through no fault of his own should be denied medical treatment when the £100 has cut out; or that he should personally have to incur the liability for any sum in excess of the £100. The same argument applies to the amount of £150 for hospital expenses. Surely no one can argue that this is an adequate state of affairs in this year of 1956. We have, I feel, an obligation to do something about correcting it.

The Bill proposes that no set amounts be stipulated, but that reasonable sums be paid for medical and hospital expenses. This provision also justifies the House in voting for the second reading of the measure. Dr. Hislop has drawn the attention of the House to the fact that the Bill provides that an employer can direct the injured worker to receive treatment from a

specialist. In effect the worker can be taken from the doctor who has treated him and be directed to receive treatment from a specialist. I can see some merit in this, but after hearing Dr. Hislop I can also see some dangers in it. This is a feature of the Bill that we could deal with in Committee, and, after debate, and giving it more careful consideration, we could make a decision in connection with it. At the moment I am inclined to agree with Dr. Hislop that the end aimed at is a good one, but as the Bill is framed it might not work out in the way that its sponsors have in mind. I would be prepared to give that further thought.

The Bill also proposes that workers shall be covered to and from work. One or two members who spoke against the measure said this was a hardy annual. Some of them scoffed at it and implied that the Government was unreal in bringing forward such a proposal. But this proposition has been adopted in other parts of Australia and in other parts of the world. When all is said and done there is considerable merit and virtue in it. No person wilfully incurs an accident. A man who is working for his livelihood has a wife and family to support. He has to leave his home to go to work on the mine or the factory, and after finishing he has to go home, and frequently he meets with an accident going to work and returning home afterwards. He might even be killed. At the present time if he has not got himself insured privately his whole house collapses.

Hon. R. C. Mattiske: Supposing this happens during the week-end.

Hon. E. M. HEENAN: He is just as badly off then, but at least during the week-end he has no connection with his employment. From day to day however, it is necessary for him to travel to work, and once he gets on the mine he has to travel below in a skip. I cannot see any great argument against the proposal; it is a good one. The only possible argument against it is that it might be unfair for the employer to cover him for that period. But my argument is that it is an obligation that industry should meet. Travelling to work is as essential a part of a man's occupation as travelling up the ladder of a big building, or travelling down in a skip when he gets on to a mine. It is part and parcel of his daily employment and, in my opinion, industry should assume the obligation of covering him during that period just as it does while he is actually at work.

It is alleged that men will go into hotels, get drunk and then fall over and suffer injury; but that is an absurd argument.

Hon. G. Bennetts: The Bill does not provide for that.

Hon. E. M. HEENAN: No.

Hon. G. Bennetts: That is rubbish.

Hon. E. M. HEENAN: I am sure that sooner or later—perhaps in more enlightened days—this obligation will be assumed. It is a moral obligation that has to be met and I cannot see any rational argument against it.

Hon. F. D. Willmott: What if he goes to work in an unsafe vehicle? Do you want the employer to assume that responsibility?

Hon. E. M. HEENAN: No, I do not. If a man travels to and from work in an unsafe vehicle he, himself, is largely responsible for anything that might happen. I am saying that anyone who travels to and from work in the ordinary, sensible way, using normal standards of transport, should be covered.

Hon. G. Bennetts: Shanks's pony or a bike.

Hon. A. R. Jones: Do you think he should share the cost?

Hon. E. M. HEENAN: No, I do not think he should be called upon to share the cost any more than he is called upon to share the cost of being insured while at work. It has been suggested, of course, that the worker can cover himself for these eventualities, and I suppose a lot of them do just as members of Parliament do. Any of us who did not have policies to cover us when we are sick or meet with an accident would be unwise. But the average working man with a wife and children, and a house to pay off, and other obligations to meet has not got anything left over to go in for luxuries of this nature, especially when everything keeps going up in price.

I urge members to give this matter careful consideration and not just laugh and try to hold the Government up to scorn simply because year after year it persists in bringing it forward in the hope that Parliament will be generous enough to pass it. I do not think it is a matter for ridicule at all.

Hon. R. C. Mattiske: Does the Government give the matter careful consideration before framing the Bill?

Hon. E. M. HEENAN: I am not a member of the Cabinet, but I am sure that the Government has given this matter the same careful and conscientious consideration that it has given to the other matters it has placed before Parliament.

Hon. R. C. Mattiske: Why did not the Government confer with the Workers' Compensation Board, the insurance companies or the Employers' Federation?

Hon. E. M. HEENAN: I am afraid the question is too long for me to answer. These are just a few thoughts of mine, and the reasons why I submit that the House should pass the second reading and not agree with the proposition that Dr. Hislop finally put forward, namely, that

the Bill has no merit whatsoever. It has considerable merit, and if there are various aspects with which members might disagree, they can be dealt with in Committee.

HON. G. BENNETTS (South-East) [9.13]: Every year when this Bill is brought forward we hear the same words spoken by members—a hardy annual. This goes to show that the party to which I belong is trying to do something to better the conditions of the workers of the State.

Hon. A. R. Jones: It is not worried about the boss.

Hon. G. BENNETTS: If the boss has received good service from his staff he is entitled to help them if they get hurt. Mr. Heenan spoke about the "to and from" clause. This provision applies on the Commonwealth railways. The workers there are covered from their homes to the place of employment and then from their place of employment to home; but they have to take the usual route, daily, from their residence to work. If they divert from it, and an accident occurs, they are not covered. If a person is killed on his way to work, it is the result of his having to travel on a certain track; and, had he not been going to work, he might not have been travelling along that road on that particular day. Therefore the company should be responsible for him if he is travelling to or from his work.

There is another clause in the Bill which is designed to bring a step-daughter or step-son who has not been adopted within the scope of the Act and subject to compensation payments. I know of a case where a person has remarried and there is a little boy of eight years of age from the first marriage. These people are quite happy, but have not yet seen fit to adopt the child. If this worker was killed, as the Act now stands the child would not be covered for compensation payments.

Under the Act a spouse receives £2 a week as a compensation payment, and we are trying to increase that to £2 10s. I do not think members can growl about that. Also, as regards children, we are trying to increase the sum of 16s. a week to £1. Mr. Heenan mentioned the rates in the different States; and 18 months ago, in Victoria, the lump-sum payment was increased to £2,800. Ours was £2,400, and it has been increased to £2 500-odd. By this Bill we are trying to make the figure £3,000; and in a case where the breadwinner is killed, £3,000 is little enough compensation, especially if there are one or two young children in the family and they prevent the wife from going out to work to earn a living. In Tasmania, the figure is £5,000.

As far as medical expenses are concerned, the present rates are £100 and £150 for hospital expenses. We say that neither of those amounts is enough, and members must realise that it does not take long for £150 to be spent on hospital expenses. Pensioners have come to me with hospital bills far in excess of £150. They committed themselves to paying off these accounts before they found that they were not obliged to pay them. But they have struggled and tried to do the best they could. Hospital fees have increased so much that these days £150 will not go anywhere. We are trying to do something better for the injured worker.

During the Address-in-reply, Dr. Hislop mentioned silicotic miners. I took a copy of his speech and gave it to the miners' union, and I thought some of his suggestions might have been incorporated in this legislation because they would have helped to overcome certain anomalies. However, I am sorry to say that they have not been included; but perhaps next year something along those lines might be incorporated.

Other members have covered the ground fairly well; but I thought, being a representative of the goldmining industry, that I should not let the Bill pass without having a few words to say. We miss Mr. Hearn when discussing workers' compensation legislation, because he used to put up good arguments in regard to all phases of the legislation. Mr. Watson has taken his place, and he is a man of similar calibre to the late Mr. Hearn. From the look of things he has got his party well schooled and we will be lucky if the Bill is read a second time.

Hon. H. K. Watson: You will agree that there was a lot of meat in the recommendations of the select committee—they were Mr. Hearn's and the select committee's recommendations.

Hon. G. BENNETTS: I hope that the Bill will be read a second time, and when we get into Committee, some of the clauses can be amended if necessary. I support the Bill.

On motion by Hon. J. J. Garrigan, debate adjourned.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. McI. THOMSON (South) [9.21]: As I read it, the purpose of the Bill is to empower a magistrate or a justice, where a child is found guilty of an offence, to order that the damages, costs or restitution be paid, where damage has been caused, by the child, or by the parent or guardian, or by both the child and the parent or guardian in such proportions as the court may determine. However, the court has to be satisfied on the evidence that

the parent or guadian has neglected to exercise due care or control over the child concerned.

The court also may order the parent or guardian of the child to give security for the good behaviour of the child, and such order may be made by the court in addition to any order made in respect of the child. All these things are done at the discretion of the court; because, throughout, the word "may" is used, and the word "shall" does not appear; and no order may be made against a parent or guardian without the parent or guardian first having an opportunity of being heard in the court in which the offence is being heard.

As I said, there is no reference in the Bill to the fact that the court "shall" do anything. The whole matter is left to the discretion of the magistrate or the justice after hearing all the evidence. That is fair and reasonable and, in the circumstances, discretionary power should be entrusted to the bench.

I can see no objection whatever to the Bill in its present form. One or two objections have been raised by some speakers who may be opposed to the measure. They have said that it will inflict some hardship on parents. But where a penalty is imposed, the payment may, if the court directs, be paid in periodical instalments. That, too, is very fair, bearing in mind that the child concerned in the case has caused damage to property.

Frequently we find that children become delinquents because of neglect on the part of their parents or guardians, who lack interest in the leisure hours of their children. People such as that are too concerned with taking their own pleasures and entertainments, and they have not the time or do not want to accept the responsibility of seeing that control and supervision is exercised over their children. It is too inconvenient for some parents to be bothered about the all-important factor of ensuring that their children are engaged in healthy occupations such as sport and the like. One hears this sort of thing, "Here are a few shillings. Take your sister to the local picture show or go down the street and play with the neighbour's children while we are out."

In other words, these parents have told their children to entertain themselves; and they usually conclude by saying, "Leave the light on so that we can see our way in." That reflects very great discredit on the parents concerned, and it shows how much apathy there is. This Bill is striving to make parents accept some responsibility for and control over their children.

Of course we all realise that many young people find it more exciting to engage in mischievous pursuits. One will dare the other to do something; and because he is dared, he does it. That inevitably ends in an offence being committed, and eventually the police are called in. This results in the offender being taken to court, to the utter dismay of his parents, who think that they have done the right thing by giving an open go to their children to occupy their time as they desire. When such cases are brought before the court the parents of the children concerned are astonished. No doubt their pride is hurt. Little do they consider the damage done by their children, which resulted from their own lack of interest and sense of responsibility.

The object of the Bill is a good one. If a child cannot be held responsible for the cost of the damage, the parent is to be made liable. The limit is an amount of £150; and, admittedly, that is a rather large sum. This penalty will serve to act as a deterrent on parents. I should point out that this penalty is to be imposed at the discretion of a magistrate, and I am sure that he would weigh all the facts of the case before penalising the parent. I have sufficient confidence in the magistrates and justices of the peace in this State to know that they will view cases of vandalism in a very fair manner, with a view to reducing the growing number of delinquency cases that appear before the courts.

When the pocket of a person is affected, the reaction is very great; and as a result, parents will take every precaution to prevent acts of vandalism on the part of their children. I see much merit in the Bill, which leaves a discretion to the court to treat each case on the facts. The magistrate is able to exercise that discretion to impose a penalty on either the parent or the offender. Nothing but good will come of this measure and I trust the House will pass it.

There is no reason to amend the Bill in any form. For the reasons I have outlined, I support the second reading. This move is one in the right direction. The sponsor has been motivated to introduce the Bill because of events that have ocurred in the community. I support the second reading.

HON. C. H. SIMPSON (Midland) [9.35]: I support the second reading, but I do not desire to cast a silent vote. This is a private member's Bill, which was introduced in another place. Whilst it may not prove to be the whole solution to a great social problem, it is a step to bring

home to parents and guardians their responsibility for the children under their charge. This is a very complex problem. There is no easy answer to it.

The measure was no doubt based on similar legislation passed in the U.S.A. When we speak of the U.S.A. we should realise that it is composed of 49 States and the legislation in those States is by no means similar. In many respects it differs. I know that in one State, where similar legislation as contained in the Bill has been passed, the maximum penalty is 50 dollars. When that legislation was passed juvenile delinquency reduced as if by magic; that was because parents were made aware of their responsibility and they did something about the matter. The pocket of a person is a very tender spot. The parents in that State got to work; and as a result, a great improvement was seen.

I understand that in the U.S.A. the attitude of parents towards their children is very free and easy. The Duke of Windsor when interviewed on one occasion said that his outstanding impression of that country was the way in which the parents obeyed the children. That remark probably had a great deal of truth behind it. If we are to understand this complex and very important problem, we should look at the conditions which apply today as compared with those of years gone by.

Looking back into my youth, I was one of a family of 10. In my district the families were large, one as big as 17 and another 14. I returned to that area a few years ago, and I found some of the old people still living. This was a rather puritanical community, and it was recognised that the word of a person was his bond. Never was it heard among the community that any person failed to pay a debt. Hard-and-fast rules of conduct were observed as well as what should and what should not be done on Sundays. That has continued in the generations which followed. This is an instance where the parental influence has had a good effect on the younger generation.

In the period before World War I, it was generally accepted that the male member of a family kept the home going with his wages, and that the mother reared a fairly sizable family. Her time was fully occupied in household duties. Nowadays, difficulty is experienced by parents in bringing up even two or three children. In those days it was considered that, if parents had a big family, to a great extent the children brought themselves up. I have heard one sociologist remarking that it took a genius of a mother to bring up one child, but any mother could bring up five children. That is very true, because the members of the family help one another. They get practical lessons in fellowship and in a give-and-take attitude. They are trained almost unconsciously to be good citizens.

I admit that in almost every community black sheep in families are found, despite the fact that they might have received all the advantages of good training and a good home background. Last night I heard of children going to bed, then opening up the windows and climbing out and helping other children to steal motor-cars. That is not necessarily brought about by a bad home background. In the majority of such cases, however, if the home training is good, there is less likelihood of such cases developing.

During World War I, in overseas countries more so than in Australia, the female members of the household were called upon to do war work. They entered a field which previously had been occupied only by males. Consequently children were often neglected, and families became smaller. When wives and mothers were doing their war work they found they had too little time to give all the attention to their children that had been customary. That experience was the same all over the world. That state of affairs was intensified during and after World War II. Women were not only called upon to do war work, but were engaged on all types of committees. In many cases the children were neglected. The wonder is that not more children have gone astray as a result of this lack of guidance.

I do not know the answer to this problem. It will not be found in mere suggestions of what should be done. We have to bear in mind the influence of the radio and films; these forms of entertainment did not exist before World War I. There is no doubt that the present-day children pick up many ideas from what they hear over the radio, and see in the films, and read in the newspapers. All these things add up to a picture and become a sort of auto-suggestion to a juvenile mind; were it not for the medium of films and radio they would not have thought of those ideas. We still have to tackle this social problem soon and in a serious manner.

I can relate an interesting sidelight on this. In the early part of the century the idea developed in the minds of most Governments to institute social services. In many ways it was a good idea. But prior to that time we found lodges, like those of the Buffaloes and Oddfellows, occupying a very important place in the life of the community. Very often it was the only channel through which men could pay dues and obtain sickness and death benefits. They went to the weekly or fortnightly meetings of those lodges and paid their fees—which were quite small when they were paid at frequent intervals—and they developed a sort of social good-fellowship.

Every man took a part in the proceedings, and an individual felt that he was a figure of some importance.

With the growth of the Government system of social benefits, the activities of those societies decreased to a great extent. The sociologists tell us that this has had some effect on community life. One lady who had made a study of the subject said to me that we did not realise when we gave them social benefits that we were creating a gap in the minds and the lives of younger folk which had not existed when we started to give these social benefits. But the communists were quick enough and shrewd enough to take advantage of the gaps so created. They formed their societies and took great care to indoctrinate into young folk something of their ideals and instil in their minds ways by which they could influence the community.

That is something to which we should give some thought. It all adds up to a general picture which indicates that there is no simple or easy solution of our problem. But when there is something of a practical nature such as this Bill, which goes part of the way towards a solution, we should give it our blessing and support.

HON. J. G. HISLOP (Metropolitan) [9.42]: This is a Bill of very great interest and the initiator should be highly commended for bringing it forward. I cannot agree with Mr. Thomson, however, that it does not need amendment; because I doubt very much whether, framed as it is, it will achieve the intentions of the sponsor. If we look at proposed new Section 137A we find that—

> (1) Where a child is found guilty of an offence with respect to which payment of damages, costs or restitution may be ordered, the court, on being satisfied that any parent or guardian of the child has conduced to the commission of the offence by neglecting the child may order that the damages, costs or restitution may be paid.

It strikes me that this is another type of farseeing visionary individual much like the recently-discussed commissioner because I do not quite see how the court would be able to satisfy itself on this point without doing a tremendous amount of investigation on each case. It might mean that the court would have to enter the home and interview the parents and make inquiries amongst nearby people. I venture to suggest that there are many homes that would have to be lived in in order to know whether the child was being neglected.

Consequently, I consider it would be much more simple to delete all words after the word "court" and down to the word "may" in this Subsection (1) of proposed new Section 137A. That would give the court the opportunity to impose damages, costs of restitution, it thought fit; on the child or the parent or between the child and the parent.

That brings me back to the principle that the parent is responsible for what the child does. I consider that that brings us nearer to the truth. What happens in a case where the court cannot satisfy itself that the parent has conduced to the action of the child? Do we prevent the court from imposing any penalty on the parent? The moment the court says that the child was not neglected, and that the parents are reasonable parents, this provision fails.

It may be that some individual has suffered considerably—physically or otherwise—as a result of the action of the child, and the parent is not responsible. That is how the Bill reads to me, and I think it would be much better to remove the words I have suggested should be deleted, and allow the court to decide the matter without this reference to its being satisfied about the parents or guardians having conduced to the commission of the offence.

If we read Subsection (3) of this proposed new section we find that—

> an order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so.

I cannot find anything in the Act to compel a parent to attend. I have just looked through the Act, and I cannot see any provision to that effect. There is a power to call the nearest relatives to discuss in court the question of the payment of maintenance for a child, but I cannot discover anywhere a provision whereby the court can compel a parent to attend court when a child is charged with an offence. There may be such a provision, but I think it would be wise for the sponsor of the Bill to make sure it is included in this legislation.

Hon. Sir Charles Latham: I think there is a provision in the Police Act.

Hon. J. G. HISLOP: That may be so; but I do not think there is such a provision in the Child Welfare Act, and it might be just as well to consider whether it is not essential that such a provision be inserted giving the court the right to call on parents to attend.

Hon. E. M. Heenan: They could be subpoenaed.

Hon. J. G. HISLOP: That may be so; but I think it needs to be made clear, because I can visualise a parent or guardian failing to meet the conditions laid down by the court, but pleading that the court had no power to make him attend. It may be necessary also to ensure that the mother of a child appears before the court, because I believe that the

mother's influence over a child in very many homes is much greater than that of the father, and she could be of great help in deciding an issue.

This whole question of delinquency is something that the world has toyed with, and it is something that has been toyed with considerably in Australia in recent months. There are certain basic factors to which one might well give thought in our national make-up. First of all, there seems to be in the minds of Australians generally—whether they be children or adults—an impression that the property of the Government is no concern of theirs; that Government property is completely divorced from personal property. There is a total disregard for Government property as against their own property. Some of the vandalism that occurs makes one feel that is so.

I was amazed some time ago when I went to the Leg of Mutton Lake, below the Blue Lake at Mt. Gambier, to see a reinforced concrete seat completely smashed in two. No one could have done that by hand. Someone must have carried down that steep hill a very heavy instrument with which to smash the seat. That was Government property. Wherever I went around Australia I found that the greater part of the vandalism that occurred was in respect of Government property.

At one place I was interested to ask where I could find a certain falls. I was told that if I drove along the road to where I would find a big cyclone gate, battered to pieces, I would know that that was the entrance to the area around the falls, because that was Government property and nobody seemed to care about it.

I sincerely believe that we have to inculcate into the minds of individuals that what is owned by the Government is owned by the people. In the United States, over a long period of months, I saw exactly the opposite. I noticed a tremendous pride on the part of every American I met concerning Government possessions. People had as much personal interest in Government property as the Government itself had. We could do much if we instituted a campaign to persuade Australians to realise that what is possessed by the Government is theirs, and they should respect and care for it. A kind of tradition should be built up concerning it.

Another factor in the Australian national character we should look at is the idea that anybody who achieves anything does not do it by himself but with the aid of someone else, or by means of some base intrigue. There is always a tendency on the part of Australians to drag down their leaders; whereas, in very many countries, those who achieve some prominence and gain a degree of leadership, win the respect of all concerned. I found that individuals in many countries held to the belief that there was a possibility of everyone succeeding in life, and an esteem for those who did so. But in the Australian national character there is a basic weakness that makes us tend to decry the man who has succeeded, instead of considering him clever and admiring him for his efforts and his achievements.

The third characteristic I would criticise in our national life is based on the division of the sexes. Only last week I was on a beach on the New South Wales coast and I saw some men, magnificent in physique, give an exhibition of lifesaving. On that beach also were a number of young women who were associated with the life-saving organisation and took part in the exhibition. I suppose that a couple of thousand people watched the display. All told, I suppose that the number of young men and women associated with that exhibition would not have numbered more than about 200.

At the conclusion we wandered into the suburb and by way of investigation went into two hotels on nearby corners. In each we found an enormous bar; and in the first, there must have been more than 500 men, all drinking beer in that terrible atmosphere—while the conversation, as we passed by, was as coarse as one would hear anywhere. In the second bar there was an equal or perhaps greater number of men and the conditions were the same. It was in those places that the male population of that area were spending their Saturday afternoon.

Hon. L. A. Logan: Their leisure hours.

Hon. J. G. HISLOP: This was at 4.30 p.m.; and it was in those bars that that great number of men were spending their Saturday afternoon, while their homes were completely without their companionship. Not only do we allow that sort of thing to continue, but we divide our lives in the same way in regard to almost everything we do. It is well-known in countries abroad that at any party which might be held and attended by Australian men and women, the women gather at one end and the men at the other. The reason is sometimes said to be that each group talks about things the other group is not interested in, but I think it is simply that in this country the sexes do not lead a life in each other's company.

We can take it further still. When travelling about in this country, large numbers of business executives and lesser lights have expense sheets, and that expenditure is taken off as a taxation deduction. Some of the expenses are unduly heavy, but that does not apply in the case of women. They stay home. In my own particular case, if I do post-graduate work abroad, I receive from the Taxation Department by way of deduction a very considerable proportion of my expenses; but if I took my

wife with me, I would probably receive a much lower deduction than if I travelled alone.

On examination, we find that in the whole of our lives there is this division. Whether it grew from the rough life of this country in the early days when we built up a rugged outlook, is a question that might well be considered; but I believe that if we are to do anything effective in regard to juvenile delinquency we must have regard to the three aspects of Australian life that I have mentioned and must give them a great deal of consideration.

To begin with, I would take the front walls out of hotels, if necessary, and make them open to the public. I would also insist that everyone should sit while drinking alcoholic beverages, as that is done in other parts of the world with great success. We find that the windows of the betting shops, established under the betting legislation, are smeared over so that no one can look in from the footpath, and there is a panel placed inside the doorway so that the men inside cannot be seen at their favourite hobby of betting. Let us open up all these premises so that anyone can see into them. Let us all be able to go into these places, if they are decent places, and have something that is clean and decent to look at in relation to the habits we indulge in, in the use of alcoholic liquor and betting.

It is of little use looking at small details and hoping to achieve something. We must consider these questions sincerely and deeply in our own hearts, and ask ourselves whether there is not something basically wrong with our national character and way of living. It is of no help to go into the question of how delinquency occurs in other parts of the world. Let us rather examine our own position. I believe that the three aspects of our way of life that I have mentioned could well be investigated.

In conclusion, I plead with the mover of the Bill to give serious consideration to what I have suggested about the deletion of the words to which I referred, and the question of adding to the Bill, if necessary, a clause to give the court power to order one or both parents to attend the proceedings.

Hon. R. F. Hutchison: That power exists now, I believe.

Hon. J. G. HISLOP: Not under this measure or the Child Welfare Act. It may exist under the Police Act, or elsewhere; but I do not wish to discuss that at this stage. I approve of the Bill and give it my support.

HON. E. M. DAVIES (West) [10.6]: I do not wish to offer any criticism of the intentions of the sponsors of this measure as I believe they have been actuated by a desire to do something that could be of great benefit to the community and to inculcate into the minds of the younger generation the concepts of good citizenship, but I am not greatly enamoured of the Bill. First of all I do not agree with the proposal contained in the measure which seeks to make the parents of a delinquent child liable to the payment of up to a maximum of £150. In the first place the child must commit the offence before the parent is charged with the responsibility of making this payment.

It has been said during the debate that the provision to which I have referred would be a deterrent, but would it act as a deterrent to the child? I venture to say that if a child is so wilful that it will damage other people's property it will not worry about its parents being responsible for the payment for damages. I would point out that any decent parents who endeavour to bring up their children properly will have done their best to give the children a due realisation of their responsibility in regard to the property of others.

The Bill seeks to provide that the parents or guardians shall be responsible for certain damage done by children although they might have no knowledge at all of what had been done. There is further provision, however, that if in the opinion of the court the parents are not responsible for the action of the children they would not have to pay for damage done. I do not think the Bill would serve any great purpose, and I do not believe that juvenile delinquency is any more frequent today than at any time over the last few decades. We must realise that with a quickly increasing population an increase in juvenile delinquency is to be expected.

In my view the proper way to reduce the incidence of juvenile delinquency is to train our youth through the agency of organisations that exist and that are fostered by many well meaning people and subsidised to a certain extent by the Government. I refer to bodies such as the Y.M.C.A., the Girl Guides, the Boy Scouts, the Police Boys' Club and various church groups which are doing wonderful work in this regard. I know that in New South Wales also the Police Boys and Citizens' Club is doing work of very great value indeed with the result that in certain parts of Sydney, where the youth of the community once treated the police as enemies they now recognise police officers as their friends. These organisations encourage youth to indulge in sport and in that way utilise their surplus energy for their own physical and mental benefit and to the benefit of the community generally.

I support Dr. Hislop's remarks in regard to the sponsors of the Bill, and I think the intention behind it deserves great credit; but I cannot see how the measure would

be of value if it became law. A child is a separate individual with its own characteristics. It may be a wayward child with some trait in its character which has been handed down for generations. As the Bible says, "The sins of the fathers are visited on the children even unto the third and fourth generation."

I know of instances where children from very reputable homes have in some cases committed criminal offences and the parents have been absolutely bewildered, having done their very best to rear their families properly. I do not think it is fair that parents should be held responsible for the actions of their children to the extent of being called upon to pay up to £150.

If the parents were in a position to pay that sum it is possible that their children would never come before the court and in any case the onus is on the parent to prove that he is not responsible for what has been done. The measure provides that in the event of the parent being fined, if he has not the money with which to pay the payment can be made as a periodical payment, perhaps over a period of years, and may not be made at all.

Hon. Sir Charles Latham: Parents are responsible today for damage that is caused by their children.

Hon. E. M. DAVIES: If that is so, why is there any necessity for this Bill?

Hon. R. F. Hutchison: That is what I have been asking all along.

Hon. Sir Charles Latham: The hon. member probably read that report in the Press about the damage done by children to the blind man's house.

Hon. E. M. DAVIES: A great deal has been said about child delinquency and we have also touched on the misdemeanours of teenagers. If a teenager commits an offence, he or she can be called upon to pay for any damage caused as a result. I understand that that is what happens today. This Bill, however, aims at dealing with children of a tender age. As I have already said, to provide that a parent shall be fined a certain sum for the damage caused by a child is not going to be a deterrent to that child, who no doubt has wilful ways. The parent who was a good guardian would have already taken steps to train the child in a proper manner.

Whilst I give credit to the hon. member who was responsible for having this Bill drafted, for the time spent in considering this important question which is concerning many people in the community at the moment—and it is a problem to which some consideration will have to be given in the future—I am nevertheless of the opinion that the children of today are no worse than those of a few decades ago. The only difference is that we have a larger population; and, unfortunately, these happenings occur among young people from time to time.

Hon. A. R. Jones: And you are not prepared to do anything about the question?

Hon. E. M. DAVIES: I would not say I am not prepared to do anything about it; and, further, I do not like the remark made by the hon. member because I have already done something about it. I have been the chairman of a youth committee in Fremantle for a number of years. I am president of the Fremantle branch of the Boy Scouts' Association, and I am a committee member of the Fremantle Police Boys' Club. Therefore, I consider that the time I have spent, and the words of wisdom I have attempted to utter on various occasions have done something towards solving the problem.

Nevertheless, I fail to see how we are going to solve the problem by putting a Bill such as this on the statute book. I am in no way criticising the hon. member in another place who was responsible for introducing the Bill. On the contrary, I congratulate him, together with his colleagues, for giving some consideration to this problem. However, I do not think the Bill will achieve what it is intended to do.

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

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

> That the House at its rising adjourn till 3.30 p.m. tomorrow.

Question put and passed.

House adjourned at 10.20 p.m.